FEDERAL REGISTER

VOLUME 9 NUMBER 177

Washington, Tuesday, September 5, 1944

The President

EXECUTIVE ORDER 9474

AUTHORIZING THE SECRETARY OF THE INTERIOR TO TAKE POSSESSION OF AND OPERATE THE MINES, COLLIERIES, AND PREPARATION FACILITIES OF THE FORD COLLIERIES COMPANY OF CURTISVILLE, PENNSYLVANIA, AND ROCHESTER AND PITTSBURGH COAL COMPANY OF INDIANA, PENNSYLVANIA [1]

WHEREAS after investigation I find and proclaim that there are interruptions of the operations of the mines, collieries, and facilities of the Ford Collieries Company of Curtisville, Pennsylvania, and Rochester and Pittsburgh Coal Company of Indiana, Pennsylvania, as a result of existing and threatened strikes and other labor disturbances; that the effective prosecution of the war will be unduly impeded or delayed by such interruptions; and that the exercise, as herein specified, of the powers vested in me is necessary to insure, in the interests of the war effort, the operation of these mines, collieries, and facilities:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892) as amended by the War Labor Disputes Act (57 Stat. 163), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of the Interior is authorized and directed to take possession of the mines, collieries, and preparation facilities of the Ford Collieries Company of Curtisville, Pennsylvania, and Rochester and Pittsburgh Coal Company of Indiana, Pennsylvania, and of any real or personal property, and other assets, used in connection with the operation thereof; to operate or arrange for the operation of such mines, collieries, and facilities in such manner as he deems necessary for the successful prosecution of the war; and to do all things necessary for, or incidental to, the production, sale, and distribution of the coal produced, prepared, or handled by the said mines, collieries, and facilities.

2. The Secretary of the Interior shall operate the said mines, collieries, and facilities in accordance with the terms and conditions of employment which are in effect at the time possession thereof is taken, subject to the provisions of section 5 of the War Labor Disputes Act. He shall provide such protection of the employees as may be necessary to maintain production, and shall take such appropriate disciplinary action, not inconsistent with law, as may be necessary to effectuate the purposes of this order.

3. In carrying out this order, the Secretary of the Interior shall act through or with the aid of such public or private instrumentalities or persons as he may designate. All Federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, the War Department, and the Department of Justice, are directed to cooperate with the Secretary of the Interior to the fullest extent possible in carrying out the purposes of this order.

4. The Secretary of the Interior shall permit the managements of the mines, collieries, and facilities taken under the provisions of this order to continue with their managerial functions to the maximum degree possible, consistent with the aims of this order.

5. Possession of the mines, collieries, and facilities taken under this order shall be terminated by the Secretary of the Interior within sixty days after he determines that the productive efficiency of the mines, collieries, and facilities has been restored to that prevailing prior to the interruption of production referred to in the recitals of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 31, 1944.

[F. R. Doc. 44-13444; Filed, Sept. 1, 1944; 4:40 p. m.]

[1] See Orders 1983 and 1984, Sec. Int., 9 F.R. 10780.

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NOTICE

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

Book 1: Titles 1–3 (Presidential documents) with tables and index.
Book 2: Titles 4–9, with index.
Book 3: Titles 10–17, with index.
Book 4: Titles 18–25, with index.
Book 5, Part 1: Title 26, Parts 2–178.
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EXECUTIVE ORDER 9475

TRANSFERRING THE FUNCTIONS AND RESPONSIBILITIES OF THE RUBBER DIRECTOR

By virtue of the authority vested in me by the Constitution and the statutes, particularly the Act of December 18, 1941, entitled "First War Powers Act, 1941" (Public 354—77th Congress), as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The Office of Rubber Director, established by Executive Order 9246, dated September 17, 1942, is abolished and the authority and functions of the Rubber Director are transferred to the Chairman of the War Production Board except as provided for in paragraph 3 of this order.

2. All regulations, rulings and other directives relating to the rubber program issued under Executive Order 9246 shall remain in effect except insofar as they may be amended by the Chairman of the War Production Board.

3. Rubber Reserve Company, under the direction of the Secretary of Commerce, shall have responsibility for:

(a) Purchase, sale, acquisition, storage and transportation of synthetic and natural rubbers in amounts determined by the Chairman of the War Production Board to be necessary to meet the requirements of the Nation's rubber program.

(b) Research, development and testing of synthetic rubbers and new monomers therefor and the testing of tires and tubes made therefrom by test fleets owned by or operated for the government, financed by or conducted in cooperation with the Rubber Reserve Company.

(c) Subject to directives of the Chairman of the War Production Board, operation of plants of the synthetic rubber program owned by Defense Plant Corporation or Rubber Reserve Company or operated under contract with either of them, except those which are within petroleum refineries.

4. The personnel, property, records, unexpended balances of appropriations, and other funds of the War Production Board primarily concerned with and available for the discharge of any of the functions, responsibilities, powers, and authorities that are vested in the Rubber Reserve Company by paragraph 3 of this order shall, to the extent determined by the Director of the Bureau of the Budget, be transferred to the Rubber Reserve Company. In determining the amounts transferred hereunder, allowance shall be made for the liquidation of obligations previously incurred against such balances of appropriations, allocations, or other funds transferred.

5. Nothing herein shall be construed to limit the powers conferred upon the Price Administrator by the "Emergency Price Control Act of 1942", as amended.

6. Any provision of any Executive Order conflicting with this order is superseded to the extent of such conflict.

7. This order shall take effect as of September 1, 1944.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 1, 1944.

[F. R. Doc. 44-13506; Filed, Sept. 2, 1944; 4:50 p. m.]

EXECUTIVE ORDER 9476

AUTHORIZING THE SECRETARY OF THE INTERIOR TO TAKE POSSESSION OF AND OPERATE THE MINES, COLLIERIES, AND PREPARATION FACILITIES OF CERTAIN COAL COMPANIES

WHEREAS after investigation I find and proclaim that there are interruptions of the operations of the mines, collieries, and facilities of the companies named in the list attached hereto and made a part hereof, created in the State of Pennsylvania, as a result of existing and threatened strikes and other labor disturbances; that the effective prosecution of the war will be unduly impeded or delayed by such interruptions; and that the exercise, as herein specified, of the powers vested in me is necessary to insure, in the interests of the war effort, the operation of these mines, collieries, and facilities:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892) as amended by the War Labor Disputes Act (57 Stat. 163), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of the Interior is authorized and directed to take possession of the mines, collieries, and preparation facilities of the companies named in the list attached hereto and made a part hereof, and of any real or personal property, and other assets, used in connection with the operation thereof; to operate or arrange for the operation of such mines, collieries, and facilities in such manner as he deems necessary for the successful prosecution of the war; and to do all things necessary for, or incidental to, the production, sale and distribution of the coal produced, prepared, or handled by the said mines, collieries, and facilities.

2. The Secretary of the Interior shall operate the said mines, collieries, and facilities in accordance with the terms and conditions of employment which are in effect at the time possession thereof is taken, subject to the provisions of section 5 of the War Labor Disputes Act. He shall provide such protection of the employees as may be necessary to maintain production, and shall take such appropriate disciplinary action, not inconsistent with law, as may be necessary to effectuate the purposes of this order.

3. In carrying out this order, the Secretary of the Interior shall act through or with the aid of such public or private instrumentalities or persons as he may designate. All Federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, the War Department, and the Department of Justice, are directed to cooperate with the Secretary of the Interior to the fullest extent possible in carrying out the purposes of this order.

4. The Secretary of the Interior shall permit the managements of the mines, collieries, and facilities taken under the provisions of this order to continue with their managerial functions to the maximum degree possible, consistent with the aims of this order.

5. Possession of the mines, collieries, and facilities taken under this order shall be terminated by the Secretary of the Interior within sixty days after he determines that the productive efficiency of the mines, collieries, and facilities has

been restored to that prevailing prior to the interruption of production referred to in the recitals of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 3, 1944.

LIST OF NAMES AND LOCATIONS OF COMPANIES

Helsley Coal Co., Nanty-Glo, Pa.
Imperial Coal Co., Nettleton, Pa.
Monroe Mining Co., Revloc, Pa.
Springfield Coal Co., Nanty-Glo, Pa.

[F. R. Doc. 44-13563; Filed, Sept., 1944; 12:33 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[WFO 9-14]

PART 1220—FEED

SET ASIDE REQUIREMENTS FOR PROCESSORS OF OILSEED FOR OCTOBER, 1944

Pursuant to the authority vested in me by War Food Order No. 9 (8 F.R. 16960, 9 F.R. 3475, 4319, 8767), issued on December 18, 1943, and to effectuate the purposes of such order pertaining to set aside requirements for oilseed meal produced by processors, and to secure an equitable distribution of such oilseed meal, it is hereby ordered, that:

§ 1220.17 *Set aside requirements for processors of oilseed for October 1944*—(a) *Amount to be set aside.* Each processor shall set aside at each processing plant operated by him 20 percent of his production of cottonseed, soybean, linseed and peanut oil meal, cake or pellets (hereinafter called "oilseed meal"), during October 1944. The amount of production upon which the quantity of oilseed meal set aside is based shall not include any oilseed meal produced for the Commodity Credit Corporation under the provisions of contracts designated "CCC Soybean Form 106, 1943 Crop," and this order shall not apply to oilseed meal produced under such contracts.

(b) *Sale and delivery of oilseed meal set aside.* (1) Oilseed meal set aside pursuant to this order shall not be sold or delivered by any processor except to a buyer named in a certificate of designated buyer issued by the Agricultural Conservation Committee for the State or county in which the buyer's farm or establishment is located or by the Chief of the Feed Management Branch, Office of Production, War Food Administration. The certificate shall be in substantially the following form:

No. _____ Date
State and County Code and Order Number
Issued _____ 194__

CERTIFICATE OF DESIGNATED BUYER

_____ is authorized to
(Name and Address)
purchase and accept delivery of _____
(tons—pounds) of _____ oilseed
(Kind)
_____ from amounts
(Meal—cake or pellet)
set aside by _____
(Name of processor)
of _____ to be
(Address of processor)
ordered through _____,
(Name, address of jobber)
pursuant to the order of the Director of Production. (If, for any reason, delivery of oilseed meal cannot be made, this certificate shall be returned by the processor to the issuing Agricultural Conservation Committee with the reasons why delivery was not made.)

OFFICE OF PRODUCTION,
_____
(Agricultural Conservation Committee)
of _____
(Address)
By _____
(Chairman or designated member)
_____
J. B. Hutson, Director
Expiration date _____.

(2) Agricultural Conservation Committees may commence issuing certificates of designated buyers pursuant to this order during September 1944, and processors may commence delivery of oilseed meal pursuant to such certificates during September 1944. A processor shall be entitled to credit such deliveries made in September 1944 against the quantity of oilseed meal which he is required to set aside in October 1944, if he makes the report provided for in paragraph (d) (1) hereof.

(3) Shipment of any oilseed meal, set aside pursuant to this order must be made by a processor within twelve days of the receipt of any such certificate.

(4) The original and the processor's copy of appropriately executed certificates shall be sent by the person responsible for their issuance directly to the processor and a copy shall be sent to the designated buyer. The designated buyer and the processor shall arrange the details of transfer of materials designated on the certificate, using such intermediary parties as the processor may designate. The processor who delivers such oilseed meal pursuant to a certificate shall file such certificate as required under the provisions of paragraph (d) (2).

(5) No processor shall be required to honor a Certificate of Designated Buyer for oilseed meal set aside pursuant to this order unless the designated buyer furnishes the processor or his agent with (i) shipping instructions, and, in the case of a designated buyer other than a feeder, (ii) the statement required by paragraph (h) of War Food Order No. 9 before midnight of the expiration date shown on the certificate. If a processor elects not to honor a certificate of designated buyer pursuant to this paragraph, he shall return such certificate to the issuing officer and he may dispose of the oilseed meal covered by such certificate free from the restrictions of this order. The expiration date for any certificate of designated buyer issued under this order shall be not later than October 16, 1944, unless a later date (but in no event later than October 20, 1944) is authorized by the Chief of the Feed Management Branch, Office of Production, War Food Administration. No processor, however, shall be required to honor any certificate bearing an expiration date later than October 16, 1944, unless required to do so by notice from the Chief of the Feed Management Branch received before midnight of that date. In such case, the processor will be required to honor certificates of designated buyers bearing expiration dates later than October 16, 1944, but not later than October 20, 1944. Any oilseed meal set aside pursuant to this order for which the processor has received no certificate before midnight of October 16, 1944 (or later, but not later than October 20, 1944, if the notice provided for herein is received from the Chief of the Feed Management Branch), may be disposed of by the processor free from the restrictions of this order: *Provided, however,* That the provisions of this paragraph shall not apply to oilseed meal required to be set aside by this order which has not heretofore been reported to the Director.

(c) *Existing contracts.* If this order makes it impossible for a processor to fill all of his contracts for the delivery of oilseed meal, which are in existence on the date of the issuance of this order, he shall not, by reason of this order, refuse to make delivery of more than 20 percent of the oilseed meal covered by any such contract.

(d) *Processor's reports*—(1) *Report of tonnage for September delivery for credit against October set aside.* If a processor wishes to make deliveries of oilseed meal pursuant to this order in September 1944 for credit against his set aside in October 1944, he must report to the Director in writing (or by telegraph) not later than September 25, 1944, the estimated tonnage of each kind of oilseed meal which will be available at each of his processing plants for delivery in September 1944 for such credit. Each processor may also submit such additional information as he deems pertinent to the allocation or distribution of oilseed meal to be set aside under this order.

(2) *Report of tonnage set aside and deliveries made.* Each processor subject to this order shall file a report with the Director on FPA Form 2 not later than November 10, 1944, for each plant operated by him. Certificates of designated buyers, pursuant to which oilseed meal has been delivered, shall be attached to and made a part of FPA Form 2.

(e) *Certificates issued by County Agricultural Conservation Committees.* No County Agricultural Conservation Committee shall issue certificates of designated buyers unless authorized to do so

by its State Agricultural Conservation Committee.

(f) *Release of oilseed meal set aside under prior orders.* Any processor who has on hand oilseed meal, which has been reported pursuant to any set aside order prior to War Food Order No. 9-12 (9 F.R. 9582) as set aside for sale and delivery to designated buyers and for which the processor has received no shipping instructions from the designated buyers prior to the issuance of this order, may sell and deliver such oilseed meal free from the restrictions of the order under which it was set aside.

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order, unless instructions to the contrary are issued, shall be addressed to the Director of Production, War Food Administration, Washington 25, D. C., Ref: WFO 9-14.

NOTE: The record keeping and reporting requirements of this order have 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; WFO 9, 8 F.R. 16960, 9 F.R. 3475, 4319, 8767)

Issued this 30th day of August 1944.

J. B. HUTSON,
Director of Production.

[F. R. Doc. 44-13424; Filed, Sept. 1, 1944; 3:14 p. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 15-9]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE

Pursuant to the authority vested in me by War Food Order No. 15, as amended (8 F.R. 1704, 5698, 9 F.R. 2072, 4321, 4319), it is hereby ordered, as follows:

§ 1401.186 *Percentage of Cheddar cheese to be set aside in September 1944*—(a) *Definitions.* (1) "WFO 15" means War Food Order No. 15, as amended.

(2) Each term defined in WFO 15 shall, when used herein, have the same meaning as set forth for such term in WFO 15.

(b) *Percentage.* Each person who is required by WFO 15 to set aside Cheddar cheese during September 1944 shall set aside, in said month, a quantity of Cheddar cheese equal at least to 50 percent of all Cheddar cheese produced by him in that month.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., September 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 15, 8 F.R. 1704, 5698, 9 F.R. 2072, 4321, 4319)

Issued this 31st day of August 1944.

LEE MARSHALL,
Director of Distribution.

[F. R. Doc. 44-13354; Filed, Sept. 1, 1944; 9:01 a. m.]

[WFO 79-103, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MEMPHIS, TENN., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-103 (9 F.R. 135, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Memphis, Tennessee, metropolitan milk sales area, is hereby further amended, so as to read as follows:

§ 1401.136 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Memphis and all of Shelby County, Tennessee, and the city of West Memphis in Crittenden County, Arkansas.

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

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

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

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

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

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

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

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

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

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

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

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 250 units of milk, cream, and milk byproducts, unless more than 125 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79–103, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–103, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44–13338; Filed, Sept. 1, 1944; 9:01 a. m.]

[WFO 79–104, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CHATTANOOGA, TENN., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79–104 (9 F.R. 137, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Chattanooga, Tennessee, metropolitan milk sales area, is hereby further amended, so as to read as follows:

§ 1401.144 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .053 pound of milk solids for each one-half percent of butterfat content of such cheese.)

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

The city of Chattanooga and the civil districts 1, 2, 3, and 4 in Hamilton County, Tennessee; and the militia districts of Creek in Dade County, Ninth in Catoosa County, and Lookout Mountain, Lisbon, Rossville, and Chickamauga in Walker County, Georgia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-104, as amended, rights accrued or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-104, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13343; Filed, Sept. 1, 1944; 9:01 a. m.]

[WFO 79-105, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN KNOXVILLE, TENN. METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-105 (9 F.R. 138, 9 F.R. 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Knoxville, Tennessee, metropolitan milk sales area, is hereby further amended, so as to read as follows:

§ 1401.138 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

weight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pound of milk solids for each one-half percent of butterfat content of such cheese.)

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

The city of Knoxville and Knox County, the towns of Maryville and Alcoa in Blount County, the town of Jefferson City in Jefferson County, and the towns of Lenoir City and Loudon in Loudon County, all in the State of Tennessee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-105, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-105, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13339; Filed, Sept. 1, 1944; 9:01 a. m.]

[WFO 79-106, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN NASHVILLE, TENN., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-106 (9 F.R. 139, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Nashville, Tennessee, metropolitan milk sales area, is hereby further amended, so as to read as follows:

§ 1401.137 *Quota-restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Nashville, and Civil Districts Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, and 13 all in Davidson County, Tennessee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-106, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-106, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

NOTE: All reporting and record-keeping requirements of this order have been approved

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13340; Filed, Sept. 1, 1944; 9:01 a. m.]

[WFO 79-107, Amdt. 4]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ATLANTA, GA., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-107 (9 F.R. 140, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Atlanta, Georgia, metropolitan milk sales area, is hereby further amended, so as to read as follows:

§ 1401.141 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Atlanta and the counties of Fulton and De Kalb, all in the State of Georgia.

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

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

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

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

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

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

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

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

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

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

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

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 250 units of milk, cream, and milk byproducts, unless more than 125 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Within 10 days following the close of each quota period, the information

required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-107, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-107, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13341; Filed, Sept. 1, 1944; 9:02 a. m.]

[WFO 79-112, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN BATTLE CREEK, MICH., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-112 (9 F.R. 147, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Battle Creek, Michigan milk sales area, is hereby further amended, so as to read as follows:

§ 1401.139 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Battle Creek and the townships of Emmett, Pennfield, Bedford, and Battle Creek, in Calhoun County, Michigan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) *Petition for relief from hardship.* (1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hard-

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-112, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-112, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13342; Filed, Sept. 1, 1944; 9:02 a. m.]

[WFO 79-113, Amdt. 3]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN WINSTON-SALEM, N. C., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-113 (9 F.R. 148, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Winston-Salem, North Carolina, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.147 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Winston-Salem and, in addition thereto, the territory within a radius of 5 miles from the Court House in said city of Winston-Salem, in the county of Forsyth, State of North Carolina.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-113, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-113, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13344; Filed, Sept. 1, 1944; 9:02 a. m.]

[WFO 79-115, Amdt. 5]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MIAMI, FLA., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-115 (9 F.R. 632, 9 F.R. 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Miami, Florida, metropolitan milk sales area, is hereby further amended, so as to read as follows:

§ 1401.149 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Miami and the entire area included in the election precincts numbered 1 to 84, inclusive, that part of 85 comprising parts of Miami Springs town, 87 to 106, inclusive, and those parts of 107, 108, 109, 110, 111, 112, comprising parts of the cities of Coral Gables, Miami, and South Miami, all in Dade County, Florida.

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

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

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

(1) For milk, multiply his base of milk solids in milk, and for milk byproducts, multiply his base of milk solids in milk byproducts by the following percentages:

	Percent
January	115
February	120
March	130
April	110
May	110
June	90
July	80
August	80
September	85
October	90
November	90
December	100

(2) For cream, multiply his base of butterfat in cream by the following percentages:

	Percent
January	86.25
February	90.00
March	97.50
April	82.50
May	82.50
June	67.50
July	60.00
August	60.00
September	63.75
October	67.50
November	67.50
December	75.00

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1st, 1944. With respect to violations of said War Food Order No. 79-115, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-115, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13345; Filed, Sept. 1, 1944; 9:02 a. m.]

[WFO 79-116, Amdt. 3]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN TAMPA, FLA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-116 (9 F.R. 633, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Tampa, Florida, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.150 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Tampa, and the election precincts numbered 1 to 40, inclusive, 42, 43, 44, that part of 46 comprising part of Temple Terrace City, 58, 59, and 60, in Hillsborough County, Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-116, as amended, rights accrued or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-116, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14763; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13316; Filed, August 31, 1944; 3:20 p. m.]

[WFO No. 79-117, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN JACKSONVILLE, FLA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-117 (9 F.R. 635, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Jacksonville, Florida, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.148 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The area included within the city of Jacksonville and Duval County in the State of Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

tor may require for the establishment of quotas.

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79–117, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–117, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44–13317; Filed, August 31, 1944; 3:20 p. m.]

[WFO 79–119, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN DURHAM, N. C., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79–119 (9 F.R. 637, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Durham, North Carolina, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.152 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Durham and the townships of Durham and Patterson, all in Durham County, North Carolina.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-119, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-119, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13319; Filed, August 31, 1944; 3:21 p. m.]

[WFO 79-120, Amdt. 3]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CHARLESTON, S. C. SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-120 (9 F.R. 638, 4321, 4319), as amended relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Charleston, South Carolina, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.153 *Quota restrictions* — (a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Charleston and Charleston County, all in the State of South Carolina.

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

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

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

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

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

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

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

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

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

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

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

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 250 units of milk, cream, and milk byproducts, unless more than 125 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

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

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

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

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

(k) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into

consideration the type of purchasers served by him in the base period, to:

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-120, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-120, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13346; Filed, Sept. 1, 1944; 9:02 a. m.]

[WFO 79-121, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN JACKSON, MISS., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-121 (9 F.R. 639, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Jackson, Mississippi, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.154 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Jackson and the area included in beats 1, 4, and 5, all in Hinds County, Mississippi.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-121, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-121, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13347; Filed, Sept. 1, 1944; 9:03 a. m.]

[WFO 79-123, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN WACO, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F. R. 12426, 9 F. R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-123 (9 F. R. 642, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Waco, Texas, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.156 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Waco and justices' precinct 1 and that part of 4 comprising part of the city of Waco, all in McLennan County, Texas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-123, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-123, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13321; Filed, August 31, 1944; 3:21 p. m.]

[WFO 79-124, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN DALLAS, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-124 (9 F.R. 643, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Dallas, Texas, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.157 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

.953 pound of milk solids for each one-half percent of butterfat content of such cheese.)

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

The city of Dallas and Justices' precincts 1, 2, 3, 7, and 8, all in Dallas County, Texas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-124, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-124, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13348; Filed, Sept. 1, 1944; 9:03 a. m.]

[WFO 79-125, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN FORT WORTH, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-125 (9 F.R. 644, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Fort Worth, Texas, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.158 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

operate facilities for the processing and bottling of milk.

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

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

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

The city of Fort Worth and justices' precincts 1, 2, 5, and 6, all in Tarrant County, Texas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a.m., e.w.t., September 1, 1944. With respect to violations of said War Food Order No. 79-125, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-125, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[P. R. Doc. 44-13349; Filed, Sept. 1, 1944; 9:04 a. m.]

[WFO 79-127, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN GALVESTON, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-127 (9 F.R. 647, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Galveston, Texas, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.162 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Galveston and justices' precincts 1, 2, and 5, all in Galveston County, Texas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) *Violations.* The market agent shall report all violations to the Director

together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w .t., September 1, 1944. With respect to violations of said War Food Order No. 79-127, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-127, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13350; Filed, Sept. 1, 1944; 9:04 a. m.]

[WFO 79-180, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN LITTLE ROCK, ARK., SALES AREA

Pursuant to War Food Order No. 79 (8 F. R. 12426, 9 F. R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-130 (9 F. R. 650, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Little Rock, Arkansas, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.166 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Little Rock and the townships of Badgett, Big Rock, and Hill, all in Pulaski County, Arkansas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12.01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No 79-130, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-130, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13323; Filed, August 31, 1944; 3:21 p. m.]

[WFO 79-131, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN GREENSBORO, N. C., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-131 (9 F.R. 870, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Greensboro, North Carolina, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.168 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The cities of Greensboro and High Point, and the townships of Gilmer, High Point and Morehead, all in Guilford County, North Carolina.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-131, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-131, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13351; Filed, Sept. 1, 1944; 9:04 a. m.]

[WFO 79-132, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ASHEVILLE, N. C., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-132 (9 F.R. 872, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Asheville, North Carolina, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.167 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of Asheville and the townships of Asheville, Lower Hominy, Swannanoa, and that part of the township of Limestone comprising part of the town of Biltmore Forest, all in Buncombe County, North Carolina.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-132, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-132, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13352; Filed, Sept. 1, 1944; 9:04 a. m.]

[WFO 79-143, Amdt. 4]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ST. PETERSBURG, FLA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-143 (9 F.R. 3763, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the St. Petersburg, Florida, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.177 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

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

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

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

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

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

The city of St. Petersburg, and the election precincts numbered 1 to 21, inclusive, 21-A, and 22 to 47, inclusive, in Pinellas County, Florida.

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

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

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

(1) For milk, multiply his base of milk solids in milk, and for milk byproducts, multiply his base of milk solids in milk byproducts by the following percentages:

	Percent
January	115
February	125
March	135
April	115
May	105
June	95
July	85
August	85
September	90
October	95
November	105
December	110

(2) For cream, multiply his base of butterfat in cream by the following percentages:

	Percent
January	85.80
February	93.60
March	101.40
April	85.80
May	78.00
June	70.20
July	62.40
August	62.40
September	66.30
October	70.20
November	78.00
December	81.90

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1st, 1944. With respect to violations of said War Food Order No. 79-143, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-143, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

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

Issued this 30th day of August 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13353; Filed, Sept. 1, 1944; 9:04 a. m.]

[Suspension Order Docket No. FDA-GL-101]

PART 1590—SUSPENSION ORDERS

H. GRAVER COMPANY

An order having been issued, after hearing, in the above-entitled matter on March 24, 1944 (9 F.R. 3284), concerning the set aside requirements to be observed by H. Graver Company, Chicago, Illinois, pursuant to War Food Order 75-2, as now or hereafter amended and supplemented; and

A petition having been filed by H. Graver Company requesting a modification of said order; and

It having been determined that a modification of said order would further the maintenance of an adequate supply and efficient distribution of meat to meet war and essential civilian needs:

It is therefore ordered, That paragraph (a), (i) and (ii), respectively, of the order heretofore issued in the above-entitled matter on March 24, 1944 (9 F.R. 3284) be and the same hereby is amended to read as follows:

(a) H. Graver Company, the respondent, in accordance with War Food Order 75-2, as now or hereafter amended and supplemented, shall set aside, reserve, and hold for delivery to governmental agencies or persons entitled to purchase set aside meat under said order,

(i) An amount of the conversion weight of each week's production of beef

graded "U. S. Choice," "U. S. Good," and "U. S. Commercial," obtained from steers and heifers whose carcasses meet Army specifications for carcass or frozen boneless beef, which amount, together with the amount of such beef required to be set aside by the respondent under War Food Order 75-2, as now or hereafter amended and supplemented, will equal 65 percent of the conversion weight of each week's production of such beef;

(ii) An amount of each week's production of beef graded "U. S. Utility," produced from steers and heifers whose carcasses meet Army weight specifications, in the form of carcass or frozen boneless beef meeting Army specifications, which, together with the amount of such beef required to be set aside under War Food Order 75-2, as now or hereafter amended and supplemented, will equal 65 percent of respondent's weekly production of such beef,

for and until such time as the amount of beef set aside pursuant to this order and the order heretofore issued herein on March 24, 1944 (9 F.R. 3284) shall equal 13,151,092 pounds, the amount of beef which it has been found and determined was delivered by respondent in excess of its quotas during the quota periods beginning September 27, 1942, December 27, 1942, and March 28, 1943.

It is further ordered, That paragraph (b) of the order heretofore issued on March 24, 1944 (9 F.R. 3284) be and the same hereby is deleted and that paragraph (c) of said order be and the same hereby is redesignated and amended to read as follows:

(b) Any terms used in this order and the order heretofore issued herein on March 24, 1944 (9 F.R. 3284) which are defined in War Food Order 75, as now or hereafter amended and supplemented, and War Food Order 75-2, as now or hereafter amended and supplemented, shall have the meaning therein given to them unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

It is further ordered, That paragraphs (d) and (e), respectively, of the order heretofore issued herein on March 24, 1944 (9 F.R. 3284) be and the same hereby are redesignated as paragraphs (c) and (d), respectively.

It is further ordered, That this amendment shall become effective at 12:01 a. m., e. w. t., September 3, 1944.

(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; and Delegations of Authority, 8 F.R. 13696, 14251; 9 F.R. 6202)

Issued this 1st day of September 1944.

C. W. KITCHEN,
Deputy Director.

[F. R. Doc. 44-13456; Filed, Sept. 2, 1944; 11:22 a. m.]

[WFO 6-1, Amdt. 5]

PART 1405—FRUITS AND VEGETABLES

CITRUS FRUIT

War Food Order No. 6-1, as amended, (8 F.R. 998, 2376, 14785, 9 F.R. 4321, 4319, 8000, 9943) is further amended by deleting from § 1405.3 (a) (1) "5 percent" wherever the term appears therein and inserting, in lieu thereof, the word "none."

This amendment shall become effective at 12:01 a. m., p. w. t., September 3, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 6-1, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 6-1, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 6, 8 F.R. 511, 9 F.R. 4321, 4319)

Issued this 2d day of September 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13491; Filed, Sept. 2, 1944; 3:14 p. m.]

[WFO 75-2, Amdt. 14]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

War Food Order No. 75-2, § 1410.18, as amended (9 F.R. 8769, 9077, 9815, 10073), is further amended as follows:

1. By striking the figure "50" wherever it appears in (b) (1) (i) and (b) (1) (ii) and inserting in lieu thereof the figure "60".

2. By striking the figure "35" in (b) (1) (iii) and inserting in lieu thereof the figure "45".

This order shall become effective at 12:01 a. m., e. w. t., September 3, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-2, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 75, 8 F.R. 11119, 9 F.R. 4319, 4973, 5767, 10033)

Issued this 1st day of September 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-13455; Filed, Sept. 2, 1944; 11:24 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

[B. A. I. Order 368, Amdt. 2]

PART 93—SPECIAL REGULATIONS GOVERNING EXPORT AND IMPORT OF LIVESTOCK TO AND FROM MEXICO

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred upon the Secretary of Agriculture by the Act of Congress approved August 30, 1890, as amended (26 Stat. 416, 44 Stat. 775, 46 Stat. 1460; 21 U.S.C. 101-105), Part 93, Chapter I, Title 9, Code of Federal Regulations [B. A. I. Order 368], as amended, is hereby further amended as follows:

Section 93.13 [regulation 13] is amended to read as follows:

§ 93.13 *Diagnostic tests for dairy and breeding cattle.* No dairy or breeding cattle shall be exported to Mexico unless they are shown by proper certificates to have passed a negative test for tuberculosis and, if they are more than 6 months old, a negative blood test for brucellosis (Bang's disease) within 30 days of the date of shipment from origin. However, the test for tuberculosis may be waived in respect to cattle from a tuberculosis-free accredited herd and the test for brucellosis may be waived in respect to animals that have been officially vaccinated as calves within the previous 12 months.

The said tuberculin test may be applied by an inspector, a duly authorized veterinarian of the Mexican government in the United States, or a veterinarian accredited by the Bureau. Certificates issued by such accredited veterinarians shall be endorsed by an inspector. Blood tests for brucellosis shall be made in laboratories recognized by the Bureau and State authorities for that purpose, and the certificate shall be issued or endorsed by the inspector in charge of disease-eradication work in the State of origin. Test charts and certificates shall include descriptions of the cattle with ages and markings.

The following new section, designated as § 93.16 [regulation 16] is added:

§ 93.16 *Accommodations for animals transported on vessels.* Owners or masters of vessels carrying animals from the United States to Mexico shall provide for such animals feed, water, space, ventilation, fittings, and other facilities determined by the Chief of Bureau to be necessary for their safe and proper transportation and humane treatment. Such owners or masters shall not accept for transportation any animal that in the judgment of the inspector is in an unfit condition to withstand the rigors of such transportation.

This amendment, which for purpose of identification is designated Amendment 2 to B. A. I. Order 368, shall be effective on and after September 20, 1944.

Done at Washington this 1st day of September 1944. Witness my hand and seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 44-13425; Filed, Sept. 1, 1944; 8:13 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51116]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE LAWS

AUGUST 28, 1944.

Section 8 of the Act of June 19, 1886, as amended, and section 27 of the Merchant Marine Act, 1920, as amended, waived to permit certain foreign vessels allocated to the War Shipping Administration by the Government of any of the United Nations to transport passengers or merchandise, or both, in the coastwise trade.

Upon the written recommendation of the Administrator of the War Shipping Administration and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U.S.C. App. 635), I hereby waive compliance with the provisions of section 8 of the Act of June 19, 1886, as amended, and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 289, 883), to the extent necessary to permit the transportation of passengers or cargo, or both, in the coastwise trade by any foreign vessel while it is allocated to the War Shipping Administration by the Government of any of the United Nations and has on board a "Certificate of Ownership and Operation" issued by the War Shipping Administration certifying that it is so allocated. I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44-13447; Filed, Sept. 2, 1944; 10:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 2]

PART 25—DEPOSIT OF FUNDS

Under the authority contained in R.S. 161 (5 U.S.C. 22), the regulations governing the deposit of funds, as amended on May 24, 1943 (8 F.R. 6920; 22 CFR, Cum. Supp., Part 25), are hereby amended by changing the words "Division of Accounts" in § 25.1 to read "Division of Budget and Finance".

[SEAL] CORDELL HULL,
Secretary of State.

SEPTEMBER 4, 1944.

[F. R. Doc. 44-13542; Filed, Sept. 4, 1944; 11:14 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter H—Forestry

PART 61—GENERAL FOREST REGULATIONS

DEDUCTION FROM GROSS PROCEEDS FOR ADMINISTRATIVE PURPOSES

Section 61.25 (25 CFR Part 61) is amended to read as follows:

§ 61.25 *Deduction for administrative purposes.* In all sales of timber from either allotted or unalloted land a sufficient deduction will be made from the gross proceeds to cover the cost of examining, supervising, advertising, collecting, disbursing, accounting, marketing, scaling, caring for the slash, and protecting from fire the timber and young growth left standing on the land being logged or upon adjacent land. Unless special instructions have been given by the Commissioner of Indian Affairs as to the amount of the deduction or the manner in which it is to be made, 10 per cent of the gross amount received for the timber sold under regular supervision from allotted or from unallotted land will be deducted by the Superintendent to cover administrative expenses as required by the Act of February 14, 1920 (41 Stat. 415; 25 U.S.C. 413), as amended. When timber on either allotted or unallotted land is sold for a lump sum on an estimate in such a manner that no administration by the Indian Service subsequent to the sale is required, a deduction of 5 per cent of the sale price will be made to cover the cost of estimating the timber and effecting the sale. (Sec. 1, 41 Stat. 415, 47 Stat. 1417; 25 U. S. C. 413)

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

SEPTEMBER 1, 1944.

[F. R. Doc. 44-13507; Filed, Sept. 4, 1944; 9:50 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

SHIPPERS OF BY-PRODUCT AND OTHER SPECIAL PURPOSE COAL MOVING VIA THE GREAT LAKES

Under § 602.502[1] of SFAW Regulation No. 23, shippers of by-product coal and other special purpose coal who ship such coal by lake are to spread their shipments throughout the current season of navigation and to conclude them on or before November 1, 1944. Both shippers and consumers of such coal have inquired whether it is permissible to continue such shipments beyond November 1 because of present lack of shipping facilities, inadequate storage space on consumers' docks, or for other reasons.

It is the intention of the regulation to encourage completion of lake shipments of by-product and other special purpose coal by November 1, but shippers are not prohibited from making shipments thereafter. Shippers should arrange to complete their shipments to docks on Lake Superior prior to November 1, if they possibly can, and then arrange to complete their shipments to the docks on the west bank of Lake Michigan and to the Detroit area.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 4th day of September 1944.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 44-13512; Filed, Sept. 4, 1944; 10:46 a. m.]

[1] 9 F.R. 8114.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

Subchapter B—Bureau of the Public Debt

[1944 1st Supp. to Dept. Circ. 530, 5th Rev.]

PART 315—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

REDEMPTION OF UNITED STATES SAVINGS BONDS THROUGH QUALIFIED BANKS AND TRUST COMPANIES

SEPTEMBER 5, 1944.

The general payment and redemption provisions of the regulations governing United States Savings Bonds as set forth in Subpart H of Department Circular No. 530, Fifth Revision, dated June 1, 1942 (7 F.R. 5158), as amended, are supplemented as follows, effective October 2, 1944:

Payment at banks and trust companies. Notwithstanding the foregoing provisions of this subpart, the provisions of Treasury Department Circulars Nos. 529, 554, 571, 596, and 653, all as supplemented, amended, or revised, and any instructions on the bonds, an individual (natural person) whose name is inscribed on the face of a bond of Series A, B, C, D, or E, either as owner or coowner in his own right, may present such bond (unless marked "duplicate") to any incorporated bank or trust company which has qualified as a paying agent under the provisions of Department Circular No. 750, dated September 5, 1944, and upon identification to the satisfaction of such paying agent and upon signing the request for payment, may receive immediate payment for the bond at the current redemption value if presented prior to maturity, or at full maturity value if presented at or after maturity. No charge will be made to the owner.

Payment at qualified banks or trust companies is confined to bonds of Series A, B, C, D, and E and will be made only to a person named on the face of the bond as owner or coowner in his own right. Redemption of bonds of Series F and G, and partial redemption of bonds of any series, may not be effected at incorporated banks or trust companies.

The provisions of this supplement do not supersede the procedure heretofore established for the redemption of savings bonds, which will continue in full force and effect. However, they provide certain additional facilities for the redemption of savings bonds, which may be availed of by owners concerned, under the conditions set forth herein and when offered by qualified banks and trust companies.

(R. S. 161 (5 U.S.C. 22), sec. 22 (h) of the Second Liberty Bond Act, as amended by the Public Debt Act of 1943 (31 U.S.C. 757 c (h)))

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 44-13552; Filed, Sept. 4, 1944; 9:59 a. m.]

[1944 Dept. Circ. 750]

PART 321—REGULATIONS GOVERNING PAYMENTS BY INCORPORATED BANKS AND TRUST COMPANIES IN CONNECTION WITH REDEMPTION OF U. S. SAVINGS BONDS

Pursuant to the authority of the Second Liberty Bond Act, as amended, the following regulations are hereby prescribed to govern payments by incorporated banks and trust companies in connection with the redemption of United States Savings Bonds on and after October 2, 1944:

SUBPART A—AUTHORITY TO ACT

Sec.
321.1 Banks and trust companies authorized to act.
321.2 Application and qualification.
321.3 Termination of a bank's qualification to pay bonds.

SUBPART B—GENERAL

321.4 Meaning of terms.
321.5 Reimbursement of banks' costs.
321.6 Announcements, etc., of authority to pay bonds.

SUBPART C—SCOPE OF AUTHORITY OF BANKS

321.7 General.
321.8 Payments authorized.
321.9 Specific limitations of payment authority.

SUBPART D—PAYMENT AND ACCOUNTING

321.10 Examination of bonds presented for payment.
321.11 Certification of requests for payment.
321.12 Determination of redemption values and payment of bonds.
321.13 Forwarding paid bonds to the Federal Reserve Bank.
321.14 Redemption of paid bonds by Federal Reserve Banks.
321.15 Losses resulting from payments.
321.16 Preservation of rights.
321.17 Redemption of bonds not payable by banks.
321.18 Functions of Federal Reserve Banks.
321.19 Supplements, amendments, etc.

AUTHORITY: §§ 321.1 to 321.9, inclusive, issued under R.S. 161 (5 U.S.C. 22), the Second Liberty Bond Act, as amended, and the Public Debt Act of 1941 (55 Stat. 7).

SUBPART A—AUTHORITY TO ACT

§ 321.1 *Banks and trust companies authorized to act.* All banks and trust companies, incorporated under general or special laws of the United States, the District of Columbia, any State, territory or insular possession of the United States, or the Canal Zone, are eligible and are hereby authorized, on and after October 2, 1944, to make payments in connection with the redemptiton of United States Savings Bonds, subject to the provisions of this circular and any instructions issued hereunder: *Provided, however,* That each bank or trust company must be duly qualified by the Federal Reserve Bank of the district[1] before it may make any such payment. Federal Reserve Banks, as fiscal agents of the United States, are authorized to qualify eligible banks and trust companies hereunder, and to terminate any such qualifications as hereinafter provided.

§ 321.2 *Application and qualification.* Any eligible bank or trust company which desires to qualify to make payments in connection with the redemption of United States Savings Bonds should make application to the Federal Reserve Bank of the Federal Reserve District in which it is located on Application-Agreement Form PD 1958 (see appended exhibit A), copies of which may be obtained from the appropriate Federal Reserve Bank. If the application is approved, the Federal Reserve Bank will forward to the bank or trust company a Notice of Qualification Form PD 1959 (see appended exhibit B), establishing that it is qualified to make payments in connection with the redemption of the United States Savings Bonds hereinafter specified. If the application is not approved, the bank or trust company will be so advised in writing by the Federal Reserve Bank of the District.

§ 321.3 *Termination of a bank's qualification to pay bonds.* The Secretary of the Treasury or under authority of the Secretary the appropriate Federal Reserve Bank, as fiscal agent of the United States, may, by written notice, at any time and without previous demand or notice, terminate the qualification of any bank or trust company to pay United States Savings Bonds. A duly qualified bank or trust company may discontinue making payments at any time upon written notice to the Federal Reserve Bank, and its qualification shall thereupon cease.

SUBPART B—GENERAL

§ 321.4 *Meaning of terms.* Hereinafter, for the purposes of this part, unless otherwise indicated specifically, or by context, the terms:

(a) "Bank(s)" shall mean any eligible incorporated bank or trust company duly qualified pursuant to the provisions of this circular to make payments in connection with the redemption of the United States Savings Bonds hereinafter specified, including such branches and facilities thereof located within the United States (including the territories and insular possessions of the United States and the Canal Zone) as it may desire to utilize for this purpose. The term "facilities," as used herein, is defined as those bank facilities at army and navy installations and at defense plants which have been established for the duration of the war with the specific approval of the Treasury Department.

(b) "Bond(s)" shall include only United States Savings Bonds of Series A, B, C, D or E, including bonds of Series E designated "Defense Savings Bonds" or "War Savings Bonds." (Savings Bonds of Series F and G are not included.)

(c) "Owner(s)" shall mean an individual (natural person) whose name is inscribed as an owner (or coowner) in his own right on a bond which is registered in any of the following forms:

(1) In the name of a single individual in his own right, e. g. "John A. Jones";

(2) In the names of two individuals as coowners, e. g. "John A. Jones or Mrs. Ella S. Jones" (each is considered as an "owner," and payment may be made to either without the consent of the other); or

(3) In the name of one individual, payable on death to another, e. g. "John A. Jones, payable on death to Mrs. Ella S. Jones," or "John A. Jones, p. o. d. Mrs. Ella S. Jones." (In this example, John A. Jones is the "owner" and Mrs. Ella S. Jones is the beneficiary. Payment under this circular to a beneficiary is not authorized.

(d) "Federal Reserve Bank" includes each Federal Reserve Bank and each Branch of a Federal Reserve Bank which has been or may hereafter be utilized by such Federal Reserve Bank to conduct any of the transactions in connection with which the term is used in this circular.

§ 321.5 *Reimbursement of banks' costs.* A bank shall not make any charge against the owners of bonds for payments made hereunder. However, each bank shall be entitled to receive, for its service in paying bonds hereunder, reimbursement for bonds paid and forwarded to the Federal Reserve Bank each calendar quarter according to the following scale, which shall be applicable separately to each bank and each of its branches and facilities, if utilized, and if the bonds paid by each are separately scheduled and accounted for:

15 cents each for the first 1,000 bonds.
12 cents each for the second 1,000 bonds.
10 cents each for all over 2,000 bonds.

The date such bonds are forwarded to the Federal Reserve Bank will govern the rate of reimbursement, and the payment of such amount as the bank is entitled to receive shall be made by the Federal Reserve Bank on behalf of the Treasury Department.

§ 321.6 *Announcements, etc., of authority to pay bonds.* Any announcement of or any reference to a bank's authority to pay savings bonds may be

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[1] For the purpose of this circular, banks and trust companies in Puerto Rico, the Virgin Islands and the Canal Zone shall be considered as being within the Second Federal Reserve District and shall make application to the Federal Reserve Bank of New York, and banks and trust companies in Alaska and Hawaii shall be considered as being within the Twelfth Federal Reserve District and shall make application to the Federal Reserve Bank of San Francisco.

made only in a form or manner or contain such statements or substance as may be approved by the Secretary of the Treasury or, under authority of the Secretary, by the Federal Reserve Bank of the District, as fiscal agent of the United States. A bank shall not make such announcements or references unless and until it is officially qualified to pay bonds.

SUBPART C—SCOPE OF AUTHORITY OF BANKS

§ 321.7 *General.* In order to protect the interests of the owners and to insure receipt by the proper persons of the proceeds thereof, savings bonds are registered, are not transferable, and are payable only to the owner named on the bond (except as otherwise specifically provided in the regulations governing the bonds). This policy must be understood and effectuated by each bank, notwithstanding the authority granted herein to make payments of bonds, since it is of the utmost importance that payment of the appropriate redemption value of the bonds be made to and received by only the persons entitled under the terms and conditions of the bonds and applicable regulations.

§ 321.8 *Payments authorized.* Subject to the terms of the bonds and to the provisions of the regulations governing them (Treasury Department Circular No. 530, as currently in effect on the date of payment) and the provisions of this circular, a bank may make payment of any United States Savings Bond of Series A, B, C, D or E, to the individual (natural person) whose name is inscribed as the owner (or coowner) in his own right on the bond: *Provided,* That such individual presents the bond to the bank for payment and that the individual is known to the bank or establishes his identity to the complete satisfaction of the bank. This authority to make payments to the owner named on the bond will be held to include the following exceptional cases:

(a) Where the name of the owner as inscribed on the bond has been changed by marriage and the bank knows or can establish to its complete satisfaction the identity of the owner whose name has been so changed. The signature to the request for payment should show both names, for example: "Miss Mary T. Jones, now by marriage Mrs. Mary J. Smith." A bank is not authorized to pay a bond for an owner whose name as inscribed on the bond has been changed in any other manner.

(b) Where the name of the owner inscribed on the bond is that of a minor child who is not of sufficient competency and understanding to execute the request for payment and comprehend the nature of such act but upon whose behalf request for payment is made by a parent with whom the child resides: *Provided, however,* That the form of registration does not indicate a guardian or similar representative of the estate of the minor owner has been appointed or is otherwise legally qualified. The parent requesting payment on behalf of the minor child must be known or his or her identity established to the complete satisfaction of the bank, and the parent must sign the request for payment in the form: "John A. Jones, on behalf of John C. Jones" and affix an endorsement in substantially the following form, which may be typed on the back of the bond: "I certify that I am the _____ (father or mother) of John C. Jones and the person with whom he resides. He is _____ years of age and is not of sufficient competency and understanding to sign the request." Such a payment may not be made to any person other than a father or mother.

§ 321.9 *Specific limitations of payment authority.* A bank is not authorized hereunder to pay a bond:

(a) If the bond is presented for payment prior to the expiration of 60 days from the issue date (the issue date should not be confused with the date appearing in the issuing agent's dating stamp).

(b) If the bank does not know or can not establish to its complete satisfaction the identity of the person requesting payment as the owner of the bond (including the establishment of the identity of parents requesting payment on behalf of minor children, as set forth in § 321.8 (b)).

(c) If the owner requesting payment (form for which appears on the back of each bond) does not sign his name in ink as it is inscribed on the face of the bond and show his home or business address. (See also §§ 321.8 (a) and (b) and 321.10 (d).)

(d) If the bond appears to bear a material irregularity, for example, an altered, illegible, incomplete or unauthorized inscription, issue date or issuing agent's validating stamp impression; or if a bond appears to be altered, or is mutilated or defaced in such a manner as to create doubt or arouse suspicion with respect to the bond or any essential part thereof.

(e) If the bond is marked "Duplicate."

(f) If Treasury Department regulations require the submission of documentary evidence to support the redemption of the bond, as in the case of deceased owners, incompetents or minors under legal guardianship or the change of an owner's name as inscribed on a bond if for any reason other than marriage.

(g) If the owner named on the bond and requesting payment is a minor who, in the opinion of the bank, is not of sufficient competency and understanding to execute the request for payment and comprehend the nature of such act. (Note the authority granted to banks to make payments of bonds to either parent on behalf of a minor child under the provisions of § 321.8 (b).)

(h) If it is known to the bank that the owner has been declared in accordance with law, incompetent to manage his estate.

(i) If partial redemption is requested. Attention is directed to § 321.17 hereof for handling bonds of the foregoing classes of cases which may not be paid by banks.

SUBPART D—PAYMENT AND ACCOUNTING

§ 321.10 *Examination of bonds presented for payment.* Before making payment of bonds presented hereunder the bank:

(a) Shall determine that the person requesting payment as the "owner" (as defined in this circular) is known or his identity is established to the satisfaction of the bank.

(b) Shall examine the bond and determine that it is a bond which the bank is authorized to pay under the provisions of this circular.

(c) If the request for payment on the back of the bond is already executed, shall determine that the request is properly signed by the registered owner presenting the bond and that his home or business address is shown.

(d) If the request for payment on the back of the bond has not been executed or has been improperly executed by the owner presenting the bond, shall require such owner to properly sign the request and show his home or business address.

§ 321.11 *Certification of requests for payment.* In view of the provisions of this circular governing payment of bonds and the requirements as to the data to be endorsed on each bond, under § 321.12, a bank will not be required in the case of any bond paid to it to complete the certification form at the end of the request for payment, nor determine the authenticity of any certification which may appear on the bond at the time it is presented for payment: *Provided, however,* That each bank submitting paid bonds shall be understood by such submission to have represented and certified that the identity of the owner requesting payment has been duly established to the satisfaction of the bank by one of its officers or by an employee duly authorized by the bank.

§ 321.12 *Determination of redemption values and payment of bonds.* The redemption value of a bond is determined from the period of time (years and full half-year) that it has been outstanding, and the table of redemption values on each bond. The Federal Reserve Bank of the district will furnish each bank with a table of redemption values from which it will be possible, after determining the month and year of issue of any bond, to immediately establish its current value. After establishing such value, payment thereof to the owner requesting payment shall be made in cash. No objection will be made to an arrangement between the owner and the bank under which the owner accepts in lieu of cash, a credit to his checking or savings account with the bank, or a check or similar instrument payable to his order. Each bank shall place on the face of each bond paid by it the word "Paid", the amount and date of payment and the name, location and transit (or code) number of the bank. Other data pertinent to the payment procedure of a bank may be included if approved by the Federal Reserve Bank of the District. The Federal Reserve Bank will furnish rubber stamps for this purpose or, in lieu

thereof, will approve suitable stamps prepared by a bank. The affixation of such data shall be construed by and between the bank and the Treasury Department to be a certification by the paying bank that the bond has been paid in accordance with the terms and requirements of this circular and that payment of the proceeds of the bond has been made to the owner.

§ 321.13 *Forwarding paid bonds to the Federal Reserve Bank.* After payment, the bonds shall be forwarded to the Federal Reserve Bank of the district in accordance with instructions issued by such Federal Reserve Bank.

§ 321.14 *Redemption of paid bonds by Federal Reserve Banks.* Upon receipt of the paid bonds the Federal Reserve Bank will make immediate settlement with the forwarding bank for the total amount of payments made on such bonds; however, such settlement shall be subject to adjustment if any discrepancies are discovered at a later date.

§ 321.15 *Losses resulting from payments.* Section 22 of the Second Liberty Bond Act, as amended, provides:

(1) Any losses resulting from payments made in connection with the redemption of savings bonds shall be replaced out of the fund established by the Government Losses in Shipment Act, as amended, under such regulations[1] as may be prescribed by the Secretary of the Treasury. The Treasurer of the United States, any Federal Reserve Bank, or any incorporated bank or trust company authorized or permitted to make payments in connection with the redemption of such bonds, shall be relieved from liability to the United States for such losses, upon a determination by the Secretary of the Treasury that such losses resulted from no fault or negligence on the part of the Treasurer, the Federal Reserve Bank, or the incorporated bank or trust company * * *. The provisions of Section 3[2] of the Government Losses in Shipment Act, as amended, with respect to the finality of decisions by the Secretary of the Treasury shall apply to the determinations made pursuant to this subsection. * * *.

(a) *Consideration of facts concerning loss.* In any case in which a loss occurs, the paying bank shall be afforded ample opportunity to present all of the facts pertaining to the circumstances of the payment for consideration by the Secretary.

§ 321.16 *Preservation of rights.* Nothing contained in these regulations shall be construed to limit or restrict any existing rights which holders of savings bonds may have acquired under the circulars offering such bonds for sale and the regulations prescribed thereunder.

§ 321.17 *Redemption of bonds not payable by banks.* Any bonds which a bank is not authorized to pay pursuant to the provisions of this circular should be forwarded by the owner, or his agent, after certification of the requests for payment, to the Federal Reserve Bank or Branch of the District for redemption. If a bank should undertake to forward such unpaid bonds at the request and in behalf of the person entitled to payment, such bonds must be sent separate and apart from bonds which the bank has paid. Any documentary evidence required to support the redemption should accompany the bond or bonds when forwarded to the Federal Reserve Bank.

§ 321.18 *Functions of Federal Reserve Banks.* The Federal Reserve Banks, as fiscal agents of the United States, are authorized to perform such duties, and prepare and issue such forms and instructions, as may be necessary to the fulfillment of the purpose and requirements of this circular. The Federal Reserve Banks, in their discretion, may utilize any or all of their branches in the performance of these duties.

§ 321.19 *Supplements, amendments, etc.* The Secretary of the Treasury may at any time or from time to time supplement, amend, or withdraw, in whole or in part, the provisions of this circular, or of any amendments or supplements thereto, information as to which will be furnished promptly to the Federal Reserve Banks and to the banks qualified hereunder.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

EXHIBIT A

Form PD 1958 Treasury Department
Fiscal Service, Bureau of the Public Debt

APPLICATION-AGREEMENT

Payments by Incorporated Banks and Trust Companies in connection with the redemption of United States Savings Bonds

Date. _____, 194__.

To the Federal Reserve Bank of _____
As fiscal Agent of the United States

The undersigned, eligible under the provisions of § 321.1 of United States Treasury Department Circular No. 750, hereby applies for qualification to make payments in connection with the redemption of United States Savings Bonds, as provided in the said Circular No. 750, and, upon being so qualified, hereby agrees:

1. To be bound by and to comply with the provisions of Treasury Department Circular No. 750, including all supplements and amendments thereof and instructions as may be issued thereunder.

2. That the Secretary of the Treasury, or the Federal Reserve Bank of _____, by written notice, may, at any time, and without previous demand or notice, terminate the qualification of the undersigned, if such authority is granted pursuant to this application; and that in the event of such termination the undersigned, after receipt of such notice or after the date of termination specified therein, will not thereafter pay any United States Savings Bonds.

It is understood that the undersigned may withdraw from this Agreement at any time upon written notice of such intention to the Federal Reserve Bank of _____.

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be executed under seal by the officer below named, thereunto duly authorized by a resolution of its governing board or committee adopted on the ____ day of _____, 194__.

_____
(Name)

_____
(Address)

By _____
(Signature of Officer)

_____
(Title of Officer)

ACKNOWLEDGMENT

STATE OF _____
County of _____, *ss.*

On this ____ day of _____, 194__, before me appeared _____, to me personally known, who, being by me duly sworn, did say that he is the _____
(Title of Officer)
of the _____ and
(Name of Institution)
that the seal affixed to the above instrument is the corporate seal of said institution, and that the above instrument was signed and sealed in behalf of said institution by authority of its governing board or committee, and said officer acknowledged said instrument to be the free act and deed of said institution.

_____
Notary Public

EXHIBIT B

Form PD 1959 Treasury Department
Fiscal Service, Bureau of the Public Debt

NOTICE OF QUALIFICATION OF AN INCORPORATED BANK OR TRUST COMPANY TO MAKE PAYMENTS IN CONNECTION WITH THE REDEMPTION OF UNITED STATES SAVINGS BONDS

_____, 194__.

To _____
_____
_____

Your Application-Agreement Form PD 1958, dated _____ has been approved as of this date. You are hereby notified that you are qualified to make payments in connection with the redemption of United States Savings Bonds pursuant to the provisions of Treasury Department Circular No. 750, and any supplements or amendments thereof and instructions issued pursuant thereto.

FEDERAL RESERVE BANK OF _____
Fiscal Agent of the United States

By _____

[F. R. Doc. 44-13561; Filed, Sept. 4, 1944; 10:00 a. m.]

[1944 Dept. Circ. 751]

PART 322—REGULATIONS GOVERNING REPLACEMENT OUT OF THE FUND ESTABLISHED BY THE GOVERNMENT LOSSES IN SHIPMENT ACT, AS AMENDED, OF ANY LOSSES RESULTING FROM PAYMENTS MADE IN CONNECTION WITH THE REDEMPTION OF UNITED STATES SAVINGS BONDS

SEPTEMBER 5, 1944.

SUBPART A—REGULATIONS PRESCRIBED

Sec.
322.1 Application of regulations.

SUBPART B—REPORTS OF LOSSES

322.2 Loss to the United States.
322.3 Erroneous payments reported or discovered by Federal Reserve Banks.

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[1] Regulations governing replacement of losses resulting from payments made in connection with the redemption of United States Savings Bonds are set forth in Treasury Department Circular No. 751.

[2] The provisions of section 3 of the Government Losses in Shipment Act, as amended, with respect to the finality of decisions by the Secretary of the Treasury are: "Notwithstanding any provision of law to the contrary, the decision of the Secretary of the Treasury that such loss, destruction, or damage has occurred or that such shipment was made substantially in accordance with such regulations shall be final and conclusive and shall not be subject to review by any other officer of the United States."

Sec.
322.4 Report to Treasury of cases involving erroneous payment.

SUBPART C—FINAL DETERMINATION OF LOSSES

322.5 Reported erroneous payment, general action by Treasury.
322.6 Restitution by paying agents.

SUBPART D—REPLACEMENT OF LOSSES OUT OF THE FUND

322.7 Replacements and recovery in connection with losses.

SUBPART E—INVESTIGATION OF LOSSES

322.8 Use of Secret Service Division.

SUBPART F—SUPPLEMENTS, AMENDMENTS, ETC.

322.9 Supplements, amendments, etc.

AUTHORITY: §§ 322.1 to 322.9, inclusive, issued under R.S. 161 (5 U.S.C. 22) the Second Liberty Bond Act, as amended, and the Public Debt Act of 1941, sec. 3 (55 Stat. 7).

SUBPART A—REGULATIONS PRESCRIBED

§ 322.1 *Application of regulations.* Pursuant to the authority of the Second Liberty Bond Act, as amended, the following regulations are hereby prescribed for the replacement out of the fund established by the Government Losses in Shipment Act, as amended, of any losses to the United States resulting from payments made in connection with the redemption of United States Savings Bonds, and shall apply to losses resulting from payments made (1) by the Treasurer of the United States, (2) by the Federal Reserve Banks and Branches, as fiscal agents of the United States, and (3) by incorporated banks and trust companies qualified pursuant to Treasury Department Circular No. 750, to pay savings bonds.

SUBPART B—REPORTS OF LOSSES

§ 322.2 *Loss to the United States.* A loss to the United States may result from an erroneous (or unauthorized) payment in connection with the redemption of savings bonds.

§ 322.3 *Erroneous payments reported or discovered by Federal Reserve Banks.* If an incorporated bank or trust company, qualified to pay savings bonds, after returns have been made to the Federal Reserve Bank finds an erroneous payment to have been made, immediate report should be made to the Federal Reserve Bank. Any such erroneous payments so reported, and any other erroneous payments found by a Federal Reserve Bank in returns from an incorporated bank or trust company shall, so far as possible, be adjusted between the Federal Reserve Bank and the incorporated bank or trust company concerned.

§ 322.4 *Report to Treasury of cases involving erroneous payments.* Any such erroneous payments which are not adjusted and any other erroneous payments otherwise found after the account of the Treasurer of the United States has been charged shall immediately be reported to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois.

SUBPART C—FINAL DETERMINATION OF LOSSES

§ 322.5 *Reported erroneous payment, general action by Treasury.* Following receipt of the report of an erroneous payment the Treasury Department will appropriately advise the paying agent concerned, unless such action is unnecessary. The Department shall determine whether or not appropriate adjustment may be effected with the persons concerned in the erroneous payment and in this connection will expect the cooperation of the paying agent, if necessary.

(a) If it is determined that no loss to the United States will occur the paying agent will be so advised.

(b) If it is determined that a final loss to the United States has occurred, the paying agent will be given every opportunity to present the full facts relating to the payment for consideration of the Secretary of the Treasury. If the Secretary shall determine that the final loss resulted from no fault or negligence on the part of the paying agent, the paying agent shall be relieved from liability to the United States. If, however, the Secretary of the Treasury finds fault or negligence on the part of the paying agent, notice to that effect will be given such paying agent who will make prompt restitution.

§ 322.6 *Restitution by paying agents.* In no case will the Treasurer of the United States, a Federal Reserve Bank or Branch, or the banking institution which made the erroneous payment be called upon to make restitution unless and until it is determined that a final loss has been incurred as a result of an erroneous payment due to the fault or negligence of such paying agent.

SUBPART D—REPACEMENT OF LOSSES OUT OF THE FUND

§ 322.7 *Replacement and recovery in connection with losses.* When it is established to the satisfaction of the Secretary of the Treasury that a loss has resulted from a payment made in connection with the redemption of a United States Savings Bond, the loss shall be subject to immediate replacement out of the fund established by the Government Losses in Shipment Act, as amended. Any recovery or repayment on account of any such loss as to which replacement shall have been made out of the fund shall be credited to the fund.

SUBPART E—INVESTIGATION OF LOSSES

§ 322.8 *Use of Secret Service Division.* The Treasury Department, and, in appropriate cases, Federal Reserve Banks, as fiscal agents of the United States, may request the Secret Service to investigate losses and assist in the recovery of improper payments. The Treasurer of the United States, the Federal Reserve Banks, and qualified banking institutions should cooperate with the Secret Service to the fullest extent in facilitating investigations and making recoveries.

SUBPART F—SUPPLEMENTS, AMENDMENTS, ETC.

§ 322.9 *Supplements, amendments, etc.* The Secretary of the Treasury may at any time or from time to time supplement, amend, or withdraw, in whole or in part, the provisions of this circular, or of any amendments or supplements thereto, information as to which will be furnished promptly to the Federal Reserve Banks and to banking institutions qualified to make payments of savings bonds under the provisions of Treasury Department Circular No. 750.

[SEAL] H. MORGENTHAU, Jr.
Secretary of the Treasury.

[F. R. Doc. 44-13562; Filed, Sept. 4, 1944; 9:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 260]

REPORT, OCCUPATIONAL DEFERMENT OF FEDERAL GOVERNMENT EMPLOYEES

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Addition of a new form designated as DSS Form 38A[1], entitled "Report, Occupational Deferment of Federal Government Employees."

The foregoing addition shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 26, 1944.

[F. R. Doc. 44-13489; Filed, Sept. 2, 1944; 2:54 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3686, 3636; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-603]

L. B. NAUSS & SONS, INC.

L. B. Nauss & Sons, Inc., of Railroad Avenue, Gloucester, Massachusetts, is engaged in the business of selling at retail

[1] Filed with the Division of the Federal Register.

lumber and other building supplies. Between about November 19, 1943, and February 11, 1944, it sold Number 2 Douglas Fir to certain of its customers on unrated orders in violation of Conservation Order M-208. During approximately the same period of time, it also applied unauthorized ratings to orders for lumber and other materials in violation of Priorities Regulation 3. The responsible officers of L. B. Nauss & Sons, Inc., were aware of Conservation Order M-208 and Priorities Regulation 3 and the violations were the result of gross negligence.

These violations of Conservation Order M-208 and Priorities Regulation 3 have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.608 *Suspension Order No. S-608.* (a) L. B. Nauss & Sons, Inc., its successors or assigns, shall not receive any lumber as defined in or governed by Order L-335 (as amended from time to time) except by the extension of certified orders received from its customers or other distributors, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve L. B. Nauss & Sons, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on September 1, 1944, and shall expire on December 31, 1944.

Issued this 30th day of August 1944.

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

[F. R. Doc. 44-13434; Filed, Sept. 1, 1944; 4:18 p. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335 Direction 15]

DELIVERY OF FLITCHES

The following direction is issued pursuant to Order L-335:

(a) *Definition.* For the purpose of this direction a flitch is any segment of a log which has been produced so that it can be converted into veneer.

(b) *Delivery of flitches to veneer manufacturers.* Any person may deliver flitches to a veneer manufacturer and any veneer manufacturer may receive flitches without regard to the provisions of Order L-335. The veneer manufacturer in determining whether he is a Class I Consumer does not include flitches in his requirements for lumber. Flitches that a veneer manufacturer receives under the provisions of this direction may not be used for any purpose other than producing veneer.

Issued this 2d day of September 1944.

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

[F. R. Doc. 44-13449; Filed, Sept. 2, 1944; 11:15 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 16]

FARMER'S RECEIPT OF LUMBER PRODUCED FROM HIS OWN TREES

The following direction is issued pursuant to Order L-335:

(a) *Definition.* For the purpose of this direction "farmer" means a person who engages in farming as a business, by raising crops, livestock, bees, or poultry. It does not include a person who has just a "victory garden" or a person who raises food or other agricultural products entirely for his own use.

(b) *Farmer's receipts of lumber cut from his own trees.* Any farmer who cuts trees on his own farm may have them sawed into lumber by a sawmill and may receive up to 5,000 board feet of lumber sawed from such trees in a calendar year without giving the sawmill a certificate or rating as required by Order L-335. This direction will be authority for the sawmill to deliver back to the farmer this amount of lumber without requiring a certificate or a rating. If a farmer wishes to receive more than 5,000 board feet of lumber which has been cut from his own trees he may do so only by providing the sawmill with a certificate which he has obtained from his County Agricultural Conservation Committee or any other certificate he is authorized to use, or by extending a certificate that he has received from another lumber consumer. Certificates that the farmer receives from another lumber consumer may be extended in the same way that a distributor extends certificates that he receives from his customers. This is explained in paragraph (o) (1) of Order L-335.

Issued this 2d day of September 1944.

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

[F. R. Doc. 44-13450; Filed, Sept. 2, 1944; 11:15 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[General Limitation Order L-215, as Amended Sept. 2, 1944]

TEXTILES, CLOTHING AND LEATHER MACHINERY

Section 3290.150 *General Limitation Order L-215* is hereby amended to read as follows:

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

§ 3290.150 *General Limitation Order L-215*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(b) *Assignment and use of ratings to obtain textile, clothing and leather machinery.* Any person (including Government Agencies) applying for a rating to obtain any machinery on List A shall use Form WPB-1319, or in cases involving construction, Form WPB-617.

It will be the policy of the War Production Board not to assign any ratings except for military and extremely urgent civilian purposes.

No person shall use any preference ratings to obtain deliveries of items on List A except those assigned on Form WPB-1319 or WPB-617.

Before filing WPB-1319, applicants should consult the current instructions booklet relating to this form.

(c) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, purchases, production and sales.

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

Issued this 2d day of September 1944.

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

LIST A

Leather working machinery:
- Tanning machinery.
- Shoe manufacturing machinery.
- Shoe repairing machinery.
- Other leather working machinery.

Textile machinery and equipment (machinery and mechanical equipment used in mills for carding, combing, spinning, throwing, weaving, winding, knitting, printing, bleaching, dyeing and otherwise processing or finishing cotton, wool, silk, flax, hemp, jute and other fibers and products of these fibers).

Industrial sewing machines.

Cotton ginning and delinting machinery.

[F. R. Doc. 44-13452; Filed, Sept. 2, 1944; 11:15 a. m.]

PART 3290 [1]—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-22, Direction 1]

RAW SILK FOR SEWING THREAD AND FISH LINES

The following direction is issued pursuant to General Preference Order M-22:

1. Manufacturers of silk sewing thread may apply for allocations of raw silk to be used for the manufacture of silk sewing thread during the 3rd and 4th calendar quarters of 1944. Applications by letter must be filed with the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., not later than September 8, 1944. Applications will be granted pro rata based

[1] Formerly Part 963.

on the amount of raw silk consumed in the production of silk sewing thread by each applicant in the 6 months ending June 30, 1941.

2. Manufacturers of silk fish lines may apply for allocations of raw silk to be used for the manufacture of silk fish lines during the 4th calendar quarter of 1944. Applications by letter must be filed with the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., not later than September 11, 1944. Applications will be granted pro rata based on the amount of raw silk consumed in the production of silk fish lines by each applicant in the 6 months ending June 30, 1941.

Issued this 2d day of September 1944.

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

[F. R. Doc. 44-13451; Filed, Sept. 2, 1944; 11:15 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 44]

SYNTHETIC ORGANIC DETERGENTS

§ 3293.1044 *Schedule 44 to General Allocation Order M-300*—(a) *Definitions.* (1) "Critical synthetic organic detergents" means those alkyl aryl sulfonates, alkyl amide sulfuric esters and polyglycol fatty acid esters known by the following trade names: Nacconol NRSF; Nacconol HG; Nacconol NRG; Nacconol NR; Santomerse No. 1; Santomerse No. 55; Santomerse No. 3; M. P. 189; M. P. 189 SX; M. P. 646; Ultrawet A; Ultrawet 40A; Ultrawet 60A; Igepon T; Igepon T. D.; Synthetic Detergent 92; Neutronyx 33.

(2) "Special military order" means any purchase order for the items indicated below placed by the indicated service units, or placed by any person for critical synthetic organic detergents required for the manufacture of the items listed below for sale directly to the indicated service units:

1. Army All-Purpose Soap (Specification O. Q. M. G.-100A) for Jersey City Q. M. Depot.
2. Navy Salt Water Soap (Specification 51D7, 51S46 or 51S47) for Navy Bureau of Supplies and Accounts.
3. Mobile Laundry Detergent for Jersey City Q. M. Depot or for Marine Corps Q. M.
4. Germicidal Rinse for Jersey City Q. M. Depot.

(3) "Regular order" means any purchase order which is not a "special military order."

(b) *General provisions.* Critical synthetic organic detergents are subject to the provisions of General Allocation Order M-300 as Appendix B materials. The initial allocation date is October 1, 1944. The allocation period is the calendar month. The small order exemption without use certificate is 100 pounds in the aggregate of all kinds of synthetic organic detergents per person per month.

(c) *Deliveries against "special military orders."* Beginning October 1, 1944, each supplier shall make deliveries of critical synthetic organic detergents during any month against "special military orders" only to the extent authorized or directed by the War Production Board, without regard to preference ratings.

(d) *Deliveries against "regular orders".* Beginning October 1, 1944, each supplier shall make deliveries of critical synthetic organic detergents against "regular orders" during any month in accordance with applicable preference ratings, subject to the following conditions:

(1) No deliveries against "regular orders" shall be made if such deliveries will prevent fulfilling all deliveries against "special military orders" which have been specifically authorized by the War Production Board.

(2) The aggregate quantity of critical synthetic organic detergents delivered against "regular orders" during any month shall not exceed the quantity specifically authorized for each category by the War Production Board.

(e) *Suppliers' applications on WPB-2947.* Each supplier seeking authorization to use or deliver critical synthetic organic detergents shall file application on Form WPB-2947 (formerly PD-602). Filing date is the 20th day of the month before the proposed allocation month. A separate set of forms shall be filed for each critical synthetic organic detergent for which authorization to use or deliver is required. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-44. In grade space specify the trade name of the particular detergent. The unit of measure is pounds. In Table I, first, in Column 1 list names of customers placing "special military orders" and specify in Column 1a contract numbers and in Column 4 the quantity ordered for delivery in the next month. Second, list in Column 1 the names of all suppliers who have specified resale in their certificates, in Column 1a specify whether the resale is to be authorized or is to be in exempt 100-pound lots, and in Column 4 specify the requested quantities. Third, specify in Column 1 "regular orders", without specifying customers' names, specify the end use categories separately in Column 1a, and in Column 4 specify the aggregate quantity for each category of use. Fourth, specify in Column 1 "100 lb. exempt orders", without listing customers' names, leave Column 1a blank, and specify the aggregate quantity in Column 4. Fill in the other columns as indicated.

If the applicant supplier is seeking authority to use any part of his own production or stock, he shall apply as if the consuming part of his organization had filed a purchase order and use certificate with the production or distribution part of his organization (the actual filing of such order and certificate is not necessary).

In Table II each producer of critical synthetic organic detergents shall fill in Columns 8 through 16 as indicated. Distributors who purchase for resale shall fill in Columns 8, 10, 12 and 13 and leave the other columns of this table blank. In Columns 10 and 13, suppliers shall enter only those stocks not authorized for use or delivery on the dates specified.

(f) *Statements of use with purchase orders.* Each person placing purchase orders for more than 100 lbs. of critical synthetic organic detergents per month from all suppliers shall furnish each of his suppliers with a certified statement of proposed use, in the form prescribed in Appendix D of Order M-300. Specify proposed use as follows:

(1) For "special military orders" placed by consumers, state "Special Military Order, Contract _____" (specify each military contract number).

(2) For "regular orders" placed by consumers, state "For _____" and specify proposed product as follows:

Rubber.	Insecticides.
Textiles.	Soap.
Dye stuffs.	Germicides.
Leather.	Dairy cleaners.
Metal.	Other (specify).
Pulp and paper.	

(3) For orders placed by suppliers for detergents for resale without further processing or admixture, state "For resale on further authorization", or "For resale in lots of 100 lbs. or less per customer per month."

(g) *Special directions with respect to other synthetic organic detergents.* The War Production Board may from time to time issue special directives with respect to production, use and delivery, by the producer, of any synthetic organic detergent which is not listed in paragraph (a) (1) above, but is similar to any critical synthetic organic detergent listed in that paragraph. The test of similarity is whether the synthetic organic detergent in question is capable of filling "special military orders" as defined in paragraph (a) (2).

(h) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-44.

Issued this 2d day of September 1944.

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

[F. R. Doc. 44-13453; Filed, Sept. 2, 1944; 11:15 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L-39, as Amended Sept. 2, 1944]

FIRE PROTECTIVE, SIGNAL AND ALARM EQUIPMENT

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of materials entering into the production of fire protective, signal and alarm equipment, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.1 *General Limitation Order L-39*—(a) *Definitions.* For the purpose of this order:

(1) "Fire protective equipment" means: sprinkler systems, couplings, playpipes and allied fittings, fire hose, fire hydrants, fire pumps, hose dryers, hose racks, indicator posts, lightning protection systems, piped extinguishing systems, portable fire extinguishers including back pack types, foam generators, stirrup pumps, water spray nozzles, and all other fire protective equipment for preventing or extinguishing fires, excepting self-propelled motorized fire apparatus and auxiliary units including trailer, skid, front mounted and portable apparatus.

(2) "Signal and alarm equipment" means the following types of equipment:

(i) All types of signal or alarm systems or equipment designed for protective purposes, such as: fire, police and burglar alarm systems, watchmen's time recording systems, intrusion systems, and boundary protection systems, whether such systems are central station, proprietary, auxiliary or local; recording locks; and portable watch clocks.

(ii) All types of paging and call systems (other than intercommunicating systems), such as doctor and nurse call systems and factory paging systems.

The term does not include air raid warning devices.

(3) "Dry-pendant sprinkler head" means a sprinkler head for use in a pendant position on a dry pipe system and permanently attached to an extension nipple so as to exclude water from the nipple.

(4) "Incendiary bomb control equipment" means any pump, device, instrument, or material designed for the removal, control or extinguishment of incendiary bombs.

(5) "Stirrup pump" means a manually operated pump used to draw water or other liquid from a separate container to extinguish or control fires.

(6) "Air raid warning device" means any siren, whistle, horn, diaphone, signal or device used or intended for use to warn or signal civilians in connection with air raids or other war hazards.

(7) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 percent of the weight of all metal in the alloy.

(b) *General restrictions*—(1) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) of this order, no person shall incorporate in any fire protective, signal or alarm equipment, air raid warning device, or parts thereof, any bismuth, cadmium, chromium, copper, monel metal, nickel, tin, or alloy of any such metals, asbestos, rubber or synthetic rubber, except to the extent permitted in Appendix A hereof.

(2) [Deleted July 13, 1944]

(3) *Restrictions on foam extinguishers.* No person shall purchase or accept delivery of any foam extinguisher except for use in the protection of inflammable liquids, and no person shall sell or deliver any foam extinguisher which he knows or has reason to believe will be used in violation of this paragraph (b) (3).

(4) *Restrictions on manufacture of alkali metal (loaded stream) extinguishers.* No person shall in any quarter complete the manufacture of any type of alkali metal salt solution (loaded stream) extinguishers in excess of 25 percent of the total of such type (irrespective of size) manufactured by such person during the twelve month period ending November 30, 1941, except to fill purchase orders or contracts from any agency or government listed in subdivisions (i), (ii), and (iii) of this paragraph (b) (4). In determining the number of extinguishers manufactured during said twelve month base period ending November 30, 1941, extinguishers manufactured to fill contracts or purchase orders from, or for delivery to any of the following shall be excluded:

(i) The Army or Navy of the United States, United States Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The Government of any of the following countries: the United Kingdom, Canada, and other dominions, Crown Colonies and protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(iii) Any agency of the United States Government for delivery to or for the account of any country listed above or any other country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(5) *Restrictions on manufacture of stirrup pumps.* No person shall manufacture any stirrup pump, or part thereof, except to fill purchase orders from the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration, Defense Supplies Corporation, or from any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) *Restriction on manufacture of soda-acid fire extinguishers.* No person shall manufacture any soda-acid fire extinguisher.

(7) *Restrictions on sale and delivery of signal and alarm equipment and air raid warning devices.* (i) No person shall sell, deliver or install any signal and alarm equipment costing $200 or more or any air raid warning device costing $25 or more except to fill the following kinds of orders:

(*a*) Orders from or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration;

(*b*) Orders for equipment (signal and alarm equipment and air raid warning devices) the delivery of which has been specifically authorized by the War Production Board on Form WPB-1319. (Any person receiving specific authorization on Form WPB-1319 must notify his supplier by placing on his purchase order the following certification, in addition to the certification in Priorities Regulation 7: "Delivery approved on Form WPB-1319, case no. —, under Order L-39". The supplier may get delivery of the equipment from his supplier to fill the order, if necessary, by placing the same certification on his order.)

(*c*) Orders for equipment the delivery of which has been specifically authorized on Form GA-1456.[1] (A person receiving an authorization for this equipment on Form GA-1456 must notify his supplier by placing on his purchase order the following certification, in addition to the certification in Priorities Regulation 7: "Delivery approved on Form GA-1456 under Direction 1 to CMP Regulation 6". The supplier may get delivery of the equipment from his supplier to fill the order, if necessary, by placing the same certification on his order.)

Cost is determined under this paragraph by taking the installed cost to the purchaser. If the equipment is leased rather than sold, cost is determined by taking the price which would be charged to the building owner if the equipment were installed and sold outright.

(ii) [Revoked Feb. 16, 1944]

(iii) In conjunction with the granting of specific authorization to receive signal or alarm equipment or air raid warning devices on Form WPB-1319, the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

(8) *Restriction on the manufacture of signal or alarm equipment.* Except upon specific authorization by the War Production Board, no person shall manufacture, install, deliver or accept delivery of any smoke, fire, or intrusion detector employing photo-electric principles, except to fill purchase orders from a purchaser listed in paragraph (b) (4) of this order and unless such item is for use on board ship.

(9) *Restrictions on the manufacture of air raid warning devices.* No person shall manufacture, sell, purchase, deliver, install or accept delivery of any air raid warning device which requires for its operation a motor in excess of three (3) horse power.

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[1] Authorization on Form GA-1456 is issued for approved construction projects upon application on Form WPB-617, and persons needing signal and alarm equipment or air raid warning devices for use in a project should ask for the equipment on their project application. However, when a person wishes only to get this equipment for installation in an existing structure and no other construction is involved, he should follow these rules:

1. If the cost of installation materials is not more than $500, the application should be filed on Form WPB-1319.

2. If the cost of installation materials is more than $500, the application should be filed on Form WPB-617.

"Installation materials" include such items as wire, tubing and conduit used to install the equipment in the structure, but of course the equipment itself is not included.

(10) *Restrictions on sale and delivery of cotton rubber-lined fire hose.* No person shall sell or deliver any new cotton rubber-lined fire hose except to fill the following kinds of orders:

(i) Orders bearing a preference rating of AA-5 or higher;

(ii) Orders which had been placed prior to August 23, 1943, and which bear a preference rating of A-9 or higher; or

(iii) Orders from distributors. (Distributors may sell or deliver only to persons to whom sale or delivery is authorized to be made by this paragraph (b) (10).)

No person shall purchase or accept delivery of any cotton rubber-lined fire hose if he knows or has reason to believe that the sale or delivery of such hose is prohibited by this paragraph.

(11) *Restrictions on manufacture of incendiary bomb control equipment.* Effective thirty days after January 20, 1943, no person shall manufacture any incendiary bomb control equipment, except when and to the extent authorized by the War Production Board, or to the extent permitted by paragraph (b) (5) of this order.

(c) *Exceptions to paragraph (b) (1).* The restrictions of paragraph (b) (1) shall not apply to:

(1) Brass fire hose couplings, provided that such couplings are delivered to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, and are for use on board ship; or

(ii) Any person whose purchase order bears a rating which was assigned for the specific couplings on Form WPB-646 (formerly Form PD-300); or

(iii) The Panama Canal; or

(iv) Any person for use on board ships warranted by the United States Maritime Commission.

(2) Carbon dioxide extinguishers manufactured in accordance with specifications of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(d) *Representations on orders from government agencies.* Any purchase order or contract from any agency or government named in subparagraphs (i), (ii), or (iii) of paragraph (b) (4) of this order shall constitute a representation that the conditions exist under which such purchase order or contract may be filled within the terms of this order. Said representation may be relied upon by the person with whom the purchase order or contract is placed and by his subcontractors and suppliers.

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

(f) *Exceptions and appeals*—(1) *Production under Priorities Regulation 25.* Any person who wants to manufacture more fire protective, signal and alarm equipment than is permitted under paragraphs (b) (4), (b) (5), (b) (8) and (b) (11) (including a person who cannot manufacture such equipment under this order), or who wants to manufacture any soda-acid fire extinguishers prohibited by paragraph (b) (6), or any air raid warning devices requiring a motor in excess of three horsepower (prohibited by paragraph (b) (9)), may apply for permission to do so as explained in Priorities Regulation 25. A person may still apply for authorization under paragraphs (b) (8) for signal or alarm equipment and (b) (11) for incendiary bomb control equipment, if he desires. The restrictions on delivery contained in paragraphs (b) (3), (b) (7) and (b) (10) and the restrictions on use of material in paragraph (b) (1) continue to apply to fire protective, signal and alarm equipment authorized under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than the restrictions of paragraphs (b) (4), (b) (5), (b) (6), (b) (8), (b) (9) and (b) (11) shall be made by filing a letter in triplicate with the War Production Board, Washington 25, D. C., Ref: L-39, referring to the particular provision appealed from and stating fully the grounds of the appeal. No appeal should be filed from the provisions of the above paragraphs.

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

(h) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-39.

Issued this 2d day of September 1944.

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

APPENDIX A

In accordance with the provisions of paragraph (b) (1) of this order, the materials named in this Appendix A may be incorporated in the manufacture of fire protective equipment signal or alarm equipment, and air-raid warning devices, and in component parts thereof, to the extent indicated in this Appendix A:

(1) [Deleted Sept. 2, 1944.]

(2) Bismuth:

(i) As a component of fusible link alloy;

(ii) Up to five and one-half (5½) per cent in solder.

(3) Cadmium, only to the extent permitted by General Preference Order M-65 or by any relief granted on an appeal taken under that order.

(4) Chromium, in alloy steel for any part;[2] and in plating to the extent essential to the efficient functioning of the parts plated.

(5) Copper or copper base alloys (where copper base alloys are permitted, the alloys used shall be of the lowest type and grade that are practical for the particular application) in:

(i) Pumps for vaporizing liquid extinguishers;

(ii) Lock nuts on removable hose connections;

(iii) Bodies, ends, inner chambers, valves and their component parts for vaporizing liquid and loaded stream extinguishers;

(iv) Either collars or caps (but not both) on any 2½-gallon foam extinguisher; and in any part of 2½-gallon foam extinguishers which are produced to fill orders from or for the account of the Army or Navy of the United States, the Coast Guard, the United States Maritime Commission or the War Shipping Administration, when the extinguishers are for shipboard use and when the use of copper or copper base alloy is required by the specifications (including performance specifications) applicable to the order;

(v) Fittings, strainers, syphon tubes and valves for carbon dioxide and gas operated dry powder extinguishers;

(vi) Any part of couplings for suction hose, linen hose, chemical hose, booster hose, and potable water purification plants, but in no case shall the alloy used for castings contain more than 74 per cent copper and 2 per cent tin;

(vii) The following parts of couplings for cotton rubber-lined fire hose: Any part for any type of coupling in sizes other than 1½" and 2½"; snap clamps, clamp pins, and wire springs for "Jones" type couplings in 1½" and 2½" sizes; latch assemblies for "British" type couplings in 1½" and 2½" sizes; swivels and wires for screw type couplings in 1½" and 2½" sizes; but in no case shall the alloy used for castings contain more than 74 per cent copper and 2 per cent tin;

(viii) Expansion rings for any kind of hose;

(ix) Hose and hydrant adapters;

(x) Any part of siamese connections, wyes and steamer connections; and any part of fittings for hose reels and standpipe connections; but in no case shall the alloy used for castings contain more than 74 per cent copper and 2 per cent tin;

(xi) Playpipes made only from drawn, brazed sheet or cast brass;

(xii) Nozzles, and nozzle tips, except tips and handles for portable deluge nozzles; but in no case shall the alloy used in castings contain more than 74 per cent copper and 2 per cent tin.

(xiii) The following hydrant fittings to the extent essential to their efficient functioning: valve seats, discs, guides, operating valve stems, stuffing boxes, bushings, rivets, retainer rings, and outlet nipples;

(xiv) The following indicator post and valve fittings to the extent essential to their efficient functioning: Valve stems; seats; discs; packing glands; glands of bonnet openings; extension stem operating washer, nut and target mechanism;

(xv) Parts of portable generators, engines and fixed piped systems to the extent essential to their efficient functioning (The parts

[2] The War Production Board is at present restricting the types and grades of alloy steel, other than National Emergency Triple Alloy Steel (nickel-chromium-molybdenum), that may be produced for particular end uses. If a manufacturer desires to have alloy steel of a restricted type or grade produced for him, the matter should be discussed with the Steel Division of the War Production Board, Washington 25, D. C.

referred to herein include generator bodies except bases, shut-off valves except handles, screens, check valves, inner chambers, heads, stopples, closing and other operating mechanisms.);

(xvi) Valve seats, discs, stems, guides, and clapper arms;

(xvii) The following parts of automatic sprinkler systems and signal or alarm equipment: Actuating, indicating, and recording units of alarm or signal systems; condenser parts; contacts; diaphragm assemblies; labels of inspection laboratories; links; tubing and fittings; valves not over 2 inches; wire and cables; impellers and rings for fire pumps and for water flow alarms; deflectors on any sprinkler heads if made of casting, but the alloy shall not contain more than 74 per cent copper and 2 per cent tin; all other parts of open and closed sprinkler heads, but the alloy for frames for closed heads shall not contain more than 86 per cent copper and 6 per cent tin, the alloy for frames for open heads shall not contain more than 74 per cent copper and 2 per cent tin, and the alloy for lever arms shall contain no tin and not more than 74 per cent copper.

(xviii) Impellers, retaining rings and bushings for fire pumps;

(xix) Watchmen's time recording systems where required for efficient functioning;

(xx) The following parts of air raid warning devices: motors up to three horse power, actuating units, wire and cable, control and reducer valves only to the extent necessary to the efficient functioning thereof.

(xxi) Name and identification plates of a gauge of .03125 inch or less for fire extinguishers which are to be used in aircraft or on board ship.

(6) [Revoked.]

(7) [Deleted May 1, 1944.]

(8) Nickel, in signal or alarm systems as a component of bi-metal thermal discs for thermostats, as plating for protection against corrosion where magnetic properties of nickel are essential, as a component of wire wound resisters, as a component of thermocouple wire and as a component of permanent magnets; in signal or alarm systems for plating component parts of control mechanisms essential to the efficient functioning of the system, where less critical material as a substitute would not be suitable; and in alloy steel for any part.[2]

(9) Tin:

(i) As a component of fusible link alloy; and in dry pipe valve seat rings, but not to exceed fifty per cent in weight;

(ii) In copper base alloys the use of which is permitted by paragraph (5) hereof, but only where no tin-free alloy can be used, and only to the extent permitted by General Preference Order M-43;

(iii) Up to ten per cent by weight in metal for coating steel shells for vaporizing liquid extinguishers;

(iv) In solder, provided that the tin content does not exceed that permitted by General Preference Order M-43;

(v) As a component of foil for use in anti-intrusion and anti-sabotage systems, to the extent essential to the efficient functioning of the equipment, provided that the use of tin for this purpose is properly authorized under General Preference Order M-43.

(10a) [Deleted May 1, 1944.]

(10b) [Deleted May 1, 1944]

(11) Monel metal:

(i) In balls for check valves in dry pipe valves, accelerating equipment, and water flow alarms for automatic sprinkler systems;

(ii) In helical springs for fire detecting thermostats;

(iii) In vanes and pressure type flexible joints for water flow alarm devices.

(iv) In screens in marine type strainers and nozzles to fill orders from or for the account of the United States Navy when required by the applicable specifications.

(12) [Deleted May 1, 1944]

(13) Asbestos:

(i) In gaskets for hydrants, fixed or portable foam applicator pipes, and alarm systems.

(ii) As packing for vaporizing liquid extinguishers.

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

[F. R. Doc. 44-13454; Filed, Sept. 2, 1944; 11:15 a. m.]

[2] See footnote on p. 10853.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-604]

ATLAS MANUFACTURING CO.

D. L. King, T. J. Morris and R. A. Beaux, are partners doing business as the Atlas Manufacturing Company at Rogers, Arkansas, and are engaged in the manufacturing of poultry feeders and poultry waterers. During the period from October 8, 1943 to March 1, 1944, they manufactured and sold at least 16,289 poultry feeders and poultry waterers of the aggregate value of $17,226.60. During this period, by the terms of General Limitation Order L-257, their manufacture of these items was limited to an amount not exceeding the value of $2500, for the reason that they had not been engaged in such manufacture during the years 1940 or 1941. The manufacture of $14,726.60 aggregate value of poultry feeders and poultry waterers in excess of this permitted amount was a violation of General Limitation Order L-257. During the period from November 1, 1943, to March 1, 1944, the respondents placed orders for, and obtained delivery of 71,088 pounds of galvanized steel sheets certifying that this material was required for maintenance, repair and operating supplies, when, in fact, it was used for production purposes, in violation of CMP Regulation No. 5 and Priorities Regulation No. 3. The respondents were familiar with General Limitation Order L-257, and their actions constituted wilful violations of that Order. Respondents' violations of CMP Regulation No. 5 and Priorities Regulation No. 3 resulted from their gross negligence.

These violations have hampered and impeded the war effort of the United States by diverting critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.604 *Suspension Order No. S-604.* (a) D. L. King, T. J. Morris and R. A. Beaux, doing business as Atlas Manufacturing Company or otherwise, their and its successors or assigns, shall not manufacture, fabricate, process or machine any sheet metal poultry feeders as specified in General Limitation Order L-257.

(b) Deliveries of material to D. L. King, T. J. Morris and R. A. Beaux, individually or doing business as Atlas Manufacturing Company, or under any other name, their or its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) No allocations, including allotments, shall be made to D. L. King, T. J. Morris, and R. A. Beaux, doing business as Atlas Manufacturing Company, or otherwise, their and its successors or assigns, of any materials or products, the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve D. L. King, T. J. Morris and R. A. Beaux, individually or doing business as Atlas Manufacturing Company, or otherwise, their or its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on September 2, 1944, and shall expire on January 2, 1945.

Issued this 23d day of August 1944.

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

[F. R. Doc. 44-13503; Filed, Sept. 2, 1944; 4:17 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-605]

ROGERS PLUMBING CO.

J. M. Henderson of Rogers, Arkansas, doing business as Rogers Plumbing Company, is engaged in the manufacture of poultry feeders and waterers. On or about July 24, 1943, respondent filed Form PD-629 in which he falsely represented to the War Production Board that he had manufactured 16,000 poultry feeders in 1940 and 1941, when, in fact, he was not engaged in manufacturing such items of any farm machinery or equipment in either of the years 1940 or 1941. These misstatements subjected J. M. Henderson to administrative action under the provisions of General Limitation Order L-257 and Priorities Regulation No. 1. On the basis of these false representations, respondent obtained substantial allotments of controlled materials in the third and fourth quarters of 1943, and purchased controlled materials during such quarters greatly in excess of the allotments obtained by his prior false representations, in violation of CMP Regulation No. 1. During the period from May 1, 1943, to August 17, 1943, respondent placed orders for, and obtained delivery of 10,370 lbs. of galvanized sheet steel, certifying that this steel was required for maintenance, repair and

operating supplies. Such steel was not used by him for essential maintenance and repair operations, but was, in fact, used for production purposes, in violation of CMP Regulation No. 5. The respondent was familiar with the provisions of CMP Regulation No. 1 and CMP Regulation No. 5, and his actions constituted wilful violations of these regulations.

These violations have hampered and impeded the war effort of the United States by diverting critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.605 *Suspension Order No. S-605.* (a) J. M. Henderson, doing business as Rogers Plumbing Company or otherwise, his and its successors or assigns, shall not manufacture, fabricate, process or machine any sheet metal poultry feeders as specified in General Limitation Order L-257.

(b) Deliveries of material to J. M. Henderson, doing business as Rogers Plumbing Company or otherwise, his and its successors or assigns, for use in the manufacture, fabrication, processing or machining of sheet metal poultry feeders or poultry waterers as specified in General Limitation Order L-257, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) No allocations, including allotments, shall be made to J. M. Henderson, doing business as Rogers Plumbing Company or otherwise, his and its successors or assigns, of any materials or products for use in the manufacture, fabrication, processing or machining of sheet metal poultry feeders or poultry waterers as specified in General Limitation Order L-257, the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve J. M. Henderson, doing business as Rogers Plumbing Company or otherwise, his and its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on September 2, 1944, and shall expire on January 2, 1945.

Issued this 23d day of August 1944.

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

[F. R. Doc. 44-13504; Filed, Sept. 2, 1944; 4:17 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-63, Revocation]

ILLINOIS PURE ALUMINUM CO.

Suspension Order No. S-63 was issued against the Illinois Pure Aluminum Company, Lamont, Illinois, a manufacturer of aluminum kitchen utensils, effective July 2, 1942. An appeal was filed with the Chief Compliance Commissioner on June 25, 1943. The case was reviewed by the Chief Compliance Commissioner, as a result of which on July 31, 1943 the appeal was dismissed. The Chief Compliance Commissioner has further reviewed the matter in the light of changed conditions affecting aluminum and the issue of General Limitation Order L-30-e on August 15, 1944. As a result of this review he has directed that Suspension Order No. S-63 be revoked forthwith. In view of the foregoing:

It is hereby ordered, That: § 1010.63 *Suspension Order No. S-63* be revoked.

Issued this 2d day of September 1944.

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

[F. R. Doc. 44-13502; Filed, Sept. 2, 1944; 4:17 p. m.]

PART 933—COPPER

[Copper Order M-9, as Amended Sept. 4, 1944]

§ 933.1 *Copper Order M-9*—(a) *Purpose.* The primary purpose of this order is to govern the acceptance of delivery (whether on purchase, toll agreement or otherwise) of specified types of copper and copper-base alloy materials (other than controlled materials), and copper-clad and copper-base alloy-clad steel scrap, all of which for convenience are called copper raw materials throughout this order. The production, delivery and acceptance of controlled materials are governed by applicable CMP and priorities regulations.

(b) *Acceptance of delivery of copper raw materials.* Except as specifically authorized in writing by the War Production Board, no person shall accept a delivery of any copper raw material other than those shown opposite his class in column B of the following table:

NOTE: Column D amended Sept. 4, 1944.

Class of person (A)	Copper raw materials: Acceptance of delivery authorized by this order without application to the War Production Board. (B)	Report form used to apply for specific WPB authorization to accept delivery of copper raw materials other than those shown in Column B. (C)	Other WPB report forms regarding copper raw materials and copper controlled materials. (D)
Refiner—Any person who produces refined copper. This includes any person who converts copper-clad or copper-base alloy-clad steel scrap into refined copper or other usable forms of copper.	Other unalloyed copper scrap. Other copper-base alloy scrap. Copper precipitate.	WPB-2009	WPB-2212.
Scrap Dealer—Any person regularly engaged in the business of buying and selling scrap but who does not melt such scrap.	Other unalloyed copper scrap. Other copper-base alloy scrap. Brass mill scrap.	None	WPB-202 or WPB-2002.
Jobber Dealer—Any person who receives physical delivery of refined copper, copper-base alloy ingot or copper or copper-base alloy shot and sells or holds the same for sale without change in form.	None	WPB-2010	None.
Brass Mill—Any person who produces brass mill products, brass mill castings or intermediate shapes.	Brass mill scrap. Fired cartridge and artillery cases (from Government plants only).	WPB-3112. WPB-2004	WPB-2003. WPB-2007.
Copper Wire Mill—Any person who produces copper wire mill products or intermediate shapes.	None	WPB-2003	WPB-2005.
Brass and Bronze Foundry—Any person who produces foundry copper or copper-base alloy products.	(3)	WPB-2005	WPB-2006.
Ingot Maker—Any person who produces copper-base alloy ingot for delivery as such.	(3)	WPB-2009	WPB-2109.
Miscellaneous Producer—Any person not falling in one of the classes described above, who requires copper raw materials in his regular production operation. Examples: Chemical plants, iron foundries, aluminum foundries, electrotypers, etc.	None	WPB-2010	None.
Scrap Generator—Any person, other than a scrap dealer, who in his normal operations generates or accumulates scrap or copper-clad or copper-base alloy-clad steel scrap but who is not in the business of producing copper raw materials or copper controlled materials.	None	None	WPB-452 or WPB-2015.

[1] Refiners requiring copper-clad or copper-base alloy-clad steel scrap should apply by supplementary letter setting forth the copper raw material involved, the amount required, and other pertinent data such as inventory, receipts, production, consumption and shipments, on the basis of which authorization to accept delivery is requested.
[2] Footnote 2 deleted Sept. 4, 1944.
[3] Foundries and ingot makers may exchange copper-base alloy ingot on an equivalent copper content basis without charging such deliveries against their authorizations.

(c) *Restriction on disposal of scrap and copper-clad and copper-base alloy-clad steel scrap.* (1) No person (other than one who is in the business of producing copper raw materials or copper controlled materials) shall melt or process any scrap or copper-clad or copper-base alloy-clad steel scrap, generated in his plant through fabrication or accumulated in his operations through obsolescence, except as specifically authorized by the War Production Board, or dispose of such material in any way other than by delivery to a person authorized to accept such delivery. In no event shall any such person keep on hand more than thirty (30) days' accumulation of scrap or copper-clad or copper-base alloy-clad steel scrap unless such accumulation aggregates less than five tons.

(2) Any material purchased as scrap, if not sold as scrap, may be sold in controlled material form only to fill authorized controlled material orders including orders identified by a CMP allotment symbol whose initial letter is Z or with the specific authorization of the War Production Board in writing. However, any CMP allotment symbol or number received as a result of such sales may not be used to replace the material sold.

(3) Nothing herein contained shall prohibit any public utility from using in its own operations wire or cable which has become scrap by obsolescence, provided the lengths of such wire or cable are in excess of five feet and the quantity of such material so used by such public utility in any calendar month does not exceed five tons.

(d) *Specific authorization and directions.* This order is designed to prescribe the general regulations under which deliveries of copper raw materials may be accepted. At times the provisions of this order will not fit the needs of a particular person. In any such case, the person affected may apply by letter to the Copper Division, War Production Board, for a specific authorization to cover his needs. Situations may arise which will require the War Production Board, from time to time, to issue specific authorizations or directions to a person as to the source, destination, amount or grade of copper raw materials to be delivered, acquired or used by him.

(e) *Definitions.* (1) "Copper" means unalloyed copper.

(2) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. Copper-base alloy does not include alloyed gold produced in accordance with United States Commercial standards CS 51-35 and CS 67-38.

(3) "Scrap" means all copper or copper-base alloy materials or objects (except those containing 0.10% or more beryllium and governed by supplemental order M-160a) which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason. This does not include fired cartridge and artillery cases or copper-clad or copper-base alloy-clad steel scrap.

(4) "Copper wire mill product" means bare, insulated or armored wire and cable for electrical conduction made from copper, copper-base alloy, or copper-clad steel containing over 20% copper by weight.

(5) "Brass mill product" means sheet, rod, wire or tube made from copper or copper-base alloy. This does not include copper wire mill products.

(6) "Foundry copper or copper-base alloy product" means cast copper or copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding or forging. (The process of casting includes the removal of gates, risers and sprues and sand-blasting, tumbling or dipping, but does not include any further machining or processing.)

(7) "Copper raw materials" as used in this order, includes the following materials as defined:

(i) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes or controlled materials.

(ii) "Brass mill scrap"—Scrap which is the waste or by-product of industrial fabrication or production of brass mill products or copper wire mill products. This does not include material which has been reclaimed from use or which is unsuitable for brass mill use because of contamination.

(iii) "Other copper-base alloy scrap"—Copper-base alloy scrap other than brass mill scrap. This includes spent bullets but does not include fired cartridge and artillery cases.

(iv) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(v) "Copper-clad or copper-base alloy-clad steel scrap"—All copper-clad or copper-base alloy-clad or -coated steel materials or objects in which the cladding or coating amounts to 3% or more by weight and (*a*) which are the waste or by-product of industrial fabrication, or (*b*) which have been discarded on account of obsolescence, failure or other reasons. This does not include spent bullets.

(vi) "Fired cartridge and artillery cases"—Unreloadable fired cartridge cases or artillery cases which have been manufactured from brass mill products.

(vii) "Brass mill casting"—A copper-base alloy casting from which brass mill or copper wire mill products or intermediate shapes may be rolled, drawn or extruded without remelting.

(viii) "Copper-base alloy ingot"—a copper-base alloy casting used in remelting, alloying or deoxidizing operations.

(ix) "Copper or copper-base alloy shot"—Shot produced from copper or copper-base alloy and to be used in remelting, alloying, deoxidizing or chemical operations.

(x) "Copper or copper-base alloy powder"—Copper or copper-base alloy in the form of powder or flake, other than flake type bronze powder which is governed by Supplementary Conservation Order M-9-c-3.

(xi) "Intermediate shape"—Any product which has been rolled, drawn or extruded from refined copper or brass mill castings and which will be re-rolled, redrawn, insulated or further processed into finished brass mill or copper wire mill products by other producers of such products.

(xii) "Copper precipitates (or cement copper)"—Copper metal precipitated from mine water by contact with iron scrap, tin cans, or iron in other forms.

(f) *Reports and communications.* Any person of a class listed in Column (A) of the table in paragraph (b) must file all report forms shown opposite his class in Columns (C) and (D) of the table unless otherwise directed.

Except as provided by instructions accompanying application forms, all communications filed pursuant to this order or concerning the subject matter hereof should be addressed: "Copper Division, War Production Board, Washington 25, D. C."

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

(h) *Revocations.* General Preference Order M-9-a and Supplementary Order M-9-b are hereby revoked as these orders are superseded by this order, M-9. These revocations do not affect any liabilities incurred under orders M-9-a and M-9-b.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of September 1944.

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

[F. R. Doc. 44-13546; Filed, Sept. 4, 1944; 11:43 a. m.]

PART 3216—MATERIAL ENTERING INTO THE OPERATION OF TRANSPORTATION SYSTEMS

[Preference Rating Order P-142, Direction 4]

REDUCTION IN TRACK MATERIAL AUTHORIZATIONS

The following direction is issued pursuant to Preference Rating Order P-142 (§ 3216.1):

(a) Each authorization on form letter GA-1844 (dated June 1, 1944) permitting a railroad operator to place advance orders for track materials for the first and second quarters of 1945 is hereby reduced by 25% of the amount authorized for the first quarter and

by 18% of the amount authorized for the second quarter. This means that the advance authorizations for each category of track materials ("for new rail" and "for maintenance" as indicated in GA-1844) are reduced by the above amounts for each quarter. "Track materials" means those items of track material listed in paragraph (b) (2) of Order P-142.

(b) Railroad operators must cancel outstanding purchase orders for track materials already placed for the first and second quarters of 1945 to the extent necessary to conform with advance authorizations as reduced by paragraph (a). Final authorizations will be issued on a firm basis, as usual, when firm allotments of new rail are made for each quarter.

(c) This direction applies only to railroad operators under Order P-142 (serial numbers below 1,000) and not to transit or other operators.

Issued this 4th day of September 1944.

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

[F. R. Doc. 44-13549; Filed, Sept. 4, 1944; 11:43 a. m.]

PART 3284—BUILDING MATERIALS[1]

[Limitation Order L-205, as Amended Sept. 4, 1944]

HOUSE TRAILERS AND EXPANSIBLE MOBILE HOUSES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply, for defense, for private account and for export, of the metals and other materials entering into the production of house trailers and expansible mobile houses; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

Section 3284.126 *Limitation Order L-205*[1] is hereby amended to read as follows:

§ 3284.126 *Limitation Order L-205*—(a) *Purpose of this order.* This order tells what house trailers and expansible mobile houses may be made, what material may be used in making them, and how they may be sold.

(b) *Restrictions on production*—(1) *House trailers.* No person shall manufacture, fabricate, or assemble a house trailer, except as authorized by a production schedule issued by the War Production Board, or except as permitted by paragraph (f).

(2) *Expansible mobile houses.* No person shall manufacture, fabricate or assemble an expansible mobile house, except as permitted by paragraph (f).

(c) *Authorization and scheduling of production*—(1) *Applications to produce.* Applications to produce house trailers should be submitted to the War Production Board on Form CMP-4B, addressed to the War Production Board, Building Materials Division, Washington 25, D. C. Authorized production schedules will be made on Form GA-1850. Each house trailer manufacturer is expected to produce during the specified period the number of trailers he is authorized to manufacture.

(2) *Policy in authorizing production schedules.* Manufacture of house trailers will be authorized so that the total production by the industry will not exceed the approved War Production Board program and so that production in any one plant or labor requirements therefor will not interfere with the war production in that plant or in any plant located in the same area.

(3) *Transfer of production schedules.* If a manufacturer finds that he is unable to complete his authorized production schedule within the specified period, he shall immediately notify the Building Materials Division of the War Production Board. The War Production Board may transfer from one manufacturer to one or more other manufacturers that portion of an authorized production schedule which cannot be completed during the specified period. Any arrangement by one manufacturer to have house trailers produced for him by another must first be submitted to the War Production Board for approval.

(4) *Information.* The War Production Board will, on request of any manufacturer of house trailers, give notice to all manufacturers of the total production authorized and the production authorized to each individual manufacturer.

(d) *Restrictions on use of material in production of house trailers.* No person shall use more than 678 pounds of steel and 4 pounds of copper, exclusive of Class B products, in the manufacture, fabrication or assembly of a single-axle house trailer, nor more than 751 pounds of steel and 4 pounds of copper, exclusive of Class B products, in the manufacture, fabrication or assembly of a tandem-axle house trailer. The maximum exterior body length of any house trailer shall not exceed 24 feet.

(e) *Restrictions on delivery of house trailers.* Except as deliveries of house trailers are made to dealers for resale, no manufacturer or dealer shall deliver a new or used house trailer manufactured after July 15, 1943, unless delivery has been specifically authorized by the War Production Board on Form WPB-3538. Permission may be aplied for by filing an original and two copies of Form WPB-3538 with the War Production Board's nearest local office for his District. A copy of the application will be returned to the seller with approval or denial indicated on the Form. The approved Form will be authority for the seller to deliver. No person shall deliver or accept delivery of a house trailer if he knows or has reason to believe that such house trailer was manufactured contrary to paragraphs (b) or (d).

(f) *Exemptions from provisions of this order.* This order does not apply to any house trailer or expansible mobile house manufactured to fill a specific order from or for the account of the Army, Navy, Maritime Commission, War Shipping Administration, or the National Housing Agency.

(g) *Reports.* Each person affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be requested by the Board from time to time, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Communications.* All reports required hereunder and all communications concerning this order (except appeals, and applications on Form WPB-3538) shall be addressed to the War Production Board, Building Materials Division, Washington 25, D. C., Reference L-205.

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

(j) *Exceptions and appeals*—(1) *Production under Priorities Regulation 25.* Any person who wants to manufacture more house trailers than permitted under paragraph (b) (1) (including a person who has not been permitted to make any house trailers), and any person who wants to manufacture expansible mobile houses not permitted by paragraph (b) (2), may apply for permission do so as explained in Priorities Regulation 25. A person who wants to make house trailers may still file an application to make them under paragraph (c) (1). The restrictions of this order on the use of material and on deliveries will apply to production of house trailers authorized under Priorities Regulation 25.

(2) *Appeals.* Any appeal by a manufacturer from the provisions of this order other than the restrictions of paragraphs (b) (1) and (b) (2) should be filed on Form WPB-1477 with the Field Office of the War Production Board for the district in which is located the plant of the appellant to which the appeal relates. An appeal from any action taken by the War Production Board on an application filed on Form WPB-3538 pursuant to paragraph (e) of this order may be filed by letter in triplicate with the Field Office of the War Production Board where the original application was filed. No appeal should be filed from the restrictions of paragraphs (b) (1) or (b) (2).

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

(1) "House trailer" means a portable shelter designed and constructed to be used as a human habitation and to be towed or transported on wheels without being dismantled or substantially changed in form. "House trailer" does not include an "expansible mobile house".

(2) "Expansible mobile house" means a portable shelter designed and constructed to be used as a human habita-

[1] Formerly Part 3088, § 3088.1.

tion, and so constructed that parts of it may be folded or collapsed against its center portion when being transported, and may be unfolded so as to provide additional room space when the expansible mobile house is stationary.

(3) "Class B products" means Class B products as defined in paragraph (b) (9) of CMP Regulation 1. (For the official List of Class B products, refer to "Products and Priorities" issued by the War Production Board.)

Issued this 4th day of September 1944.

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

[F. R. Doc. 44-13544; Filed, Sept. 4, 1944; 11:43 a. m.]

PART 3284—BUILDING MATERIALS

[Limitation Order L-225, as Amended Sept. 4, 1944]

ELECTRICAL CONDUIT, ELECTRICAL METALLIC TUBING AND RACEWAYS

§ 3284.56 *Limitation Order L-225*—(a) *Definition.* For the purposes of this order:

(1) "Rigid electrical conduit" means rigid steel or iron pipe (whether or not galvanized, sherardized, enameled, or treated with other protective coating) designed to protect insulated electric wire, cables or conductors for the transmission of electricity, such pipe being manufactured in iron pipe sizes ¼" to 6" inclusive. Rigid electrical conduit shall include, but is not limited to conduit commonly known as "heavy wall conduit".

(2) "Electrical metallic tubing" means steel tubing (whether or not galvanized, sherardized, enameled or treated with other protective coating) designed to protect insulated electric wires, cables, or conductors for the transmission of electricity and manufactured in trade sizes ⅜" to 2" inclusive, from the following gauges of steel:

Trade size:	*BW gauge*
⅜"	19
½"	19
¾"	18
1"	17
1¼"	16
1½"	16
2"	16

Electrical metallic tubing shall include, but is not limited to steel tubing commonly known as "thin wall conduit".

(3) "Flexible metal conduit" or "flexible metal tubing" means helically wound flexible steel tubing manufactured in trade sizes $\frac{5}{16}$" to 3" inclusive, designed to protect insulated electric wires, cables or conductors for the transmission of electricity.

(4) "Raceways" means any ferrous metal enclosure or channel, designed expressly for the protection and/or the holding of electrical wires and cables, including but not limited to, surface metal raceways, under floor metal raceways, cellular metal floor raceways, metal wireways, metal wiring troughs and metal under plaster extension raceways. Raceways shall not include busways, rigid electrical conduit, flexible metal conduit, flexible metal tubing, electrical metallic tubing or wiring channel or raceways which are a part of any fluorescent lighting fixture.

(5) "Manufacturer" means any person who makes, constructs or assembles rigid electrical conduit, electrical metallic tubing, flexible metallic tubing, flexible metallic conduit or raceways.

(6) "Used" means having been installed or put in service.

(7) "Distributor" means any person regularly engaged in the business of buying electrical supplies from a manufacturer for the purpose of resale.

(8) "Electrician" means any person other than a distributor who is engaged in installing, maintaining or repairing electrical systems.

(9) "Put in process" means the first change by a manufacturer in the form of material from that form in which the material was received by him.

(10) "Industrial lighting fixture" means a lighting fixture designed and constructed to provide general or localized illumination for an area of manufacturing, processing, storage or transportation, including, but not limited to, a machine shop, laboratory, warehouse, power plant, yard platform, dock, pier, passageway, arsenal, camp or cantonment.

(11) "Hazardous location" means premises, locations, rooms or portions thereof in which:

Class I highly inflammable gases, flammable volatile liquids, mixtures or other highly flammable substances are manufactured or used or are stored in other than original containers; or

Class II combustible dust or flyings are likely to be present in quantities sufficient to produce an explosive or combustible mixture; or

Class III it is impracticable to prevent such combustible dust from collecting on or in motors, lamps or other electrical devices in such quantities as may prevent normal radiation and cause overheating of such motors, lamps or devices; or

Class IV easily ignitable fibres or materials producing combustible flyings are handled, manufactured, stored or used.

(b) *Restrictions on manufacture and installation of rigid electrical conduit.* (1) No person shall in the manufacture of rigid electrical conduit, during any calendar quarter, put in process any metal in excess of one-tenth (1/10) of the total weight of metal put in process in the manufacture of rigid electrical conduit by him during the calendar year 1941.

(2) No person shall install rigid electrical conduit in a size greater than the minimum size permitted for such installation by the 1940 edition of the National Electrical Code.

(3) No person shall install rigid electrical conduit sizes ¼" to 2" inclusive, except:

(i) When the installation is in a Class I, II, III or IV hazardous location and the 1940 edition of the National Electrical Code establishes the use of such rigid electrical conduit as a minimum acceptable standard of wiring; or

(ii) To suspend an industrial lighting fixture.

(4) No person shall install rigid electrical conduit sizes 2½" to 6" inclusive, except when

(i) The installation is such that the electric wires or cables require for safety purposes protection from mechanical injury; or

(ii) The installation is made in wet locations as defined in Article 100 of the 1940 edition of the National Electrical Code; or

(iii) The installation is made in a Class I, II, III or IV hazardous location and the 1940 edition of the National Electrical Code establishes the use of such rigid electrical conduit as a minimum acceptable standard of wiring; or

(iv) Electric wires or cables are required, because of the construction of a building or structure, to be enclosed within concrete or masonry.

(c) *Restrictions on manufacture and installation of electrical metallic tubing.* (1) No person shall in the manufacture of any electrical metallic tubing during any calendar month put in process any metal in excess of one-sixteenth ($\frac{1}{16}$) of the total weight of metal put in process in the manufacture of electrical metallic tubing by him during the calendar year 1941.

(2) No person shall install electrical metallic tubing in a size greater than the minimum size permitted for such installation by the 1940 edition of the National Electrical Code.

(3) No person shall install any electrical metallic tubing, except:

(i) To enclose electric wire or cable which requires, for safety purposes, protection from mechanical injury; or

(ii) To enclose electric wire or cable required, because of the construction of a building or structure, to be enclosed within concrete or masonry; or

(iii) To enclose electric wire or cable located in elevator hoistways and used for elevator power, control and signal purposes; or

(iv) To enclose electric wire or cable located in wet locations as defined in Article 100 of the 1940 edition of the National Electrical Code; or

(v) To suspend an industrial lighting fixture.

(d) *Restrictions on manufacture and installation of flexible metal conduit or flexible metal tubing.* (1) No person shall in the manfacture of flexible metal conduit or flexible metal tubing during any calendar month put in process any metal in excess of one twenty-fourth (1/24) of the total weight of metal put in

process in the manufacture of flexible metal conduit or tubing by him during the calendar year 1941.

(2) No person shall install flexible metal conduit or flexible metal tubing in a size greater than the minimum size permitted for such installation by the 1940 edition of the National Electrical Code.

(3) No person shall install any flexible metal conduit or flexible metal tubing, except to provide a flexible enclosure for:

(i) Electric wire or cable which is a component part of a machine; or

(ii) Electric wire or cable extending less than twelve (12) feet from rigid electrical conduit, electrical metallic tubing or raceways to electric motors, current consuming devices or electric control equipment.

(e) *Restrictions on manufacture and installation of raceways.* (1) No person shall, in the manufacture of any raceway, during any calendar quarter, put in process any metal in excess one-eighth (⅛) of the total weight of metal put in process in the manufacture of metal raceways by him during the calendar year 1941.

(2) No person shall install raceways in a size greater than the minimum size permitted for such installation by the 1940 edition of the National Electrical Code.

(3) No person shall install any raceway except to enclose electric wire or cable:

(i) Which requires for safety purposes protection from mechanical injury; or

(ii) Which is required, because of the construction of a building or structure, to be enclosed within concrete or masonry.

(f) *Restrictions on sale by a manufacturer or distributor.* No manufacturer or distributor shall sell or deliver any rigid electrical conduit, electrical metallic tubing, flexible metallic tubing, flexible metallic conduit or raceways, except that:

(i) A distributor or manufacturer may sell or deliver such conduit, tubing or raceways pursuant to an order or contract bearing a preference rating of AA-5 or better; or

(ii) A manufacturer may sell or deliver such conduit, tubing or raceways to another manufacturer; or

(iii) A distributor may sell or deliver such conduit, tubing or raceways to another distributor.

(g) *Specific exemptions.* The installation of any rigid electrical conduit or any electrical metallic tubing or any flexible metal conduit or flexible metal tubing or any raceway shall not be prohibited in any way by the provisions of this order provided such tubing, conduit or raceway:

(1) Has been used; or

(2) Is or will be incorporated into

(i) Aircraft, armament, radio, radar, ships, tanks, vehicles, weapons, protective alarm systems or locomotives; or

(ii) Any equipment designed and constructed to be used in combat; or

(3) On or before December 16, 1942

(i) Was in the possession of an electrician; or,

(ii) Had been delivered or was in transit to the site of installation; or

(4) Is to enclose electrical conductors located adjacent to telephone equipment or other apparatus when the metallic shielding of such electrical conductors is required to insure the proper operation of the telephone equipment or other apparatus.

(h) *Extension of ratings for certain conduit and tubing.* Notwithstanding the provisions of any priority regulation, any person having a rated order for rigid electrical conduit may extend such rating for an equal amount in linear feet of electrical metallic tubing of the same size, and any distributor having a rated order for electrical metallic tubing may extend such rating for an equal amount in linear feet of rigid electrical conduit of the same size.

(i) *Filing of monthly reports of deliveries and inventory of rigid electrical conduit and electrical metallic tubing.* On or before the fifteenth day of July, 1943, and on or before the fifteenth day of each succeeding calendar month thereafter, every manufacturer of rigid electrical conduit and electrical metallic tubing shall file with War Production Board, Building Materials Division, Washington 25, D. C., Reference L-225, a report on Form WPB-2474 (or Form PD-827) containing the information required thereon for the preceding month.

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

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

(l) *Exceptions and appeals.*—(1) *Production under Priorities Regulation 25.* Any person desiring to put in process more metal in the manufacture of rigid electrical conduit, electrical metallic tubing, flexible metal conduit or flexible metal tubing, or raceways than the amounts permitted by this order (including a person who did not put into process any metal for these purposes during 1941) may apply for permission to do so as explained in Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraphs (b) (1), (c) (1), (d) (1) and (e) (1), should be filed on Form WPB-1477 with the Field Office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraphs (b) (1), (c) (1), (d) (1) or (e) (1).

(m) *Applicability of other orders.* Insofar as any construction work is subject to the directive for War Time Construction dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War, and the Secretary of the Navy, or to the "List of Prohibited Items for Construction Work" dated June 29, 1942, issued by the Army and Navy Munitions Board, and insofar as any other order issued by the War Production Board or to be issued by it hereafter limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such directive, list, or order shall govern unless otherwise specified therein.

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

(o) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Division, Washington 25, D. C. Ref: L-225.

Issued this 4th day of September 1944.

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

[F. R. Doc. 44-13547; Filed, Sept. 4, 1944; 11:43 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-173, as Amended Sept. 4, 1944]

FLOOR AND WALL FURNACES[1]

Section 3288.41 *General Limitation Order L-173* is hereby amended to read as follows.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in the manufacture of floor and wall furnaces for defense, for private account and for export; and the following order is deemed necessary and ap-

[1] Formerly Oil and Gas Burning Domestic Space Heaters.

propriate in the public interest and to promote the national defense:

§ 3288.41 *General Limitation Order L-173*—(a) *Definitions.* For the purpose of this order, "floor or wall furnaces" means any device (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution ducts or pipes as integral parts of such heating devices. "Floor and wall furnaces" does not include direct fired gas unit heaters or any domestic heating stoves as defined in Limitation Order L-23-c.

(b) *General restrictions.* (1) No person shall produce any floor or wall furnaces except:

(i) For delivery to or for the account of the Army, Navy, Maritime Commission or War Shipping Administration; or

(ii) As authorized by the War Production Board on Form GA-1850.

(2) The restrictions of paragraph (b) (1) do not apply to the production of repair and replacement parts. However, no person shall produce repair or replacement parts in excess of the quantity required to maintain a minimum practicable working inventory.

(3) A person wishing to produce floor or wall furnaces which will not be delivered to or for the account of the Army, Navy, Maritime Commission or War Shipping Administration should apply for authorization by letter addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-173. This letter should state the proposed production in units per quarter. Where the applicant will need controlled materials in order to produce the equipment, the letter requesting authorization should be accompanied by an application on Form CMP-4B for the controlled materials.

(4) A limited production will be authorized on these applications, but only where the applicant's proposed use of labor will not interfere with local and inter-regional recruitment of labor. This production is in addition to the production of repair and replacement parts and of equipment to be delivered to or for the account of the Army, Navy, Maritime Commission or War Shipping Administration.

(c) *Reports.* (1) Manufacturers of floor and wall furnaces shall report on or before the tenth day of each month on Form WPB-3316, following the instructions on the Form. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Exceptions and appeals*—(1) *Production under Priorities Regulation 25.* Any person who wants to manufacture, fabricate or assemble more floor or wall furnaces than he has been authorized to make on Form GA-1850 (including a person who has no authorization) may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for authorization under paragraph (b) (3) if he desires.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraph (b) (1), should be filed on Form WPB-1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (b) (1).

(e) *Applicability of regulations.* All persons and transactions affected by this order are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(f) *Communications.* All communications concerning this order, except appeals, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-173.

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

Issued this 4th day of September 1944.

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

[F. R. Doc. 44-13548; Filed, Sept. 4, 1944; 11:43 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-84, Amdt. 2]

CORDAGE FIBER, CORDAGE YARN AND CORDAGE

Section 3290.221 *General Conservation Order M-84* is amended as follows:

1. Subparagraph (ii) of paragraph (a) (1) shall read:

(ii) To fill orders placed by or for the account of any United States Government agency having in effect a plan approved by the War Production Board, to screen its orders and requisitions for rope and to eliminate unnecessary end uses of rope manufactured from critical fibers. Only the Army, Navy, and Maritime Commission now have such approved plans in effect. The Army and Navy approved plans require that orders for their account for rope made in whole or in part from Manila or agave, shall be approved by the War Production Board, and therefore no processor shall accept any such order unless the acceptance is approved by the War Production Board on application from or on behalf of the processor: Application may be made by the processor or on his behalf by letter or telegram addressed to the War Production Board, Cordage Branch, Washington 25, D. C., stating government contract and item number, quantity and kind of fiber required, and the size of the rope to be made. The War Production Board will consult with the Service or agency involved and approve applications if the proposed end use of the rope, in view of current supplies, justifies the use of the fiber.

2. In paragraph (c) (2), delete present subparagraph (iv), and substitute "(iv) Purse lines", to be immediately followed by a new paragraph, "Any processor may, however, elect at his own option to include American hemp line fiber as an extender in the manufacture of any of the rope products listed in paragraph (c) (2) (i), (ii), (iii), (iv), above."

Issued this 4th day of September 1944.

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

[F. R. Doc. 44-13550; Filed, Sept. 4, 1944; 11:44 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-312, as Amended Sept. 4, 1944]

COIR YARN AND PRODUCTS

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

§ 3290.231 *Conservation Order M-312*—(a) *Definitions.* For the purposes of this order:

(1) "Coir yarn" means single or plied yarn or roving, twisted or spun, by hand or by machine from coir fiber obtained from the fibrous shell of the coconut.

(2) "Coir rope" means a rope formed of single or plied "coir yarns" laid or twisted together.

(3) "Coir product" means any product made from "coir yarn."

(4) [Deleted Sept. 4, 1944.]

Restrictions

(b) *Processing, use, delivery.* (1) No person shall use or put into process any of the following grades of coir yarn, i. e.:

Special Superior Anjengo Star
Superior Anjengo A-AA-AAA
Superior Aratory A-AA-AAA
Real Alapat A-AA-AAA

or their equivalent, except for the manufacture of the products listed in List A.

(2) No person shall use or put into process any coir yarn of grades other than those listed in subparagraph (1) above, except for the manufacture of the products listed in List B.

(3) The War Production Board may from time to time authorize the use of coir yarn for hop growing purposes and the manufacture of cocoa mats or matting for boilers, vegetable and fruit washers, filtering equipment, or for road rollers.

NOTE: Subparagraph (4), formerly (3), redesignated Sept. 4, 1944.

(4) No person shall accept delivery of, deliver, purchase or sell coir yarn for any use not permitted by this order, and no person shall sell or deliver any coir yarn to any person who he has reason to believe will put such material to a use not permitted by this order.

(c) *Importation.* The importation of coir yarn and coir products shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

Equitable Distribution

(d) *Reports.* All processors and owners of coir yarn, having 500 pounds or more at any time during a calendar month, shall file a report monthly, not later than the tenth day of the following month, on Form WPB-914. This reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

General Provisions

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

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

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Reference: M-312.

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

Issued this 4th day of September 1944.

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

LIST A

NOTE: List A added Sept. 4, 1944.

1. Rope.
2. Matting for ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States, the Maritime Commission or the War Shipping Administration.

LIST B

NOTE: List B added Sept. 4, 1944.

1. A coir product for ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States, the Maritime Commission or the War Shipping Administration.
2. Rope.
3. Commercial wrapping twine.
4. Mats, other than those permitted by paragraph (1) of this List B in an amount in pounds (based on the coir yarn content) in any calendar month not in excess of 50% of his average monthly use of all grades of coir yarn during the calendar years 1940 to 1942, inclusive: *Provided, however,* that no coir yarn other than Calicut or Ceylon coir yarn shall be used in the manufacture of such mats.
5. Sugar bags, when the coir yarn is spun from coir fiber produced in Puerto Rico.

[F. R. Doc. 44-13545; Filed, Sept. 4, 1944; 11:43 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Direction 4]

CHILDREN'S APPAREL PLAN NO. 2

The following direction is issued pursuant to Conservation Order M-328B:

1. The time within which persons who were assigned a preference rating under Children's Apparel Plan No. 2 of Schedule A are required to purchase materials for which a preference rating was assigned is hereby extended to September 30, 1944; and the time within which they are required to produce and accept and fill orders for the garments they are required to manufacture from such materials is hereby extended to October 30, 1944.

2. All individual directions heretofore issued under the above mentioned special programs are hereby amended to conform with the above.

Issued this 4th day of September 1944.

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

[F. R. Doc. 44-13551; Filed, Sept. 4, 1944; 11:44 a. m.]

Chapter XI—Office of Price Administration

PART 1389—APPAREL

[MPR 438,[1] Amdt. 6]

MANUFACTURERS' PRICES FOR CERTAIN FALL AND WINTER OUTERWEAR

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 438 is amended in the following respects:

1. The date in the third unnumbered paragraph of section 3 is amended to read December 1, 1944.
2. The date in the fourth unnumbered paragraph of section 4 (a) is amended to read December 1, 1944.
3. The date in the last sentence of section 6 (b) is amended to read December 1, 1944.
4. The date in the fifth sentence of section 6 (b) (2) is amended to read December 11, 1944.
5. The date in the last sentence of the text of section 6 (b) (3) is amended to read December 21, 1944.
6. The date in the first sentence of the effective date provision is amended to read December 1, 1944. The date September 1, 1944 in the third sentence of this provision is amended to read December 1, 1944.

This amendment shall become effective September 1, 1944.

Issued this 1st day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13436; Filed, Sept. 1, 1944; 4:20 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10503, 12712, 14012; 9 F.R. 172, 2477, 7841.

PART 1389—APPAREL

[RMPR 506,[1] incl. Amdts. 1-2]

MAXIMUM PRICES FOR STAPLE WORK GLOVES

This compilation of Revised Maximum Price Regulation 506 includes Amendment 2, effective September 1, 1944. The text added or amended by Amendment 2 is underscored. The prices in Tables 1 through 12 of Appendix A and Tables I and II of Appendix B are amended by Amendment 2.

A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation No. 506 has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1389.604 *Maximum prices for staple work gloves.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328, Revised Maximum Price Regulation No. 506 (Maximum Prices for Staple Work Gloves) which is annexed hereto, and made a part hereof, is hereby issued.

REVISED MAXIMUM PRICE REGULATION NO. 506—MAXIMUM PRICES FOR STAPLE WORK GLOVES

CONTENTS

Sec.
1. Scope of this regulation.
2. How to find retail ceiling prices.
3. How to find wholesale ceiling prices.
4. How to find manufacturers' ceiling prices.
5. When taxes may be added.
6. Marking of gloves.
7. Disclosure.
8. Records and reports.
9. Excessive prices forbidden.
10. Adjustable pricing agreements.
11. Licensing and enforcement.
12. Relation to other regulations.
13. How this regulation may be amended.

Appendix A—Tables of ceiling prices for sales by manufacturers and sales at wholesale.
Appendix B—Tables of ceiling prices for sales at retail.
Appendix C—Suggested form to be used by manufacturers in applying for ceiling prices under section 4 (b).

AUTHORITY: Sec. 1389.604 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78 Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Scope of this regulation*—(a) *Kinds of work gloves covered.* The specified staple work gloves covered by this regulation are work gloves of the following kinds:

(1) Single thickness canton flannel gloves.

(2) Canton flannel gloves with double thickness palm.

(3) Fully-lined canton flannel gloves.

(4) Two-thumbed canton flannel gloves.

(5) Jersey gloves.

(6) Combination leather and canton flannel or jersey gloves. However, grain leather palm gloves are not covered by this regulation.

For the purposes of this regulation (except Appendix A) "gloves" means both gloves and mittens.

(b) *Kinds of sales covered.* This regulation applies to all sales including sales at retail, sales at wholesale and sales by manufacturers. These kinds of sales are defined as follows:

(1) *Sales at retail.* All sales to individual consumers are "sales at retail." Such sales may, of course, be made by someone who is primarily a wholesaler or a manufacturer.

Sales to industrial, commercial, governmental, and charitable institutions which do not resell are also considered "sales at retail" if made by a person who sells principally to individual consumers, and only incidentally to institutions of these kinds. If not made by such a person, sales to these institutions are considered sales at wholesale or sales by manufacturers.

(2) *Sales at wholesale.* A sale at wholesale is any sale which is neither a sale at retail as explained in (1) nor a sale by a manufacturer as explained in (3). For example, a sale by a jobber, who buys work gloves from a manufacturer and resells them to a retailer or to an industrial user, is a sale at wholesale. Sales from jobber to jobber, and from retailer to retailer are also sales at wholesale, but are called "special sales", as explained in section 3.

(3) *Sales by a manufacturer.* A sale by a manufacturer is a sale of work gloves by a person:

(i) Who fabricated the gloves sold; or

(ii) Who sold or consigned to the fabricator of the gloves any of the principal materials from which they were made; or

(iii) Whose business is under the same ownership or control as the person who fabricated the gloves.

(c) *Where this regulation applies.* This regulation covers sales in the 48 states and the District of Columbia.

SEC. 2. *How to find retail ceiling prices.* Ceiling prices for sales at retail are listed in the tables in Appendix B. Two tables of ceiling prices are provided. Table I lists retail ceiling prices for gloves purchased from a wholesaler (the term "wholesaler" is defined in section 3 (a)). Table II lists retail ceiling prices for gloves purchased direct from the manufacturer.

The ceiling prices in the tables are not given by the kind of glove, but by the supplier's net ceiling price. The tables show the retail ceiling price which corresponds to each different supplier's net ceiling price. Before using the tables, the retailer must find his supplier's net ceiling price according to the instructions given below. Retailers should also pay particular attention to section 6 (Marking of gloves).

[Above paragraphs amended by Am. 2, effective 9-1-44]

(a) *Where retailer does not know the supplier's ceiling price.* If the retailer does not know the ceiling price of the manufacturer or wholesaler who supplies him, he may inquire of the supplier, who is required to disclose his ceiling price. Moreover, if the gloves to be priced are those specified in Appendix A, the retailer can find the ceiling prices for manufacturers in column (a) of the tables in Appendix A, and the ceiling prices for wholesalers in column (b) of these tables.

(b) *Where retailer's suppliers have different ceiling prices.* Some manufacturers have two ceiling prices for the same number—a Group I ceiling and a Group II ceiling. If the retailer pays the Group I ceiling price (or less), he takes that ceiling to figure his retail price; but if he pays the manufacturer a higher price, he takes the Group II ceiling. If, however, he buys gloves with the identical manufacturer's lot number or brand name at different prices, making one purchase at or below the Group I ceiling and another above, he must use the Group I ceiling to figure his retail price on all gloves of this lot number or brand name. Moreover, if he buys gloves with the identical manufacturer's lot number or brand name from a wholesaler and also from the manufacturer, he must use Table II in determining his retail ceiling price, and must take the manufacturers' ceiling, not the wholesalers' ceiling, to figure his retail ceiling for this number.

Example. Retailer B buys work gloves of lot No. 903, manufactured by the X Company for $1.55 per dozen, which is the manufacturer's ceiling. Later he gets more gloves of lot No. 903 from a wholesaler who charges him $1.85 per dozen, the wholesaler's ceiling.

In figuring his retail ceiling for work gloves of this lot number, B takes $1.55 as his supplier's ceiling price. In Table II of Appendix

*Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 5004.

B, he finds $0.17 per pair as his ceiling price for this lot number (not $0.21).

[Paragraph (b) amended by Am. 2, effective 9-1-44]

(c) *Where gloves are bought at a "special sale".* Sales which are neither sales by a manufacturer nor "regular sales" at wholesale are called "special sales". These include sales by retailers to retailers, sales by brokers, commission merchant, job-lot dealers or like persons and sales of other types. (The difference between "regular" and "special" sales is more fully explained in section 3.)

If the retailer has bought a glove at a "special sale", he does not figure his ceiling price by taking the price of his own supplier. Instead, he takes the ceiling price of the supplier of the person who made the "special sale". If a succession of special sales has been made, he takes the ceiling price of the supplier of the person who made the first of these special sales. Thus, the retail ceiling price of a pair of gloves is the same as if the retailer had bought directly from the original supplier, without any special sale intervening.

Example 1. C, a retail chain, buys one dozen 8 oz. canton flannel gloves from a manufacturer at $1.55, which is the manufacturer's ceiling. C sells them to D, another retail chain at $1.60 (which is equal to C's cost plus freight actually paid by him).

In figuring his retail ceiling D assumes his supplier's ceiling to be $1.55 (the ceiling of C's supplier) not $1.60 (the price D actually paid). Accordingly, from Table II in Appendix B, D finds a retail ceiling of $0.17 per pair.

Example 2. E, an independent retailer, buys one dozen 18 oz. double palm cotton flannel gloves from a wholesaler at $2.85 (the jobber's ceiling). He decides to liquidate and sells them to an auctioneer for $2.50 a dozen. The auctioneer resells them to F, another retailer, for $2.90 (this being the price paid by E, plus transportation charges incurred by the auctioneer).

In figuring his retail ceiling F takes $2.85 as his supplier's ceiling, so that his retail ceiling, found from Table I in Appendix B, is $0.32 (not $0.33).

[Examples 1 and 2 amended by Am. 2, effective 9-1-44]

(d) *Where a retail sale is made by manufacturer.* Where a sale at retail is made by a manufacturer, the retail ceiling is found from Table II in Appendix B. But since the manufacturer has no "supplier," he takes the Group I manufacturers' ceiling for these gloves (found in column (a) of the tables in Appendix A) and uses this as his "supplier's ceiling price."

[Paragraph (d) amended by Am. 2, effective 9-1-44]

SEC. 3. *How to find wholesale ceiling prices.* Under this regulation, there are two kinds of sales at wholesale. They are called "regular sales" and "special sales", and are explained in this section. Different methods of pricing are provided for these two kinds of sales.

(a) *Regular sales at wholesale*—(1) *What is a regular sale.* A "regular sale" is a sale by a wholesaler to a person who sells principally at retail or is an industrial user, and whose business is not under the same ownership and control as the seller's.

A "wholesaler" is a person or business organization to which all the following statements apply:

(i) It sells goods to retailers in general, and not primarily to a single retailer, or to a group of retailers which are under common ownership.

(ii) It buys and sells goods in "wholesale quantities", as understood in the trade, and sells through traveling salesmen or circulated catalogs.

(iii) It carries at all times at its principal place of business a representative stock of work gloves, and makes at least 50% of its work glove deliveries from stock (as opposed to drop shipments).

(iv) It is not under the same ownership or control as the person who fabricates the work gloves which it sells.

(v) It extends credit, and carries its own accounts. It may, of course, entrust or assign its delinquent accounts to others for collection.

(vi) It is not (*a*) a buying office or other agency representing retailers, (*b*) a stock-carrying affiliate of retailers, (*c*) a central office or warehouse for stores which are commonly owned or controlled, (*d*) a drop shipper, (*e*) a broker, (*f*) a commission-merchant, (*g*) a selling-agent, or (*h*) a job-lot dealer.

A person who wishes to qualify as a "wholesaler" but was not such a wholesaler in 1942, must, before making any sales at ceilings for regular sales at wholesale, send a statement by registered mail to the Office of Price Administration ("Men's Clothing Section"), Washington 25, D. C. The statement must give the "wholesaler's" name and address, and the date on which he commenced business as a wholesaler.

(2) *Ceiling prices for "regular sales".* For the work gloves specified in Appendix A, ceiling prices for regular sales at wholesale are those stated in column (b) of the tables in that Appendix.

For work gloves not specifically priced in Appendix A and which a wholesaler had in stock on the effective date of this regulation, the ceiling prices for regular sales at wholesale are those established under the prior applicable price regulation (either the General Maximum Price Regulation [2] or Maximum Price Regulation 210 [3]).

In some cases, the Office of Price Administration may establish by individual order manufacturers' ceiling prices for work gloves not specifically priced in Appendix A. The individual order will also establish ceiling prices for regular sales at wholesale of these gloves and will require the manufacturer to notify the wholesaler of his maximum resale prices.

(b) *Special sales.* Sales at wholesale which are not "regular sales" as explained in paragraph (a) are "special sales". They include (but are not confined to) sales by wholesalers to wholesalers, sales by retailers to retailers, and all sales by brokers, commission merchants, job-lot dealers, and like persons.

(1) *Ceiling prices for special sales.* The ceiling prices for a "special sale" is the net price actually paid by the seller (not exceeding the ceiling price), plus any charges for transportation actually paid by him. Moreover, any person who buys at a special sale and resells at another special sale must figure his ceiling price by taking the price paid by the seller in the first special sale.

Example 1. G, a large retailer, buys a dozen 8 oz. canton flannel gloves from a manufacturer at $1.55 per dozen, the manufacturer's ceiling price, and pays $0.10 per dozen for freight. He now wants to resell them to H, a second retailer.

G's ceiling price for this sale is $1.65, his cost plus freight.

Example 2. L, a wholesaler, buys a dozen hot mill gloves from a manufacturer at $3.65 per dozen, the manufacturer's ceiling price. L now liquidates and resells the gloves to auctioneer M for $3.25 per dozen. Now M wants to resell the gloves to another wholesaler.

In figuring his price for this second special sale, M takes as his cost $3.65 (the price paid by L) and adds freight paid by him. If M pays $0.07 for freight, M's ceiling price is $3.72.

[Examples 1 and 2 amended by Am. 2, effective 9-1-44]

(2) *Disclosure in special sales.* In any special sale, the seller must mark the bill or invoice with the words "special sale", and must disclose any information required by the provisions of section 7 (a).

SEC. 4. *How to find manufacturers' ceiling prices*—(a) *Work gloves specified in Appendix A.* For the work gloves specified in Appendix A, ceiling prices for sales by manufacturers are those stated in column (a) of the tables in that Appendix. Column (a), however, states two manufacturers' ceiling prices for each glove specified—a Group I ceiling and a Group II ceiling. Some manufacturers must use the Group I ceiling only, some may use the Group II ceiling only, and some may use both, according to the rules stated in the following subparagraphs (1), (2), and (3).

(1) *How a manufacturer finds his "wholesale percentage".* (i) In order to find what proportion of his sales must be made at Group I prices, a manufacturer must find the percent of his 1941 deliveries which were made at wholesale prices. This is called the manufacturer's "wholesale percentage". A "wholesale price" means (*a*) any price at or below which a manufacturer, during

[2] 9 F.R. 1385, 5169, 6100.

[3] 7 F.R. 6789, 7318, 7173, 7812, 8051, 8330, 8937, 8948, 9614, 10109; 8 F.R. 973, 1813, 2025, 6359, 13050, 73742, 16170.

1941, normally supplied wholesalers, or any other large volume purchaser (e. g., chain stores and mail order houses) commonly known or regarded as "wholesale trade"; (*b*) any price at which industrial users or other purchasers (e. g., independent retailers) were supplied during 1941, if, during this period, the manufacturer's price to them was no higher than his price to "wholesale trade"; (*c*) any price during 1941 at which a manufacturer, who did not sell to "wholesale trade" during this period, normally supplied industrial users or other purchasers, if this price was no higher than the prices at which manufacturers supplying "wholesale trade" sold to such trade during 1941. In determining whether certain sales were made at "wholesale prices," allowance must be made for differences in gloves sold.

Example 1. During 1941, W, a work glove manufacturer, supplied only wholesalers, chain stores, and mail order houses. For the purposes of this regulation, all of the prices at which W sold these purchasers are "wholesale prices."

Example 2. During 1941, Y, a work glove manufacturer, supplied only wholesalers and industrial users. He sold the same gloves to both types of purchasers at the same prices. For the purposes of this regulation, all of the prices at which Y sold these purchasers are "wholesale prices."

Example 3. During 1941, Z, a work glove manufacturer, supplied only wholesalers and independent retailers. He sold the same gloves to independent retailers as he sold to wholesalers, but at higher prices. Only the prices at which Z sold to wholesalers are "wholesale prices."

Example 4. During 1941, V, a work glove manufacturer, supplied wholesalers and independent retailers. He sold a number to wholesalers at $4.75 a dozen. He also sold to independent retailers at $5.00 a dozen, a number which was similar except for an extra feature that was worth 25¢ a dozen. Both the $4.75 and the $5.00 sales would be considered sales at "wholesale prices."

(ii) A manufacturer will figure his "wholesale percentage" as follows:

(*a*) Find the number of dozens of staple work gloves covered by this regulation delivered to all purchasers in 1941.

(*b*) Find the number of these which were delivered at wholesale prices.

(*c*) Divide the number delivered at wholesale prices by the total of all deliveries (divide (*b*) by (*a*)). The resulting figure, expressed as a percent, is the manufacturer's "wholesale percentage".

Example 1. P, a work glove manufacturer, delivered 10,000 dozen staple work gloves in 1941. All these were delivered at prices generally charged to independent retailers, and none at "wholesale prices."

P's "wholesale percentage" is zero.

Example 2. R, a work glove manufacturer, delivered 100,000 dozen staple work gloves in 1941. All these deliveries were made to volume purchasers including jobbers, chain stores and industrial users and none were delivered at higher prices.

R's "wholesale percentage" is 100%.

Example 3. S, a work glove manufacturer, delivered 50,000 dozen staple work gloves in 1941. 20,000 of these were delivered to his volume trade at "wholesale prices", and 30,000 to independent retailers at higher prices.

S's "wholesale percentage" is 40% (20,000 divided by 50,000).

(2) *How a manufacturer uses his wholesale percentage.* Each manufacturer who delivered staple work gloves at "wholesale prices" in 1941 must, during the remainder of 1944 and each subsequent calendar year, make a certain quota of his deliveries of staple work gloves at Group I prices. This quota is that percentage of his total annual deliveries which is equal to his "wholesale percentage" (found under (1)). For example, if a manufacturer's "wholesale percentage" is 40%, and he delivers 300,000 dozen staple work gloves during the remainder of 1944, 120,000 dozen must be delivered at Group I prices. If, at the end of a year, a manufacturer fails to meet his quota, he has exceeded his ceiling prices to the extent of the deficiency, and will be liable to civil and criminal penalties accordingly. In calculating the annual quota of deliveries which must be made at Group I prices, follow these instructions:

(i) *What deliveries are counted in finding the quota.* In figuring the quota of deliveries which must be made at Group I prices in 1944, the manufacturer takes all deliveries made from May 16, 1944, to December 31, 1944, inclusive. In any subsequent year, all deliveries for the entire calendar year will be included.

Example 1. In 1941 the ABC Company sold 70% of its staple work gloves at "wholesale prices" and 30% at higher prices. Its "wholesale percentage" is 70%. From May 16, 1944, to December 31, 1944, its anticipated deliveries of work gloves are 250,000 dozen.

The ABC Company will determine its obligation as follows:

	Dozen
Anticipated deliveries	250,000
Quota to be delivered at Group I prices (70% of 250,000)	175,000
Remainder which may be sold at Group II prices	75,000

For convenience in meeting the quota of deliveries which must be made at Group I prices, it is suggested that a manufacturer keep a current record of deliveries at Group I and Group II prices made after May 16, 1944, in this form:

Date	Number of dozens delivered at Group I prices	Number of dozens delivered at Group II prices	Total number of dozens delivered

At periodic intervals (e. g., at the end of each month), the manufacturer should total deliveries at Group I prices and all deliveries. He should then divide the former total by the latter. If the proportion of deliveries at Group I prices is below his wholesale percentage, it would be advisable for him to ship only at his Group I ceilings until the proportion of deliveries at Group I prices equals the wholesale percentage. This procedure should be repeated for subsequent periods, until the end of the year.

Example 2. In 1941 the X Company sold all of its staple work gloves at "wholesale prices". Its "wholesale percentage" is thus 100%. In 1944, all of its deliveries must be made at Group I prices.

Example 3. In 1941 the Z Company sold none of its staple work gloves at "wholesale prices". Its "wholesale percentage" is thus zero. In 1944, all of its deliveries may be made at Group II prices.

(ii) *Sales to particular purchasers not required.* A manufacturer who may make deliveries at Group II prices may make these deliveries to any class of purchaser. Likewise, a manufacturer may make deliveries at Group I prices to any class of purchaser. Moreover, a manufacturer who delivers the required proportion of his work gloves at Group I prices may deliver as many more at Group I prices as he wishes.

(iii) *Calculating and filing the "wholesale percentage."* Every manufacturer of staple work gloves must keep available for inspection by the Office of Price Administration the records and the tabulation or work sheets which he used in figuring his "wholesale percentage". He is also required to file a statement of his wholesale percentage, as provided in section 8 (c) (2).

(3) *Inability to calculate a wholesale percentage.* Any manufacturer who sells staple work gloves but did not do so in 1941, or who, because of other reasons, is unable to determine a wholesale percentage, must apply to the Office of Price Administration (Men's Clothing Section), Washington 25, D. C., for the authorization of a "wholesale percentage."

This application must set forth: (i) the manufacturer's name and address; (ii) the date when he commenced business; and (iii) the total number of dozens of staple work gloves delivered to each class of purchaser during the first 12 months of business, or, if the manufacturer does not have one year's experience, during such other portion of time as he has been in business. Until this authorization is granted the manufacturer must make all deliveries at or below Group I ceiling prices.

[Subparagraph (3) amended by Am. 2, effective 9-1-44]

(b) *Other work gloves covered by this regulation.* For work gloves covered by this regulation but not specified in Appendix A, a manufacturer's ceiling prices are those authorized by the Office of Price Administration, on application by the manufacturer.

An application for the fixing of a ceiling price must be filed with the Office of Price Administration (Men's Clothing Section) Washington 25, D. C. The application must contain information in the detail indicated by the suggested form in Appendix C, and must be accompanied by a sample of the glove.

Pending action on such an application a person must not sell or deliver the glove except in accordance with the provisions of section 10 (b) (Adjustable pricing agreements).

SEC. 5. *When taxes may be added.* When a tax on a particular sale or delivery is imposed by a statute or ordinance which permits stating the tax separately from the price, the tax may be separately charged or collected in addition to the ceiling price. This applies

only to sales taxes, gross receipt or gross proceeds taxes, and compensating use taxes, and does not apply to any tax imposed on a prior sale or delivery.

SEC. 6. *Marking of gloves*—(a) *Marking required at retail.* Every person is forbidden to sell or offer to sell at retail or display in a retail store any pair of staple work gloves which is not marked as required by this section. If any part of the required marking has not been performed by the manufacturer, it must be supplied by the retailer.

(1) On and after June 21, 1944, the marking must show the retail ceiling price.

(2) On and after September 15, 1944, the marking must show, in addition to the retail ceiling price, the manufacturer's lot number or brand name for the glove and a statement of defects (if any).

(b) *Marking and information required of manufacturers.* Every manufacturer is forbidden to deliver any pair of work gloves which is put into the process of manufacture on or after August 6, 1944, unless it contains markings showing the manufacturer's lot number or brand name for the glove, and a statement of defects (if any). Moreover, each manufacturer must supply each retail purchaser with a list of retail ceiling prices for staple work gloves supplied him. If the gloves are distributed through wholesalers, the manufacturer must supply the wholesaler who in turn must supply each retailer. This list must be forwarded by the manufacturer or wholesaler not later than the first invoicing or billing of any pair of staple work gloves covered by this regulation, or before June 6, 1944 (whichever is later). The manufacturer or wholesaler must keep this list up to date thereafter by sending supplemental lists to each retailer at the time of shipment of any new numbers subsequently sold. The list must be in substantially the following form:

[Paragraphs (a) and (b) amended by Am. 1, 9 F.R. 6239, effective 6-6-44]

RETAIL CEILING PRICE LIST

AS REQUIRED BY THE OFFICE OF PRICE ADMINISTRATION

(Retail ceiling prices for ABC Company staple work gloves [1]—for work gloves bought from manufacturers at Group I prices [2])

Mfrs' lot No. or brand name	Description of glove	Appendix A, RMPR 699, No.[3] (if any)	Retail price per pair
903	8 oz. Men's single thickness canton flannel gloves, knit wrist	Table 1	$0.17
607	Double palm, canton flannel gloves, men's 18 oz. palm, 8 oz. stripe back, knit wrist.	Table 2	.27
XYZ brand	Gunn pattern, men's split palm, ¾ leather thumb, leather pull, leather knuckle strap, 8 oz. canton flannel back, waterproof safety cuff.	Table 12, 14B	.65

NOTICE: Each pair of gloves must be marked with the ceiling price. A pair of gloves must not be sold above the ceiling price, but may be sold for less. This list must be promptly displayed to any person on request during regular business hours.

[1] The gloves may be identified by trade-mark, or by manufacturer's or distributor's name.

[2] In appropriate cases, the list would be entitled "for work gloves bought from wholesalers" or "for work gloves bought from manufacturers at Group II prices".

[3] The number of the table, and the place in the table where the glove is described in Appendix A of RMPR 699. If the glove is not specified in Appendix A, write "none".

(c) *Elements of marking.* The elements required to be marked are explained in this paragraph.

(1) *Lot number or brand name.* The lot number or brand name must be different for each pair of gloves having a different manufacturer's ceiling price.

(2) *Ceiling price.* This must be the correct ceiling price for the circumstances in which the pair of gloves is offered for sale at retail.

(3) *Defects, if any.* If the pair of gloves is a "second" or imperfect, it must be so marked.

(d) *Manner of marking.* The required markings must be attached to at least one glove of each pair. The required marking must be attached by stitching, adhesive, pins or staples, or stamped on the glove itself, except where some other method is authorized. The required markings may be in one or more parts, and may be accompanied by other information, but all portions must be clearly visible to the purchaser.

EXAMPLE OF MARKING

LOT NO. 903 RETAIL CEILING 17¢

(e) *Exceptions to marking requirements.* (1) Industrial users need not attach the markings required by this section to any gloves which they sell to their employees at or below the net prices actually paid by the industrial user plus any charges for transportation actually paid by him. On all other sales by industrial users to their employees the industrial user is required to mark only the retail ceiling price.

(2) On sales and deliveries by manufacturers to industrial users it is not necessary to attach the required markings to each pair of gloves. In such cases, the seller may place the required markings on the package, wrapper or other container in which the gloves are packed.

[Paragraph (e) added by Am. 1, 9 F.R. 6239, effective 6-6-44]

(3) In the case of sales at retail which are based on orders received by mail pursuant to a mail order catalog, the retail seller need not mark each pair of gloves, as required by section 6 (a), if he forwards with the gloves a sales memorandum stating the retail purchase price (not exceeding the ceiling price), and the identity of the gloves.

[Subparagraph (3) added by Am. 2, effective 9-1-44]

SEC. 7. *Disclosure*—(a) *Description of gloves.* Any person who has sold for resale any staple work gloves may be required to supply any subsequent buyer with any information needed by him for the marking and pricing of these gloves. This information must be furnished in writing promptly upon receipt of a written request from the buyer. Unless he has reason to believe it is erroneous, the buyer may rely on the information so furnished. If the buyer does have reason to believe the information is erroneous, he may nevertheless act on it, providing he immediately sends to a district or state office of the Office of Price Administration a statement of the circumstances and a request for a determination of the facts.

(b) *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt or similar evidence of purchase must continue to do so. Upon request from a purchaser any seller, regardless of previous custom, must give the purchaser a receipt showing the date, the name and address of the seller, the type of gloves sold, and the price received for it.

(c) *Retail ceiling price list.* Any retailer who has received from his supplier a "retail ceiling price list" must display it promptly to any person who requests to see it during regular business hours. If the retailer sells through more than one department or selling establishment, a copy of the list must be made available in each separate unit where staple work gloves are sold.

(d) *Invoices.* Every manufacturer selling staple work gloves and every person selling these gloves at wholesale, must give the purchaser an invoice showing: (1) the name and address of the purchaser; (2) the manufacturer's lot number or brand name for each different pair of gloves sold; (3) a description of each pair of gloves bearing a different lot number or brand name, similar to the description in Appendix A, or some identifying reference to the description set forth in the "retail ceiling price list" (described in section 6 (b)) previously supplied the same purchaser for the same lot number or brand name; (4) the quantity sold and the selling price of each different lot number or brand name; and (5) the terms of sale (e. g., 2/20 net 40, freight prepaid to city of destination).

[Item (3) amended by Am. 1, 9 F.R. 6239, effective 6-6-44]

SEC. 8. *Records and reports*—(a) *Records to be kept by retailers.* Every person who sells staple work gloves governed by this regulation at retail must keep the following records, and make them available on request, to the Office of Price Administration.

(1) Invoices and other documents received by the seller showing costs, descriptions and sources of work gloves sold by him.

(2) Such records as he has customarily kept showing prices charged by him for work gloves sold at retail.

(b) *Records to be kept and filed by persons selling at wholesale.* Every person who sells work gloves covered by this regulation at wholesale must keep the following records, and make them available on request to the Office of Price Administration:

(1) Invoices and other documents received by the seller showing costs, descriptions and sources of work gloves sold by him.

(2) Copies of invoices and other documents showing prices and identification by name, trademark, lot number, etc., of work gloves sold by him at wholesale.

Moreover, every person who wishes to qualify as a "wholesaler" under section 3 (a) (1), but was not such a wholesaler in 1942, must file the statement therein described before making any sales at ceilings for regular sales at wholesale.

(c) *Records to be prepared, kept, and filed by manufacturers*—(1) *Price list.* Every manufacturer of staple work gloves must prepare a list of all staple work glove items which he delivers on or after May 16, 1944. This list must show the lot number of each such work glove, and, following each lot number, a description of the glove and the manufacturer's ceiling price. If the lot number is sold at Group I prices, the list must show whether it is sold to retailers or to wholesalers or to both. The description, like the descriptions in Appendix A, should specify cut or pattern, weight, and kind of materials used, thickness of glove, type of wrist, additional features (if any), and size classification. This record must be prepared on or before June 6, 1944, and must be kept up to date thereafter by adding any new numbers or any changes in the description of old numbers. This list must be kept and made available on request to the Office of Price Administration, but need not be filed.

(2) *Records and statement of wholesale percentage.* Every manufacturer of staple work gloves must keep the records and work sheets from which he found his "wholesale percentage" as provided in section 4 (a) (1). These records must include a list showing: (i) each lot number of staple work gloves covered by this regulation delivered during 1941; (ii) a description of each such number, in detail similar to descriptions in Appendix A; (iii) each class of purchaser (e. g., jobbers, chain stores, mail order houses, industrial users, independent retailers) to which each number was delivered; (iv) the quantity (in dozens) delivered to each class of purchaser, and (v) the prices at which delivery was made to each class of purchaser. The records required by this subparagraph must be prepared on or before June 6, 1944, and thereafter must be kept and made available on request to the Office of Price Administration. Further, the manufacturer must file with the Office of Price Administration (Men's Clothing Section) Washington 25, D. C., on or before June 6, 1944, a statement showing the total number of dozens of staple work gloves delivered by him in 1941, and the number delivered at wholesale prices.

SEC. 9. *Excessive prices forbidden.* On and after the effective date of this regulation, the following practices are forbidden regardless of any contract or other obligation:

(a) *Charging more than ceiling price.* Every person is forbidden to sell or deliver any staple work gloves at a price higher than the ceiling price set by this regulation. A lower price may, of course, by charged.

(b) *Buying for more than the ceiling price.* Every person is forbidden to buy or receive any staple work gloves, in the course of trade or business, at a price higher than the price set by this regulation.

(c) *Combination sales.* Every person is forbidden to require any purchaser to buy or agree to buy any other article, service, package or wrapper, in connection with the sale or delivery of any staple work gloves. But any seller may refuse to sell less than a minimum quantity of any one style number, if this minimum has been customary for the seller.

(d) *Indirect price increases.* Every person is forbidden to do any other act which directly or indirectly increases above the ceiling price the consideration paid by the purchaser for any staple work gloves. Any practice which is a device to secure the effect of a higher than ceiling price is as much a violation as outright raising of the ceiling price. This applies to devices making use of commissions, services, transportation charges, premiums, taxes, special provisions, tying agreements, trade understandings and all similar practices.

(e) *Indirect violations.* Every person is forbidden to offer, attempt or agree to do any of the acts forbidden by this section.

(f) *Stating prices above the ceiling price.* Every person is forbidden to state a gross price above the ceiling price, except where the seller customarily allows a percentage discount on all sales to one or more classes of customers. To customers of these classes, a seller may state a price which gives the net ceiling price after deducting the percentage discount. Wherever such a gross price is stated, the seller must also state expressly the discount allowed, the net ceiling price and the retail ceiling price. The amount actually collected or paid must never exceed the net ceiling price.

Example. X, a wholesaler, customarily grants terms of 2% 10 days to all its customers. In selling gloves with a ceiling of $1.85 per dozen, it may prepare the invoice as follows:

Terms: 2% 10 days

Lot No.	Quantity	Description	Price	Amount
903	*Doz.* 50	Men's 8 oz. single thickness canton flannel gloves, knit wrist, $1.85 per dozen. Retail ceiling price 21¢ per pair.	$1.887	$94.35

[Example amended by Am. 1, 9 F.R. 6239, effective 6-6-44 and Am. 2, effective 9-1-44]

SEC. 10. *Adjustable pricing agreements.* Adjustable pricing agreements may be entered into notwithstanding the provisions of section 9, to the extent permitted by this section.

(a) *When regulation fixes a ceiling price.* In cases where this regulation fixes a ceiling price, a person may sell at that ceiling price, subject to an agreement with the buyer to charge a higher price if it becomes the legal ceiling price by the time of delivery. But one must never charge a price which is higher than the maximum price in effect at the time of delivery. Moreover, unless specifically authorized by the Office of Price Administration, a person must not deliver or agree to deliver at a price which is to be adjusted upward in accordance with action by the Office of Price Administration after delivery.

(b) *Where regulation docs not fix a ceiling price.* In cases where a ceiling price is not fixed by the regulation, a person must not make any contract or sale unless the price is expressly subject to adjustment in accordance with any action which may be taken by the Office of Price Administration. Moreover, unless specifically authorized by the Office of Price Administration, a person must not make any delivery until a ceiling price has been fixed by the Office of Price Administration.

(c) *When specific authorization will be given.* Specific authorization to deliver or agree to deliver at a price which is to be adjusted in accordance with action by the Office of Price Administration after delivery will be given only where:

(1) A request for the fixing or changing of a ceiling price has been filed; and

(2) The authorization is necessary to promote distribution or production; and

(3) It will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

This authorization may be given by the Administrator or by any other official of the Office of Price Administration to whom the power to grant such authorization has been delegated, and may be given by order, letter or telegram.

SEC. 11. *Licensing and enforcement*—(a) *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or this regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(b) *Penalties.* Any person who violates any provisions of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 12. *Relation to other regulations*—(a) *Regulations superseded.* The coverage of this regulation is stated in section 1. Where this regulation applies, it supersedes (except as indicated in sec-

[4] 8 F.R. 13240.

tion 3 (a) (2), the provisions of the following regulations:

(1) General Maximum Price Regulation.

(2) Section 3.5 of Revised Supplementary Regulation No. 14 (formerly § 1499.73 (a) (37) of Amendment 49 to Supplementary Regulation 14).

(3) Maximum Price Regulation 210 (Retail and Wholesale Prices for Fall and Winter Seasonal Commodities).

(b) *Contractors' services.* This regulation does not apply to charges for contractors' services, which are governed by Maximum Price Regulation 172[5] (Charges of Contractors in the Apparel Industry).

"Contractor" is defined in § 1389.52 of that regulation.

(c) *War procurement agencies.* This regulation does not apply to sales of work gloves made according to military specifications, when the sales are made to any war procurement agency as defined in Maximum Price Regulation 157[6] (Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes).

(d) *Export sales.* This regulation does not apply to export sales of work gloves. Such sales are covered by the Second Revised Maximum Export Price Regulation.[7]

(e) *Import sales.* The provisions of this regulation do not apply to deliveries made from points outside the 48 states and the District of Columbia. Such sales and deliveries are governed by the provisions of the Maximum Import Price Regulation.[8] This regulation does, however, apply to domestic sales when the articles sold were originally imported.

SEC. 13. *How this regulation may be amended.* (a) Any person who seeks a modification of any provision of this regulation may file a petition for amendment of general applicability in accordance with Revised Procedural Regulation No. 1[9] issued by the Office of Price Administration.

(b) Pending an amendment, a person must not sell or deliver work gloves at prices other than those fixed in the regulation except in accordance with the provisions of section 10 (Adjustable pricing agreements).

APPENDIX A—TABLES OF CEILING PRICES FOR SALES BY MANUFACTURERS AND SALES AT WHOLESALE

(a) *Instructions for manufacturers.* 1. In using the following tables, bear in mind the rules for pricing by manufacturers which are stated in section 4 (How to find manufacturers' ceiling prices).

2. Prices are stated in column (a), per dozen pair of gloves. On shipments weighing 100 pounds, or more, the seller must prepay or allow transportation costs to the city of destination. However, where such shipments are made at transportation rates higher than freight rates, the seller is required to allow or prepay only that portion of the transportation cost which is equal to the freight cost on such shipments. On less than 100 pound shipments, the seller need not allow or prepay any transportation costs.

3. All prices are net 40 days, less 2% in 20 days. If the seller wishes, he may extend more favorable terms. But no seller may change these terms if the change would result under any circumstances in a higher net price.

(b) *Instructions for wholesalers.* 1. In using the following tables, bear in mind the rules for wholesale pricing in section 3 (How to find wholesale ceiling prices). Notice especially that these prices apply only to "regular sales", not to "special sales".

2. Prices are stated in column (b), per dozen pair of gloves, f. o. b. seller's place of business.

3. Terms for sales at wholesale are net 30 days. If the seller wishes, he may extend more favorable terms. But no seller may change these terms if the change would result under any circumstances in a higher net price.

NOTE.—The ceiling prices listed for manufacturers and wholesalers in the tables below apply to first quality gloves. The ceiling for a pair of work glove "seconds" is determined by dividing the appropriate dozen ceiling price in the tables for the same gloves of first quality by 12, and then multiplying the quotient by 75%.

[Note added by Am. 2, effective 9-1-44]

TABLE 1—WHITE AND UNBLEACHED CANTON FLANNEL GLOVES, WITH SINGLE THICKNESS BACK AND PALM

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Clute pattern:			
Knit wrist:[1]			
6 oz. Men's	$1.40	$1.52½	$1.67½
6 oz. Women's	1.37½	1.50	1.62½
6 oz. Small Women's	1.35	1.47½	1.60
8 oz. Men's	1.55	1.70	1.85
8 oz. Women's	1.52½	1.67½	1.82½
10 oz. Men's	1.75	1.90	2.07½
10 oz. Women's	1.72½	1.87½	2.05
12 oz. Men's	1.92½	2.10	2.30
12 oz. Extra large men's	2.05	2.22½	2.45
Band top:[2]			
8 oz. Men's	1.55	1.70	1.85
8 oz. Women's	1.52½	1.67½	1.82½
10 oz. Men's	1.77½	1.92½	2.12½
12 oz. Men's	1.97½	2.15	2.35
Double gauntlet:[3]			
10 oz. Men's	2.45	2.65	2.92½
12 oz. Men's	2.60	2.82½	3.10
12 oz. Men's, with turtle neck[4] not less than 10 oz	2.65	2.87½	3.15
Gunn or fourchette pattern:			
Knit wrist:[1]			
8 oz. Men's	1.60	1.72½	1.90
8 oz. Men's, reversible	1.60	1.72½	1.90
10 oz Men's	1.75	1.90	2.07½
10 oz. Men's, reversible	1.75	1.90	2.07½
12 oz Men's	1.92½	2.10	2.30
Double gauntlet:[3]			
10 oz. Men's	2.45	2.65	2.92½
12 oz. Men's	2.60	2.82½	3.10
12 oz. Men's, with turtle neck[4] not less than 10 oz	2.65	2.87½	3.15

[Table 1 amended by Am. 2, effective 9-1-44]

TABLE 2—CANTON FLANNEL GLOVES, WITH DOUBLE THICKNESS NAP OUT PALM AND SINGLE THICKNESS BACK

	Column A—Manufacturers' prices		Column B Wholesalers' prices
	Group I ceiling	Group II ceiling	
Quilted palm:			
Knit wrist:[1]			
Men's 14½ oz. palm, 8 oz. stripe back	$2.22½	$2.45	$2.65
Men's 18 oz. palm, 8 oz. stripe back	2.40	2.60	2.85
Women's 18 oz. palm, 8 oz. stripe back	2.37½	2.57½	2.82½
Men's 18 oz. palm, 10 oz. white back	2.45	2.65	2.92½
Women's 18 oz. palm, 10 oz. white back	2.42½	2.62½	2.87½
Double safety:[3]			
Men's 18 oz. palm, 8 oz. stripe back	2.72½	2.97½	3.25
Men's 18 oz. palm, 8 oz. stripe back, with turtle neck not less than 10 oz	2.80	3.07½	3.32½
Men's 18 oz. palm, 10 oz. white back	2.77½	3.05	3.30
Men's 18 oz. palm, 10 oz. white back, with turtle neck not less than 10 oz	2.85	3.12½	3.40
Double gauntlet:[3]			
Men's 18 oz. palm, 8 oz. stripe back	3.00	3.25	3.57½
Men's 18 oz. palm, 8 oz. stripe back, with turtle neck[4] not less than 10 oz	3.07½	3.35	3.65
Men's 18 oz. palm, 10 oz. white back	3.05	3.32½	3.62½
Men's 18 oz. palm, 10 oz. white back, with turtle neck[4] not less than 10 oz	3.12½	3.40	3.72½
Processed palm:			
Knit wrist:[1]			
Men's 14½ oz. material palm, 8 oz. stripe back	2.30	2.50	2.75
Men's 18 oz. material palm, 8 oz. stripe back	2.45	2.65	2.92½
Women's 18 oz. material palm, 8 oz. stripe back	2.42½	2.62½	2.87½
Men's 18 oz. material palm, 10 oz. white back	2.50	2.72½	2.97½
Women's 18 oz. material palm, 10 oz. white back	2.47½	2.70	2.95

See footnotes at end of tables.

[5] 7 F.R. 4882, 6684, 8351, 8948, 10864; 8 F.R. 8063.

[6] 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948; 8 F.R. 3948, 7507, 15609, 17374; 9 F.R. 1456.

[7] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

[8] 9 F.R. 2350.

[9] 9 F.R. 5791.

TABLE 2—continued

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Processed palm—Continued.			
Double safety:[5]			
Men's 18 oz. material palm, 8 oz. stripe back	$2.77½	$3.05	$3.30
Men's 18 oz. material palm, 8 oz. stripe back with turtle neck not less than 10 oz	2.85	3.12½	3.40
Men's 18 oz. material palm, 10 oz. white back	2.82½	3.10	3.37½
Men's 18 oz. material palm, 10 oz. white back, with turtle neck not less than 10 oz	2.90	3.17½	3.45
Double gauntlet:[5]			
Men's 18 oz. material palm, 8 oz. stripe back	3.05	3.32½	3.62½
Men's 18 oz. material palm, 8 oz. stripe back, with turtle neck[4] not less than 10 oz	3.12½	3.40	3.72½
Men's 18 oz. material palm, 10 oz. white back	3.10	3.37½	3.70
Men's 18 oz. material palm, 10 oz. white back, with turtle neck[4] not less than 10 oz	3.17½	3.45	3.77½

[Table 2 amended by Am. 1, 9 F.R. 6239, effective 6-6-44 and Am. 2, effective 9-1-44]

TABLE 3—HOT MILL GLOVES (INSEAM OR OUTSEAM, NAP IN OR NAP OUT)

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Quilted palm:			
Knit wrist,[1] Men's 12 oz. palm, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap	$3.25	$3.52½	$3.87½
Band top,[3] Men's 12 oz. palm and pull, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap	3.65	3.97½	4.35
Band top,[3] Men's 12 oz. palm, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap	3.42½	3.75	4.07½
Double gauntlet,[3] Men's 12 oz. palm and pull, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap	4.00	4.35	4.75
Double gauntlet,[3] Men's 12 oz. palm, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap	3.80	4.12½	4.52½

TABLE 4—WHITE FLANNEL GLOVES, WITH DOUBLE THICKNESS PALM AND SINGLE THICKNESS BACK, NAP IN

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Quilted palm:			
Knit wrist,[1] Men's 18 oz. palm, 10 oz. back	$2.40	$2.60	$2.85
Band top,[3] Men's 18 oz. palm, 10 oz. back	2.45	2.65	2.92½
Double gauntlet,[3] Men's 18 oz. palm, 10 oz. back	3.00	3.25	3.57½

TABLE 5—DOUBLE THROUGHOUT; NAP OUT FLANNEL "CHORE" GLOVES

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Quilted material:			
Knit wrist:[1]			
Men's 12-13½ oz	$2.35	$2.55	$2.80
Men's extra large 12-13½ oz	2.45	2.65	2.92½
Women's 12-13½ oz	2.32½	2.52½	2.77½
Men's 14½ oz	2.42½	2.62½	2.87½
Men's extra large 14½ oz	2.52½	2.75	3.00
Women's 14½ oz	2.40	2.60	2.85
Men's 16 oz	2.52½	2.75	3.00
Men's extra large 16 oz	2.62½	2.85	3.12½
Women's 16 oz	2.50	2.72½	2.97½
Men's 18 oz	2.70	2.92½	3.22½
Men's extra large 18 oz	2.82½	3.10	3.37½
Double safety:[5]			
Men's 12-13½ oz	2.65	2.87½	3.15
Men's 14½ oz	2.75	3.02½	3.27½
Men's 16 oz	2.85	3.12½	3.40
Processed material:			
Knit wrist:[1]			
Men's 12-13½ oz. material	2.42½	2.62½	2.87½
Men's extra large 12-13½ oz. material	2.52½	2.75	3.00
Women's 12-13½ oz. material	2.40	2.60	2.85
Men's 14½ oz. material	2.50	2.72½	2.97½
Men's extra large 14½ oz. material	2.60	2.82½	3.10
Women's 14½ oz. material	2.47½	2.70	2.95
Men's 16 oz. material	2.60	2.82½	3.10
Men's extra large 16 oz. material	2.70	2.95	3.22½
Women's 16 oz. material	2.57½	2.80	3.07½
Men's 18 oz. material	2.80	3.07½	3.32½
Men's extra large 18 oz. material	2.90	3.17½	3.45
Double safety:[5]			
Men's 12-13½ oz. material	2.75	3.00	3.27½
Men's 14½ oz. material	2.82½	3.10	3.37½
Men's 16 oz. material	2.92½	3.20	3.47½

TABLE 6—GUNN OR FOURCHETTE PATTERN, TWO-THUMB (NOT REINFORCED), WHITE NAP OUT SINGLE THICKNESS CANTON FLANNEL GLOVES ("HUSKING" GLOVES)

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Knit wrist:[1]			
Men's 8 oz	$1.75	$1.90	$2.07½
Women's 8 oz	1.72½	1.87½	2.05
Men's 10 oz	1.95	2.12½	2.32½
Women's 10 oz	1.92½	2.10	2.30
Men's 12 oz	2.15	2.35	2.55

TABLE 7—TWO-THUMB, WHITE NAP OUT SINGLE THICKNESS CANTON FLANNEL WELT SEAM MITTENS

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Knit wrist:[1]			
Men's 12 oz. palm and thumb, with 6 oz. thumb reinforcement	$2.30	$2.50	$2.75
Women's 10 oz. palm and thumb, with 6 oz. thumb reinforcement	1.92½	2.10	2.30

See footnotes at end of tables.

TABLE 8—"CHORE" AND SMELTER MITTENS

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Double throughout, nap-out flannel "chore" mittens:			
Knit wrist:[1]			
Men's 14½ oz.	$2.20	$2.42½	$2.62½
Men's 16 oz.	2.37½	2.57½	2.82½
Men's 20 oz.	2.50	2.72½	2.97½
Double throughout, nap out canton flannel "smelter" mitten:			
Open top, Men's 20 oz.	2.70	2.95	3.22½

TABLE 9—SINGLE THICKNESS PLAIN JERSEY GLOVES

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Knit wrist:[1]			
Men's 8 oz.	$1.62½	$1.77½	$1.92½
Men's 9 oz.	1.77½	1.92½	2.12½
Women's 9 oz.	1.75	1.90	2.07½
Small Women's 9 oz.	1.72½	1.87½	2.05
Men's 10½ oz.	1.90	2.07½	2.25
Women's 10½ oz.	1.87½	2.02½	2.22½
Men's 13 oz.	2.10	2.27½	2.50

TABLE 10—FULL LINED JERSEY GLOVES, OPEN WRIST ("SLIP ON")

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Men's 13½-14 oz. plain shell	$2.50	$2.72½	$2.97½
Men's extra large 13½-14 oz. plain shell	2.60	2.82½	3.10
Women's 13½-14 oz. fleece in or out plain shell	2.50	2.50	2.75
Men's 13½-14 oz. cut pressor fancy shell	2.62½	2.85	3.12½

TABLE 11—CHILDREN'S SINGLE THICKNESS JERSEY GLOVES

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
Knit wrist:			
Ages up to 5, 9 oz. plain	$1.40	$1.52½	$1.67½
Ages 5 to 10, 9 oz. plain	1.42½	1.55	1.70
Ages 10 to 15, 9 oz. plain	1.45	1.60	1.72½
Ages up to 5, 9 oz. plain mitten	1.15	1.25	1.37½
Ages 5 to 10, 9 oz. plain mitten	1.17½	1.27½	1.40
Ages 10 to 15, 9 oz. plain mitten	1.20	1.30	1.42½
Gauntlet:			
Ages up to 5, 9 oz. plain	1.87½	2.02½	2.22½
Ages 5 to 10, 9 oz. plain	1.97½	2.15	2.35
Ages 10 to 15, 9 oz. plain	2.07½	2.25	2.47½

See footnotes at end of tables.

TABLE 12—LEATHER COMBINATION GLOVES (LINED LEATHER PALM, 8 OZ. CANTON FLANNEL BACK)

	Column A—Manufacturers' prices		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
No. 12. Clute pattern—split palm,[6] 5 oz. or heavier lining, without leather finger tips, not more than ¾ leather thumb:			
A. Men's knit wrist[1]	$3.40	$3.70	$4.05
B. Women's knit wrist[1]	3.30	3.60	3.92½
C. Men's single ply safety (not less than 2½" finished)	3.50	3.80	4.17½
D. Men's single ply gauntlet (not less than 4½" finished)	3.60	3.90	4.27½
E. Women's single ply gauntlet (not less than 4" finished)	3.50	3.80	4.17½
No. 12/1. Clute pattern—split palm,[6] 5 oz. or heavier lining, without leather finger tips, not more than ¾ leather thumb, 6 oz. canton flannel back:			
A. Men's knit wrist[1]	3.30	3.60	3.92½
B. Women's knit wrist[1]	3.20	3.45	3.80
C. Men's single ply safety (not less than 2½" finished)	3.40	3.70	4.05
D. Men's single ply gauntlet (not less than 4½" finished)	3.50	3.80	4.17½
E. Women's single ply gauntlet (not less than 4" finished)	3.40	3.70	4.05
No. 13. Gunn pattern—knit wrist,[1] 6 oz. or heavier palm lining, leather finger tips:			
A. Men's split palm,[6] ¾ leather thumb	4.80	5.20	5.72½
B. Men's side split palm,[7] ¾ leather thumb	5.65	6.20	6.72½
B/1. Men's heavy side split palm,[8] ¾ leather thumb	5.90	6.40	7.02½
C. Men's heavy side split palm,[8] full leather thumb, forefinger and little finger, leather wrist pull	6.75	7.40	8.02½
D. Men's side split palm,[7] full leather thumb and forefinger	5.95	6.45	7.07½
D/1. Men's heavy side split palm,[8] full leather thumb and forefinger	6.15	6.70	7.32½
E. Men's side split palm,[7] ¾ leather thumb, 10½ oz. real jersey back	5.60	6.15	6.67½
E/1. Men's heavy side split palm,[8] ¾ leather thumb, 10½ oz. real jersey back	5.80	6.35	6.90
No 13/1. Gunn pattern—split palm,[6] 6 oz. or heavier lining, ¾ leather thumb, leather finger tips:			
A. Men's single safety (not less than 2½" finished)	4.90	5.30	5.82½
B. Men's double safety[9]	5.10	5.55	6.07½
C. Men's single gauntlet (not less than 4½" finished)	5.00	5.45	5.95
D. Men's double gauntlet (not less than 4½" finished)	5.35	5.80	6.37½
No. 14. Gunn pattern—6 oz. or heavier palm lining, leather finger tips, waterproof safety:[9]			
A. Men's split palm,[6] ¾ leather thumb	5.15	5.60	6.12½
Women's split palm,[6] ¾ leather thumb	5.05	5.50	6.00
B. Men's split palm,[6] ¾ leather thumb, leather pull, leather knuckle strap	5.50	6.35	6.90
C. Men's side split palm,[7] full leather thumb, leather pull, leather knuckle strap	6.75	7.40	8.02½
Women's side split palm,[7] full leather thumb, leather pull, leather knuckle strap	6.65	7.30	7.92½
C/1. Men's heavy side split palm,[8] full leather thumb, leather pull, leather knuckle strap	7.00	7.65	8.32½
Women's heavy side split palm,[8] full leather thumb, leather pull, leather knuckle strap	6.90	7.55	8.22½
D. Men's side split palm,[7] full leather thumb and forefinger, leather pull, leather knuckle strap	6.95	7.60	8.27½
D/1. Men's heavy side split palm,[8] full leather thumb and forefinger, leather pull, leather knuckle strap	7.25	7.90	8.62½
E. Men's side split palm,[7] full leather thumb and forefinger, leather pull, ⅞ length leather back	7.25	7.90	8.62½
E/1. Men's heavy side split palm,[8] full leather thumb and forefinger, leather pull, ⅞ length leather back	7.50	8.15	8.92½
G. Men's side split palm,[7] full leather thumb and forefinger, leather pull, ¾ length leather back	7.45	8.10	8.87½
G/1. Men's heavy side split palm,[8] full leather thumb and forefinger, leather pull, ¾ length leather back	7.75	8.40	9.22½
H. Men's heavy side split palm,[8] full leather thumb and finger backs, leather pull, leather knuckle strap	7.75	8.40	9.22½
Men's heavy side split palm,[8] full leather thumb and finger backs, leather pull	7.55	8.20	9.00
H/1. Clute pattern—Men's heavy side split palm,[8] full leather thumb and finger backs, leather pull, leather knuckle strap	7.65	8.30	9.10
Clute pattern—Men's heavy side split palm,[8] full leather thumb and finger backs, leather pull	7.45	8.10	8.87½
No. 15. Gunn pattern—6 oz. or heavier palm lining, leather finger tips, waterproof gauntlet:			
A. Men's split palm,[6] ¾ leather thumb, gauntlet cuff[10]	5.60	6.15	6.67½
Women's split palm,[6] ¾ leather thumb, gauntlet cuff[10]	5.50	6.05	6.55
B. Men's split palm,[6] ¾ leather thumb, leather pull, leather knuckle strap, gauntlet cuff[10]	6.30	6.85	7.50
C. Men's side split palm,[7] full leather thumb, leather pull, leather knuckle strap, gauntlet cuff[10]	7.25	7.90	8.62½
Women's side split palm,[7] full leather thumb, leather pull, leather knuckle strap, gauntlet cuff[10]	7.10	7.75	8.45

TABLE 12—continued

	Column A—Manufacturers' price		Column B—Wholesalers' prices
	Group I ceiling	Group II ceiling	
No. 15. Gunn pattern—Continued.			
C/1. Men's heavy side split palm,[6] full leather thumb, leather pull, leather knuckle strap, gauntlet cuff[10]	$7.50	$8.15	$8.92½
Women's heavy side split palm,[6] full leather thumb, leather pull, leather knuckle strap, gauntlet cuff[10]	7.40	8.05	8.80
D. Men's side split palm,[7] full leather thumb and forefinger, leather pull, leather knuckle strap, gauntlet cuff[10]	7.45	8.10	8.87½
D/1. Men's heavy side split palm,[8] full leather thumb and forefinger, leather pull, leather knuckle strap, gauntlet cuff[11]	7.75	8.40	9.22½
E. Men's side split palm,[7] full leather thumb and forefinger, leather pull, ⅞ length leather back, gauntlet cuff[10]	7.70	8.35	9.17½
E/1. Men's heavy side split palm,[8] full leather thumb and forefinger, leather pull, ⅞ length leather back, gauntlet cuff[11]	8.00	8.75	9.52½
G. Men's side split palm,[7] full leather thumb and forefinger, leather pull, ¾ length leather back, gauntlet cuff[11]	7.90	8.65	9.40
G/1. Men's heavy side split palm,[8] full leather thumb and forefinger, leather pull, ¾ length leather back, gauntlet cuff[11]	8.25	9.00	9.82½
H. Men's heavy side split palm,[8] full leather thumb and finger backs, leather pull, leather knuckle strap, gauntlet cuff[11]	8.25	9.00	9.82½
Men's heavy side split palm,[8] full leather thumb and finger backs, leather pull, gauntlet cuff[11]	8.05	8.80	9.57½
H/1. Clute pattern—Men's heavy side split palm,[8] full leather thumb and finger backs, leather pull, leather knuckle strap, gauntlet cuff[11]	8.15	8.90	9.70
Clute pattern—Men's heavy side split palm,[8] full leather thumb and finger backs, leather pull, gauntlet cuff[11]	7.95	8.70	9.47½

[1] Knit wrist—Maximum weight of tubing: 12 yards per pound. Minimum wrist length: men's, 2½" finished; women's and small women's 2¼" finished; men's extra large, 2¾" finished.
[2] Band top—Same weight material as glove. Minimum wrist length: men's, 1¾" finished; women's and small women's 1½" finished.
[3] Gauntlet cuff—Double, 2 ply, thickness, not less than 5" finished.
[4] Gauntlet cuff—Double, 2 ply, thickness, not less than 4½" finished.
[5] Safety cuff—Double, 2 ply, thickness, not less than 2½" finished.
[6] Shoulders and other pound stock (except middle splits), and light weight side split leather not in excess of 2 oz. per square foot.
[7] Average minimum weight of palm leather 2¼ oz. per square foot. Either cow or horse side split.
[8] Average minimum weight of palm leather 3 oz. per square foot. Either cow or horse side split.
[9] Safety cuff—Waterproofed. Minimum length of cuff: Men's, 2½" finished; women's 2" finished. Weight of cuff material not less than 23 oz. per square yard.
[10] Gauntlet cuff—Waterproofed. Minimum length of cuff: men's, 4½" finished; women's, 4" finished. Weight of cuff material not less than 23 oz. per square yard.
[11] Gauntlet cuff—Waterproofed, not less than 5" finished. Weight of cuff material not less than 23 oz. per square yard.

[Tables 3 through 12 amended by Am. 2, effective 9-1-44]

APPENDIX B—TABLES OF CEILING PRICES FOR SALES AT RETAIL

Instructions. Ceiling prices for staple work gloves are not given by kind of glove but by the supplier's net ceiling price. This price must be found according to the rules in section 2 (How to find retail ceiling prices). Read this section before using the tables.

Two tables of retail ceiling prices are provided. You must use Table I to find the retail ceiling price for gloves purchased from a wholesaler. Table II must be used to find the retail ceiling price for gloves purchased direct from the manufacturer.

When you have found your supplier's net ceiling price, look in Column 1 of the appropriate table for the bracket in which this price belongs. Then look at the figure opposite in Column 2; this is your retail ceiling price per pair of gloves.

For example, suppose your supplier's net ceiling price is $1.55, and that you purchased the gloves from the manufacturer. Your ceiling price will be found in Table II. Follow down Column 1 in Table II until you find the bracket $1.49–1.57+. Opposite these figures, in Column 2, you find the retail ceiling of $.17. If your supplier's ceiling had been $1.57½, your price would still be $.17, since $1.57+ includes any fraction of a cent over $1.57.

However, if you purchase gloves at a "special sale", you are not permitted to use these tables, but you must find your ceiling according to the rule given in section 2 (c).

TABLE I—RETAIL CEILING PRICES FOR WORK GLOVES PURCHASED FROM WHOLESALERS

Column 1—Supplier's Ceiling Price (per dozen)	Column 2—Retail ceiling (per pair)	Column 1—Supplier's Ceiling Price (per dozen)	Column 2—Retail ceiling (per pair)
$1.00-1.10+	$0.12	$5.11-5.19+	$0.58
1.11-1.19+	.13	5.20-5.28+	.59
1.20-1.28+	.14	5.29-5.37+	.60
1.29-1.37+	.15	5.38-5.46+	.61
1.38-1.46+	.16	5.47-5.54+	.62
1.47-1.55+	.17	5.55-5.63+	.63
1.56-1.64+	.18	5.64-5.72+	.64
1.65-1.73+	.19	5.73-5.81+	.65
1.74-1.82+	.20	5.82-5.90+	.66
1.83-1.90+	.21	5.91-5.99+	.67
1.91-1.99+	.22	6.00-6.08+	.68
2.00-2.08+	.23	6.09-6.17+	.69
2.09-2.17+	.24	6.16-6.25+	.70
2.18-2.26+	.25	6.26-6.34+	.71
2.27-2.35+	.26	6.35-6.43+	.72
2.36-2.44+	.27	6.44-6.52+	.73
2.45-2.53+	.28	6.53-6.61+	.74
2.54-2.61+	.29	6.62-6.70+	.75
2.62-2.70+	.30	6.71-6.79+	.76
2.71-2.79+	.31	6.80-6.88+	.77
2.80-2.88+	.32	6.89-6.96+	.78
2.89-2.97+	.33	6.97-7.05+	.79
2.98-3.06+	.34	7.06-7.14+	.80
3.07-3.15+	.35	7.15-7.23+	.81
3.16-3.24+	.36	7.24-7.32+	.82
3.25-3.32+	.37	7.33-7.41+	.83
3.33-3.41+	.38	7.42-7.50+	.84
3.42-3.50+	.39	7.51-7.59+	.85
3.51-3.59+	.40	7.60-7.68+	.86
3.60-3.68+	.41	7.69-7.76+	.87
3.69-3.77+	.42	7.77-7.85+	.88
3.78-3.86+	.43	7.86-7.94+	.89
3.87-3.95+	.44	7.95-8.03+	.90
3.96-4.03+	.45	8.04-8.12+	.91
4.04-4.12+	.46	8.13-8.21+	.92
4.13-4.21+	.47	8.22-8.30+	.93
4.22-4.30+	.48	8.31-8.39+	.94
4.31-4.39+	.49	8.40-8.47+	.95
4.40-4.48+	.50	8.48-8.56+	.96
4.49-4.57+	.51	8.57-8.65+	.97
4.58-4.66+	.52	8.66-8.74+	.98
4.67-4.75+	.53	8.75-8.83+	.99
4.76-4.83+	.54	8.84-8.92+	1.00
4.84-4.92+	.55	8.93-9.01+	1.01
4.93-5.01+	.56	9.02-9.10+	1.02
5.02-5.10+	.57	9.11-9.18+	1.03

TABLE I—RETAIL CEILING PRICES FOR WORK GLOVES PURCHASED FROM WHOLESALERS—CON.

Column 1—Supplier's Ceiling Price (per dozen)	Column 2—Retail ceiling (per pair)	Column 1—Supplier's Ceiling Price (per dozen)	Column 2—Retail ceiling (per pair)
$9.19-9.27+	$1.04	$11.15-11.23+	$1.26
9.28-9.36+	1.05	11.24-11.32+	1.27
9.37-9.45+	1.06	11.33-11.40+	1.28
9.46-9.54+	1.07	11.41-11.49+	1.29
9.55-9.63+	1.08	11.50-11.58+	1.30
9.64-9.72+	1.09	11.59-11.67+	1.31
9.73-9.81+	1.10	11.68-11.76+	1.32
9.82-9.89+	1.11	11.77-11.85+	1.33
9.90-9.98+	1.12	11.86-11.94+	1.34
9.99-10.07+	1.13	11.95-12.03+	1.35
10.08-10.16+	1.14	12.04-12.11+	1.36
10.17-10.25+	1.15	12.12-12.20+	1.37
10.26-10.34+	1.16	12.21-12.29+	1.38
10.35-10.43+	1.17	12.30-12.38+	1.39
10.44-10.52+	1.18	12.39-12.47+	1.40
10.53-10.60+	1.19	12.48-12.56+	1.41
10.61-10.69+	1.20	12.57-12.65+	1.42
10.70-10.78+	1.21	12.66-12.73+	1.43
10.79-10.87+	1.22	12.74-12.82+	1.44
10.88-10.96+	1.23	12.83-12.91+	1.45
10.97-11.05+	1.24	12.92-13.00+	1.46
11.06-11.14+	1.25		

TABLE II—RETAIL CEILING PRICES FOR WORK GLOVES PURCHASED DIRECT FROM MANUFACTURERS

Column 1—Supplier's Ceiling Price (per dozen)	Column 2—Retail ceiling (per pair)	Column 1—Supplier's Ceiling Price (per dozen)	Column 2—Retail ceiling (per pair)
$1.00-1.12+	$0.12	$7.15-7.23+	$0.80
1.13-1.21+	.13	7.24-7.32+	.81
1.22-1.30+	.14	7.33-7.41+	.82
1.31-1.39+	.15	7.42-7.50+	.83
1.40-1.48+	.16	7.51-7.59+	.84
1.49-1.57+	.17	7.60-7.68+	.85
1.58-1.66+	.18	7.69-7.77+	.86
1.67-1.75+	.19	7.78-7.86+	.87
1.76-1.84+	.20	7.87-7.95+	.88
1.85-1.93+	.21	7.96-8.04+	.89
1.94-2.02+	.22	8.05-8.13+	.90
2.03-2.11+	.23	8.14-8.22+	.91
2.12-2.20+	.24	8.23-8.31+	.92
2.21-2.29+	.25	8.32-8.40+	.93
2.30-2.38+	.26	8.41-8.49+	.94
2.39-2.47+	.27	8.50-8.58+	.95
2.48-2.56+	.28	8.59-8.67+	.96
2.57-2.65+	.29	8.68-8.76+	.97
2.66-2.74+	.30	8.77-8.85+	.98
2.75-2.83+	.31	8.86-8.94+	.99
2.84-2.92+	.32	8.95-9.03+	1.00
2.93-3.01+	.33	9.04-9.12+	1.01
3.02-3.10+	.34	9.13-9.21+	1.02
3.11-3.18+	.35	9.22-9.30+	1.03
3.19-3.27+	.36	9.31-9.38+	1.04
3.28-3.36+	.37	9.39-9.47+	1.05
3.37-3.45+	.38	9.48-9.56+	1.06
3.46-3.54+	.39	9.57-9.65+	1.07
3.55-3.63+	.40	9.66-9.74+	1.08
3.64-3.72+	.41	9.75-9.83+	1.09
3.73-3.81+	.42	9.84-9.92+	1.10
3.82-3.90+	.43	9.93-10.01+	1.11
3.91-3.99+	.44	10.02-10.10+	1.12
4.00-4.08+	.45	10.11-10.19+	1.13
4.09-4.17+	.46	10.20-10.28+	1.14
4.18-4.26+	.47	10.29-10.37+	1.15
4.27-4.35+	.48	10.38-10.46+	1.16
4.36-4.44+	.49	10.47-10.55+	1.17
4.45-4.53+	.50	10.56-10.64+	1.18
4.54-4.62+	.51	10.65-10.73+	1.19
4.63-4.71+	.52	10.74-10.82+	1.20
4.72-4.80+	.53	10.83-10.91+	1.21
4.81-4.89+	.54	10.92-11.00+	1.22
4.90-4.98+	.55	11.01-11.09+	1.23
4.99-5.07+	.56	11.10-11.18+	1.24
5.08-5.16+	.57	11.19-11.27+	1.25
5.17-5.25+	.58	11.28-11.36+	1.26
5.26-5.34+	.59	11.37-11.45+	1.27
5.35-5.43+	.60	11.46-11.54+	1.28
5.44-5.52+	.61	11.55-11.63+	1.29
5.53-5.61+	.62	11.64-11.72+	1.30
5.62-5.70+	.63	11.73-11.81+	1.31
5.71-5.79+	.64	11.82-11.90+	1.32
5.80-5.88+	.65	11.91-11.99+	1.33
5.89-5.97+	.66	12.00-12.08+	1.34
5.98-6.06+	.67	12.09-12.17+	1.35
6.07-6.15+	.68	12.18-12.26+	1.36
6.16-6.24+	.69	12.27-12.35+	1.37
6.25-6.33+	.70	12.36-12.44+	1.38
6.34-6.42+	.71	12.45-12.53+	1.39
6.43-6.51+	.72	12.54-12.62+	1.40
6.52-6.60+	.73	12.63-12.71+	1.41
6.61-6.69+	.74	12.72-12.80+	1.42
6.70-6.78+	.75	12.81-12.89+	1.43
6.79-6.87+	.76	12.90-12.98+	1.44
6.88-6.96+	.77	12.99-13.07+	1.45
6.97-7.05+	.78	13.08-13.16+	1.46
7.06-7.14+	.79		

[Appendix B amended by Am. 2, effective 9-1-44]

APPENDIX C—SUGGESTED FORM TO BE USED BY MANUFACTURERS IN APPLYING FOR CEILING PRICES UNDER SECTION 4 (B).

APPLICATION FOR AN AUTHORIZED CEILING PRICE

This is a suggested form. Copies will not be supplied by the Office of Price Administration.

Firm Name..... Address.....
Type of trade customarily sold to. (Check)— Chain stores or mail order houses ( ) Other Retailers ( ) Jobbers ( )
Glove Description:
Cut or pattern .....
Thickness..... Size Classification.....
Type of wrist .....
Additional features (if any) .....
Material Description:
Glove fabric ..... Weight .....
Cuff fabric ..... Weight .....
Lining fabric ..... Weight .....
Leather ..... Grade .....

Item	Yards per dozen	Current ceiling price	Cost per dozen
Material Cost:			
Glove fabric		Per yd	
Cuff fabric		Per yd	
Lining fabric		Per yd	
Leather		Per sq. ft	
Freight in			
Total Material Cost			
Deduct Discount on Purchases			
Net Material Cost			
Trimming Cost:			
Thread			
Boxes and cartons			
Labels			
Others (specify)			
Total Trimming Cost			
Total Material and Trimming Cost			
Direct Labor Excluding Make-up, Overtime and Social Security:			
Cutting			
Sewing			
Put-up			
Inspection			
Total Direct Labor			

Submitted by:
Name .....
Title .....
Date .....

Effective date. This regulation shall become effective for sales by manufacturers and sales at wholesale on May 16, 1944, and for sales at retail on June 6, 1944. Prior to the effective date, any person may sell and deliver either at prices determined under existing regulations, or at prices determined under Revised Maximum Price Regulation 506. [Revised Maximum Price Regulation 506 originally issued May 11, 1944]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13437; Filed, Sept. 1, 1944; 4:21 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 1 to Supp. 2]

OATS

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.*

Supplement 2 to FPR 2 is amended in the following respects:

1. The following county base price is added to the list of county base prices for the State of Florida in Table IV of Appendix A:

Jefferson 92

2. The following county base price is added to the list of county base prices for the State of New York in Table IV of Appendix A:

Wayne 84

3. The county base prices in Table IV of Appendix A for the States of Oregon and Washington are amended so as to read as follows:

Baker 66
Benton 68
Clackamas 70
Clatsop 71
Columbia 71
Coos 73
Crook 71
Curry 74
Deschutes 71
Douglas 72
Grant 67
Harney 63
Hood River 70
Jackson 73
Jefferson 63
Josephine 73
Klamath 79
Lake 78
Lane 70
Lincoln 73
Linn 63
Malheur 67
Marion 69
Multnomah 71
Polk 69
Tillamook 73
Washington 70
Wheeler 68
Yamhill 69
All other counties in Area A.

WASHINGTON

Chelan 67
Clallan 74
Clark 71
Cowlitz 71
Okanogan 67
Pacific 72
Pend Oreille 63
Pierce 71
Ferry 64
Grays Harbor 72
Island 70
Jefferson 74
King 71
Kitsap 69
Klickitat 67
Lewis 71
Mason 72
San Juan 70
Skagit 71
Skamania 69
Snohomish 71
Stevens 64
Thurston 71
Wahkiakum 71
Whatcom 71
Yakima 63
All other counties in Area A.

This amendment shall become effective September 7, 1944.

Issued this 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13462; Filed, Sept. 2, 1944; 11:45 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 289,[1] Amdt. 11]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 289 is amended in the following respects:

1. Section 18 (a) (2) is amended by adding the following sentence:

This definition has no application to sections 19, 20, 24, 25, 27, 28, 29, 30 and 31 of this regulation.

2. Section 19 (a) (1) (iii) is amended to read as follows:

(iii) The prices in the preceding subdivisions (i) and (ii) are prices for Cheddar cheese of 39% or less moisture content packed in boxes customarily employed for the particular styles listed in Table A.

3. Section 19 (d) (2) (ii) is amended to read as follows:

(ii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" where delivery is made to the physical location of, an individual Army post or Naval base, or a Federal hospital, school or penal institution located at any place outside Wisconsin shall be the appropriate price in either Table I or Table J above, whichever is applicable, plus a "transportation factor".

4. Section 19 (e) is amended by adding the following sentence:

(e) *Provided, however,* All maximum prices of "service wholesalers" made on a cents per pound basis and carried to the second decimal point shall be rounded to the nearest 1/10th of a cent or to the next higher 1/10th of a cent where the second digit beyond the decimal point ends with the numeral, five.

5. Section 26 (c) (1) is amended to read as follows:

(c) *Sales by processors of canned sweetened condensed milk in cartons.* (1) Maximum prices for sales and deliveries by a processor of sweetened condensed milk (as defined in paragraph (d) (15) and containing 42% sugar), in cans, packed in cartons shall be either (i) the prices listed in Table B subject to adjustments for variations in composition and can weights as set forth in (c) (2) below, or (ii) the highest prices to purchasers (other than the United States Government, or any agency thereof) charged by that processor in March 1942, whichever shall be the higher.

6. Section 22 (a) (4) is amended to read as follows:

(4) By manufacturers to wholesalers "for deliveries" to wholesalers the prices named in subparagraph (3) above, less 3 per cent.

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*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 5140, 5427, 5429, 5583, 5917, 5919, 5921, 6105, 7699.

7. Section 28 (d) is amended by adding the following sentence:

(d) *Provided however,* All maximum prices of "service wholesalers" made on a cents per pound basis and carried to the second decimal point shall be rounded to the nearest 1/10th of a cent or to the next higher 1/10th of a cent where the second digit beyond the decimal point ends with the numeral, five.

8. Section 29 (b) (3) is amended by adding the following sentence:

(3) *Provided however,* All maximum prices of "service wholesalers" made on a cents per pound basis and carried to the second decimal point shall be rounded to the nearest 1/10th of a cent or to the next higher 1/10th of a cent where the second digit beyond the decimal point ends with the numeral, five.

9. Section 29 (c) (8) (vi) is added to read as follows:

(vi) None of the above described cheeses which has been grated shall be subject to the provisions of this section.

10. Section 30 (b) (3) is amended by adding the following sentence:

(3) *Provided however,*-All maximum prices of "service wholesalers" made on a cents per pound basis and carried to the second decimal point shall be rounded to the nearest 1/10th of a cent or to the next higher 1/10th of a cent where the second digit beyond the decimal point ends with the numeral, five.

11. Section 30 (d) (2) is amended to read as follows:

(2) Sales of any "cheese item" containing either more moisture or less milk fat, or, more moisture and less milk fat, than prescribed in paragraph (a) (1) (ii) shall be priced at the prices established for "skim milk cheese" in section 28 of Revised Maximum Price Regulation No. 289 except that for a period of 90 days after June 5, 1944, either the price for the "cheese item" established under provisions of Revised Maximum Price Regulation No. 280,[2] or, the price established in this section for Monterey cheese, whichever is lower, shall govern.

12. Section 31 (a) (1) (i) is amended to read as follows:

(i) The maximum price for the sale of any "cheese item" conforming with the standards prescribed in paragraph (c) (8) (i) and (ii) respectively of this section, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A

[In cents per pound and package]

Sales and deliveries by	Bulk prices (per pound)	¾ oz. portions per box 18 oz. (net weight)	1¼ oz. portions per box 15 oz. (net weight)	3 oz. portions per box 18 oz. (net weight)
Factory	36			
Assembler	37½			
Primary wholesaler	39.75	65	50	57
Service wholesaler	46	78	60	68

13. Section 31 (b) (3) is amended by adding the following sentence:

(3) *Provided however,* All maximum prices of "service wholesalers" made on a cents per pound basis and carried to the second decimal point shall be rounded to the nearest 1/10th of a cent or to the next higher 1/10th of a cent where the second digit beyond the decimal point ends with the numeral, five.

14. Section 31 (c) (7) is amended to read as follows:

(7) "Service wholesaler" means a person who sells to, and makes delivery (on any day) of any one or more of the cheeses described in this section in quantities of 30 pounds or less to the physical premises of, an individual retail store or an individual commercial, industrial, institutional, or federal or non-federal governmental users.

This amendment shall become effective September 7, 1944.

Issued this 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13463; Filed, Sept. 2, 1944; 11:46 a. m.]

[2] 9 F.R. 6520.

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 540,[1] Amdt. 2]

MAXIMUM PRICES FOR USED PASSENGER AUTOMOBILES

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 540 is amended in the following respects:

1. Paragraph (c) of section 3 is revoked.

2. The phrase in section 3 (a) which reads "in paragraphs (b) and (c)" is amended to read "in paragraph (b)."

3. The narrative in section 6, preceding paragraph (a), is amended to read as follows:

How to find the base price. In figuring his maximum price, the seller shall take as his base price a price found by following the directions given below which apply to the used car he is selling, always using, when he does so, the prices given in Appendix B for the particular region in which the car is located at the time of sale, except where the car is located at the time of sale not more than 100 miles from the boundary between regions A and B or the boundary between regions B and C. If the car is located 100 miles, or a lesser number of miles, from either of these boundaries, the following shall determine what region shall be used for the purpose of selecting the price in Appendix B. If the seller is a dealer, or other seller generally engaged in the business of selling used cars, he shall use the Appendix B price for the region in which is located his established place of business. If he has an established place of business in more than one region, he shall use the first applicable of the following: The Appendix B price for the region in which is located the established place of business from which the sale is made; the Appendix B price for the region in which is located the established place of business closest to the place of sale. If the seller is a person not generally engaged in the business of selling used cars, he shall use the Appendix B price for the region which contains the state where the used car being sold is registered at the time of sale, or if not registered at the time of sale, the state where it was last registered before the time of sale. The regions for which prices are listed in Appendix B, and the states included in each region, are stated in Appendix A.

4. A new section 6a is added to read as follows:

SEC. 6a. *Maximum price for a used car consisting of a used chassis and a new station wagon body installed by the seller or installed at his request which cannot be priced under sections (5) and (6).* The maximum price for a used car consisting of a used chassis and a new station wagon body, installed by the seller or installed at his request, for which a maximum price cannot be determined under sections (5) and (6) shall be a warranted price (that is a price which requires the furnishing in writing to the purchaser of the warranty in section 7) specifically authorized by the Regional Office of the Office of Price Administration for the region in which the seller's principal place of business is located or an Office of Price Administration District Office in that region authorized by such Regional Office. A seller who seeks such an authorization under the provisions of this section shall file with the above office an application setting forth: (a) Both the base price under section 6 (b), and a description, of the used car from which the chassis being used in the combination was taken (The description shall show the make, year, series model, body type, and serial and motor numbers.); (b) the actual, or if not available the estimated, market value of the equipment removed from the used car described under (a), and not to be used in the conversion; (c) the cost to the seller of the new station wagon body; (d) the cost to the seller of preparing the chassis for the new station wagon body, not including reconditioning costs; (e) any other installation costs to the seller separately itemized; (f) the price the seller proposes

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 7871.

to charge and the reasons for such a price; (g) any other facts, including costs, which the seller wishes to submit in support of the application. The authorization will be given in the form of an order.

5. Section 11 is amended to read as follows:

SEC. 11. *Certificate of transfer that must be completed for a sale of a used car.* Every person when he sells or purchases a used car shall complete a certificate of transfer, Appendix F, in accordance with the instructions in that appendix. Copies of the certificate of transfer may be obtained from dealers or from the local War Price and Rationing Board. For the purpose of this section, a trade-in of a used car is a sale, and the person trading in the used car must take the steps required of sellers, in this section, and the person accepting the used car traded in must take the steps required of purchasers, in this section. When the used car has been sold, the seller shall insert the information on the certificate required by Appendix F, and both the seller and purchaser shall certify on the certificate that they have complied with this regulation, and that the selling price was not above the maximum price established by the regulation. The completed certificate shall be delivered to the purchaser. Where the purchaser is a dealer, or other seller generally engaged in the business of selling used cars, he shall turn the certificate in to his local War Price and Rationing Board not later than five days after he purchases the used car. Where the purchaser is not a dealer, or other seller generally engaged in the business of selling used cars, he shall turn the certificate in to his local War Price and Rationing Board on or before the date he applies to that Board for a gasoline ration for the used car he has purchased. Any misrepresentation in connection with this certificate shall be subject to the penalties provided by the applicable statutes of the United States.

6. Section 12 is amended to read as follows:

SEC. 12. *Records and reports*—(a) *Records.* Every person who sells a used car shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect, keep and make available for examination by the Office of Price Administration records customarily kept in connection with the sale of a used car, and a copy of the warranty, if any, furnished in accordance with section 7.

(b) *Inventory report of used cars as of September 11, 1944.* Every dealer, or other seller generally engaged in the business of selling used cars, shall file with his local War Price and Rationing Board not later than September 21, 1944, a report on the form in Appendix G, of all used cars in his stock as of September 11, 1944, inclusive.

(c) *Additional records and reports.* Every dealer, or other seller generally engaged in the business of selling used cars, shall keep such records and file such reports in addition to those required by paragraphs (a) and (b) as the Office of Price Administration may from time to time require. Such additional records and reports, however, shall be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

7. Paragraph (2) Buick in Appendix B is amended by changing the serial number "33448272" for a 1939—8—Series 40—Special Buick to read "33593652".

8. Paragraph (11) Hudson in Appendix B is amended by changing the numeral "5", designating the number of cylinders for a 1940 model year Hudson, Series 43—Country Club, to read numeral "6".

9. Appendix D is amended to read as follows:

APPENDIX D—TABLE OF ALLOWANCES FOR "IN-BUILT" EQUIPMENT, HEATERS AND RADIOS WHICH MAY BE INCLUDED IN MAXIMUM PRICES

Year and make	Description	Price
(1) 1938 Buick	Automatic transmission	$20
(2) 1937 Buick	Automatic transmission	15
(3) 1942 Cadillac	Hydramatic transmission	100
(4) 1941 Cadillac	Hydramatic transmission	85
(5) 1942 Chrysler	Vacamatic transmission and fluid drive.	45
(6) 1941 Chrysler	Vacamatic transmission and fluid drive.	35
(7) 1940 Chrysler	Overdrive transmission	25
(8) 1939 Chrysler	Overdrive transmission	20
(9) 1938 Chrysler	Overdrive transmission	15
(10) 1937 Chrysler	Overdrive transmission	10
(11) 1942 DeSoto	Simplimatic transmission and overdrive.	45
(12) 1941 DeSoto	Simplimatic transmission and overdrive.	35
(13) 1940 DeSoto	Overdrive transmission	25
(14) 1939 DeSoto	Overdrive transmission	20
(15) 1938 DeSoto	Overdrive transmission	15
(16) 1937 DeSoto	Overdrive transmission	10
(17) 1942 Dodge	All fluid drive	30
(18) 1941 Dodge	Fluid drive	25
(19) 1942 Hudson	Drivematic	45
(20) 1942 Hudson	Overdrive transmission	45
(21) 1942 Hudson	Vacumotive drive	15
(22) 1941 Hudson	Overdrive transmission	35
(23) 1941 Hudson	Vacumotive drive	15
(24) 1940 Hudson	Overdrive transmission	25
(25) 1942 Lincoln	Liquamatic drive	85
(26) 1941 Lincoln	Liquamatic drive	65
(27) 1942 Lincoln Zephyr.	Liquamatic drive	85
(28) 1941 Lincoln Zephyr.	Overdrive transmission	35
(29) 1940 Lincoln Zephyr.	Overdrive transmission	25
(30) 1939 Lincoln Zephyr.	Overdrive transmission	20
(31) 1938 Lincoln Zephyr.	Overdrive transmission	15
(32) 1937 Lincoln Zephyr.	Overdrive transmission	10
(33) 1942 Mercury	Liquamatic drive	65
(34) 1941 Mercury	Overdrive transmission	35
(35) 1940 Mercury	Overdrive transmission	25
(36) 1939 Mercury	Overdrive transmission	20
(37) 1942 Nash	Overdrive transmission	40
(38) 1941 Nash	Overdrive transmission	30
(39) 1940 Nash	Overdrive transmission	25
(40) 1939 Nash	Overdrive transmission	25
(41) 1938 Nash	Overdrive transmission	20
(42) 1937 Nash	Overdrive transmission	15
(43) 1942 Oldsmobile	Hydramatic transmission	75
(44) 1941 Oldsmobile	Hydramatic transmission	65
(45) 1940 Oldsmobile	Hydramatic transmission	50
(46) 1939 Oldsmobile	Automatic transmission	25
(47) 1938 Oldsmobile	Automatic transmission	20
(48) 1937 Oldsmobile	Automatic transmission	15
(49) 1942 Packard	Overdrive transmission	40
(50) 1942 Packard	Electromatic clutch	10
(51) 1941 Packard	Overdrive transmission	35
(52) 1941 Packard	Electromatic clutch	10
(53) 1940 Packard	Overdrive transmission	30

APPENDIX D—Continued

Year and make	Description	Price
(54) 1939 Packard	Overdrive transmission	25
(55) 1942 Studebaker	Overdrive transmission	40
(56) 1941 Studebaker	Overdrive transmission	30
(57) 1940 Studebaker	Overdrive transmission	25
(58) 1939 Studebaker	Overdrive transmission	25
(59) 1938 Studebaker	Overdrive transmission	20
(60) 1937 Studebaker	Overdrive transmission	15
(61) 1942 Willys	Overdrive transmission	35
(62) 1941 Willys	Overdrive transmission	25
(63) All years and makes.	Heater	10
(64) All years and makes.	Radio	30

10. The instructions in Appendix F, Certificate of Transfer of Used Passenger Automobiles, are amended to read as follows:

INSTRUCTIONS

This certificate is to be prepared by the seller and signed by both the seller and purchaser.

Where the seller is a dealer, or other seller generally engaged in the business of selling used cars, in addition to the information he must insert on the face of the certificate, he must insert on the reverse side of the certificate the following:

(a) When he sells a used car he acquired prior to September 12, 1944, he must insert a statement showing (1) the date he purchased the used car, (2) the name and address of his local War Price and Rationing Board, and (3) whether or not the used car is listed in the inventory report of used cars as of September 11, 1944, he filed with his local War Price and Rationing Board in accordance with section 12 (b) of Maximum Price Regulation 540.

(b) When he sells a used car he acquired on or after September 12, 1944, he must insert a statement showing (1) the date he purchased the used car, (2) the name and address of the person from whom he purchased it, (3) the name and address of his local War Price and Rationing Board, and (4) whether or not he filed with his local War Price and Rationing Board a Certificate of Transfer for this purchase.

Whether the seller is under paragraph (a) or (b) above, he must affix his signature just below the statement he makes on the reverse side of the certificate.

Where the purchaser is a dealer, or other seller generally engaged in the business of selling used cars, he must present this certificate to his local War Price and Rationing Board not later than five days after he purchases the used car.

Where the purchaser is neither a dealer, nor other seller generally engaged in the business of selling used cars, he must present this certificate to his local War Price and Rationing Board on or before the date he applies for a gasoline ration for the used car he purchased.

The information required below shall be supplied in so far as possible from the vehicle registration card.

11. A new Appendix G is added to read as follows:

APPENDIX G

OPA Form 6683-1003 (8-44)

Budget Bureau No. 68-44117
Approval Expires September 30, 1944

This form may be reproduced without change

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

WASHINGTON 25, D. C.

Inventory Report of Used Cars in Stock on September 11, 1944 of a Dealer or Other Seller Generally Engaged in the Business of Selling Used Cars.

Name of Seller

Address—Number and Street

City, Postal Zone Number, State

Date

INSTRUCTIONS

Every dealer or other seller generally engaged in the business of selling used cars must list below all the used passenger cars in his stock as of September 11, 1944 (use continuation sheet if necessary) and file this report with the War Price and Rationing Board serving his area not later than September 21, 1944.

Year	Make	Model series	Body type	Serial number	Motor number

The undersigned certifies that the used cars listed above, or on the continuation sheet, if any, constitute all the used cars in his stock as of September 11, 1944.

Sign here.....

(Name of seller or authorized agent) (Title) (Date)

This amendment shall be effective September 12, 1944.

Issued this 2d day of September, 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13464; Filed, Sept. 2, 1944; 11:46 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 169,[1] Amdt. 46]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.451 (a) (4) is amended to read as follows:

(4) Except as permitted in paragraph (l), (m), (n), (o), (p), (q) or (r) of Schedule I (§ 1364.452), regardless of any contract, agreement or other obligation, no person shall sell or deliver any beef or any part or portion of any beef carcass and no person in the course of trade or business shall buy or receive any beef or any part or portion of any beef carcass unless such beef or part or portion is a beef carcass or a beef wholesale cut as defined in § 1364.455 for which applicable prices have been established.

2. Section 1364.452 (1) (3) is amended to read as follows:

(3) "Boneless beef for Army canned meat" as used in subparagraph (2) means beef derived from the grades and classes and satisfying the specifications and requirements contained in CQD No. 305, "Beef, Processing, Army," issued July 26, 1944, by the Quartermaster Depot of the United States Army. Any boneless beef for canned meat which has been rejected by a war procurement agency or any of its authorized agents or representatives shall not be sold as boneless beef for Army canned meat.

3. Paragraph (r) is added to § 1364.452 to read as follows:

(r) *Application for maximum selling price for specialty steak products.* Any seller who desires to manufacture and sell specialty steak products such as chip steaks, frosted steaks, sandwich steaks, French steaks, tenderredy steaks, or similar specialty meat products to purveyors of meals (defined in § 1364.455 (b) (2)) and/or to intermediate distributors for resale to purveyors of meals, and who, prior to March 31, 1942, was engaged in the production and sale of such a product may apply to the Office of Price Administration, Washington, D. C. on OPA Form No. 635-1088, (see § 1364.532, Appendix G for a copy which may be reproduced by you) for a maximum selling price setting forth in such application (1) a description of the product including (i) the wholesale cut and grade of meat used, (ii) a description of the complete processing operation, (iii) the type of wrapping and packaging and (iv) the weight of the individual packages; (2) a break-down of the costs involved in the preparation of the product including (i) ingredient costs (separately itemized), (ii) costs of packaging materials, (iii) direct labor costs, (iv) indirect labor costs, (v) administrative costs, (vi) selling costs and (vii) other costs (itemized). In every case the applicant shall indicate whether the costs are actual costs or estimated costs; (3) the volume by weight and dollar volume sold and delivered for each month during any six consecutive months of 1941 and 1942, inclusive, including (i) the weight and dollar volume sold to purveyors of meals, (ii) the weight and dollar volume sold to wholesalers, (iii) the weight and dollar volume sold to retailers and (iv) the weight and dollar volume sold to others; (4) the ceiling price requested and the method used in arriving at the ceiling price.

Notwithstanding any of the provisions of this paragraph (r), any seller who, prior to May 1, 1944, purchased for resale chip steaks or other similar specialty steak products and who still has such product on hand, may apply for authorization to sell such inventory stocks. Such application shall contain a full and complete description of the product and shall indicate the price paid therefor and the total volume on hand. The application shall also indicate the approximate time necessary to dispose of the inventory stocks.

Upon receipt of an application filed pursuant to this paragraph (r), the Price Administrator may authorize a maximum selling price for the specialty steak product subject to such conditions as he deems necessary and proper in the interest of effective price control.

The Price Administrator may at any time adjust any maximum price established under this paragraph (r) so as to bring it in line with the level of maximum prices otherwise established by this regulation.

4. The last sentence in the definition of "Hotel supply house" contained in § 1364.455 (b) (1) and § 1364.470 (b) (1) is amended to read as follows:

Any selling establishment which satisfies the definition herein contained and which in addition sells or delivers frozen boneless beef (Army Specifications) and/or ground beef and miscellaneous beef items to any purchasing agency of a war procurement agency and/or which sells fabricated beef cuts (War Shipping Administration Specifications) shall nevertheless be deemed to be a hotel supply house.

5. Section 1364.467 (1) (3) is amended to read as follows:

(3) Frozen boneless veal (F. S. C. C. Specifications) as used in this paragraph (1) means veal derived from veal carcasses of utility or cull grade, and satisfying the specifications and requirements of Item 69-a of Schedule F S C-10 (as amended) of the Food Distribution Administration, issued December 2, 1942.

6. That part of paragraph (a) (10) preceding subdivision (i) of § 1364.470 is amended to read as follows:

(10) "Boneless and miscellaneous veal cuts" means and is limited to any of the following cuts meeting the following minimum specifications, derived from veal carcasses of utility or cull grades:

7. Section 1364.532 is added to read as follows:

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§ 1364.532 *Appendix G.*

OPA Form 635-1088 Form Approved Budget Bureau No. 08-R1161

This form may be reproduced without change

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON 25, D. C.

.....
Name of Company

.....
Address—Number and Street

.....
City, Postal Zone Number, State

APPLICATION FOR MAXIMUM SELLING PRICE FOR SPECIALTY STEAK PRODUCTS

1 Description of product (brand name, if any).....

a Specify wholesale cut and grade of meat used.....

b Type of wrapping and packaging.....

c Weight of individual package.....

d Description of the processing.....

---

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 1121, 2023, 2135, 3424, 4648, 4782, 5955.

2 Cost of finished product per 100 pounds[1]

a Weight and cost of meat and other ingredients used in producing 100 lbs. of finished product			Credits for trimmings, bones, etc.		(6) Net cost of ingredients (5) minus (6)
(1) Item	(2) Weight	(3) Cost	(4) Weight	(5) Dollar value	

b Total net cost of ingredients[2]
c Packaging materials[2]
d Labor (of which direct labor is $_____)[2]
e General and administrative expenses[2 3]
f Selling expenses[2]
g Other costs[2 4]
h Total cost (sum of items 2b through 2g)

3 a Were you producing this product prior to March 31, 1942? Yes ☐ No ☐

b If answer is yes, specify weight and dollar volumes sold and delivered in any six consecutive months of 1941 and 1942.

Month	Year	Purveyors of meals		Wholesalers		Retailers		Others	
		Weight	Dollar volume	Weight	Dollar volume	Weight	Dollar volume	Weight	Dollar volume

4 Ceiling price requested

5 Explain how proposed ceiling price was computed

I certify that the information given herein is true and correct to the best of my knowledge and belief.

Sign here_____ Name Title Date

[1] Indicate for each item if costs are actual or estimated.
[2] All costs for items 2a through 2g should be figured on basis of 100 lbs. of finished product.
[3] Explain your method of allocating these expenses.
[4] Specify the nature of the charges included in this account.

This amendment shall become effective September 7, 1944.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13465; Filed, Sept. 2, 1944; 11:44 a. m.]

PART 1389—APPAREL

[MPR 547,[1] Amdt. 1]

MAXIMUM PRICES FOR SPECIFIED LOW PRICE-LINE GARMENTS

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 547 is amended in the following respects:

1. Section 1 is amended by inserting after the phrase "issued June 20, 1944," the following phrase: "and Maternity Dresses and Slips Program No. 1, issued July 11, 1944."

2. The text of paragraph (a) of section 2 is amended by designating it as subparagraph (1) and by adding thereto, after the examples which follow items 1 through 4, a new subparagraph (2) to read as follows:

Item	Sales by manufacturers (per dozen)	Sales other than by manufacturers and other than at retail (per dozen)	Sales at retail (per garment)	
			Garments purchased from persons other than manufacturers	Garments purchased from manufacturers
5. Maternity dresses (sizes 12-20)	$15.75 less 8%	$16.75 net	$2.00	$1.89
6. Maternity slips (sizes 32-44)	$8.95 less 8%	$9.50 net	1.15	1.05

For all items, the time limit for payment will be the seller's customary business practice to purchasers of the same class. Sales other than at retail are f. o. b. point of shipment.

Examples: 1. A retailer purchases maternity slips from a manufacturer at $8.95 per dozen less 8%. His ceiling price for a sale at retail is $1.05 each.

2. A retailer purchases maternity slips from a wholesaler at $9.50 net per dozen. His ceiling price for a sale at retail is $1.15 each.

3. A wholesaler purchases maternity slips from a manufacturer at $8.95 less 8%. The wholesaler's ceiling price for a sale to a retailer is $9.50 per dozen net.

4. A wholesaler purchases maternity dresses from another wholesaler at $16.75 net. He now wishes to sell to a retailer. His ceiling price is $16.75 net, the same as his cost.

5. A manufacturer's ceiling price for a sale of maternity dresses to a retailer or a wholesaler is $15.75 per dozen less 8%.

3. Section 9 (a) (2) is amended by inserting after the phrase "June 20, 1944," the phrase "and July 11, 1944."

This amendment shall become effective September 7, 1944.

Issued this 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13463; Filed, Sept. 2, 1944; 11:45 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 7701.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 11 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) (11) is added to read as follows:

(11) E5, F5, and G5 are valid beginning September 3, 1944.

This amendment shall become effective September 3, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319; WFO No. 58, 8 F.R. 2251, 9 F.R. 4319; WFO No. 59, 8 F.R. 3471, 9 F.R. 4319; WFO No. 61, 8 F.R. 3471, 9 F.R. 4319, and Supp. 1 to WFO No. 61, 9 F.R. 9134, 9389)

Issued this 2d day of September 1944.

JAMES G. ROGERS, Jr.
Acting Administrator.

[F. R. Doc. 44-13461; Filed, Sept. 2, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16[1], Amdt. 12 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by Revised Ration Order 16 shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 19) (OPA Forms R-1313 and 1611) which are made a part hereof.

This amendment shall become effective at 12:01 a. m., September 3, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319;

[1] 9 F.R. 6772, 6325, 7262, 7433, 8147, 8931, 9269, 9278, 9785, 9336, 9-10425, 10497.

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 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13458; Filed, Sept. 2, 1944; 11:42 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 21]

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.*

Section 7.6 (1) is added to read as follows:

(1) *Allotments for industrial users of pork having a point value.* An industrial user who, during the third quarter of his base period, used pork which on August 13, 1944 has a point value (other than zero) may apply for an allotment covering such pork. The application shall be made before September 11, 1944 on OPA Form R-315, to the board or district office with which he is registered, and must estimate the number of pounds of such pork, separately for each item (as listed in section A of the Official Table of Trade Point Values—No. 17-18) which he used during the third quarter of his base period. The board or district office may grant the application if it finds that the industrial user, during the third quarter of his base period, used pork which has a point value other than zero on August 13, 1944. The amount of his allotment shall be computed in the following way:

(1) The number of pounds of each such item of pork which he used during the third quarter of his base period is multiplied by the point value in effect for that item on August 13, 1944 as shown on the Official Table of Trade Point Values (No. 17-18);

(2) The resulting figures are added together and multiplied by 0.35.

The result represents his allotment for the third allotment period of 1944 for pork having a point value on August 13, 1944. (Section 7.6 (d) applies in determining whether an industrial user who receives an allotment under this paragraph is entitled to a certificate, and in determining the amount of the certificate.) If the application is made on or after September 11, 1944, the allotment shall be reduced five percent for each day which has elapsed since September 10, 1944.

This amendment shall become effective September 7, 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.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 6731, 7060, 7081, 7082, 7167, 7203, 7258, 7262, 7344, 7438, 7578, 7774, 8182, 8793, 9954, 9955, 10049, 10087, 10590.

(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. 9135, 9389)

Issued this 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13467; Filed, Sept. 2, 1944; 11:44 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 29 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (b) (4) is added to read as follows:

(4) For the allotment period from October 1, 1944 to December 31, 1944, inclusive:

Processed foods	Class of product or use (on schedule I of OPA form R-1200)	Factor
(i) Fruits:		
(a) Canned and bottled	All	12
(b) Frozen	All	0
(c) Dried and dehydrated	All	0
(ii) Vegetables:		
(a) Canned and bottled	All	12
(b) Frozen	All	0
(iii) Miscellaneous:		
(a) Dry beans	All	0
(b) Jellies, jams, marmalades, preserves, fruit butters	All	5

This amendment shall become effective September 15, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; 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 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13459; Filed, Sept. 2, 1944; 11:42 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 30 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (a) is amended to read as follows:

[1] 9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2830, 2947, 3580, 3707, 4542, 4605, 4607, 4883, 5956, 6103, 6151, 6455, 7344, 7423, 7433, 9169, 9170, 9266, 9278, 9896, 11264.

(a) Processed foods shall have the point values set forth in the Official Table of Point Values (No. 19) (OPA Form R-1313) which is made a part hereof.

This amendment shall become effective at 12:01 a. m., September 3, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F. R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; 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 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13460; Filed, Sept. 2, 1944; 11:46 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 270,[1] Amdt. 4]

DRY EDIBLE BEANS AND CERTAIN OTHER DRY FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

In Table 1 in section 3 (a) the price named for blackeye beans, U. S. No. 3 and lower, is amended to read "$5.80."

This amendment shall become effective September 9, 1944.

Issued this 4th day of September 1944.

CHESTER BOWLES,
Administrator.

Approved: August 26, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-13557; Filed, Sept. 4, 1944; 11:49 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 156,[2] Amdt. 2]

CANNED MEAT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 156 is amended in the following respects:

1. Item 3 of the Price Table in section 14 is amended to read as follows:

Product	Size of can	Price per dozen cans
3. Beef and gravy:	*Ounces*	
(i) Braised	30	$8.40
(ii) Unbraised	30	6.93

2. Section 15 is added to read as follows:

SEC. 15. *Sales of canned meat pursuant to developmental contracts.* The

[1] 9 F.R. 9260.

[2] 9 F.R. 7938, 10048.

provisions of section 4.4 of Revised Supplementary Regulation No. 1 under the General Maximum Price Regulation shall be applicable to sales of a canned meat product otherwise subject to this Revised Maximum Price Regulation No. 156, for which the seller has no ceiling price, substituting for the purposes of this section the words "Revised Maximum Price Regulation No. 156" where the words "the General Maximum Price Regulation" appear in section 4.4 of Revised Supplementary Regulation No. 1 under the General Maximum Price Regulation.

This amendment shall become effective September 2, 1944, except that item 3 of the price table in section 14 shall become effective as of August 4, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13493; Filed, Sept. 2, 1944; 3:32 p. m.]

PART 1377—WOODEN CONTAINERS

[RMPR 186,[1] Amdt. 10]

WESTERN WOODEN AGRICULTURAL CONTAINERS

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.*

The text of § 1377.110 (d) is amended to read as follows:

(d) *Additions for use of specified grades of lumber.* On sales to customers who certify in writing that they will not use the increase in prices of containers as a basis for requesting an increase in the prices of commodities which they pack, a manufacturer who uses the grade and species of lumber shown in Table 3A, below, in the manufacture of agricultural containers, may make additions shown in the table to the maximum f. o. b. factory prices established by the regulation. The footages of any grade on which these specified additions may be made shall not exceed in any one quarter the percentage of the total footage of the manufacturer's agricultural container shook production in which the same grade was used in the corresponding quarter during the year August 1, 1943–August 1, 1944.

Any manufacturer who did not use the grades and species shown in Table 3A in the manufacture of agricultural containers in a corresponding period of August 1, 1943–August 1, 1944, may apply to this Office for permission to make additions under this section. The footages for which authorization to make the additions will be granted will be based upon the applicant's estimated total quarterly production and the average percentages of higher grades used by competitive manufacturers in the area.

On or before the 10th day of November, February, May and August, each manufacturer who has made additions under this section must submit to the Lumber Branch, Office of Price Administration, Washington, D. C., a certified statement of the footages of each species and grade for which additions were made, the total average cost of the higher grades used and the total footage of shook produced during the preceding quarter and the corresponding quarter of the August 1, 1943–August 1, 1944 period.

This amendment shall become effective September 7, 1944.

Issued this 4th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13558; Filed, Sept. 4, 1944; 11:48 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3529, 3842, 4479, 6177, 7505, 8505, 8751, 9380, 9778, 13180.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 28 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (c) (12) is added to read as follows:

(12) For the reporting period beginning October 29, 1944 and ending December 2, 1944—5.

This amendment shall become effective September 8, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; 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 4th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13559; Filed, Sept. 4, 1944; 11:48 a. m.]

[1] 9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2830, 2947, 3580, 3707, 4542, 4605, 4607, 4883, 5956, 6103, 6151, 6450, 7344, 7423, 7433.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 53]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Appendix H in section 15 is amended in the following respects:

1. Table 4 in paragraph (b) is amended as follows:

a. The words "July 1–October 31" and the phrase "To be announced later" are deleted wherever they appear.

b. Item numbers 6, 7, 8, 9 and 10 are redesignated 7, 8, 9, 10 and 11 respectively.

c. Item numbers 6 and 12 are added to read as follows:

[1] 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 780, 802, 1581, 2003, 2023, 2091, 2493, 4030, 4036, 4088, 4434, 4788, 4787, 4877, 5926, 5929, 6104, 6103, 6420, 6711, 7259, 7268, 7434, 7425, 7530, 7583, 7759, 7774, 7834.

TABLE 4—MAXIMUM PRICES FOR SNAP BEANS (GREEN OR WAX)

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Item No.	Type, variety, style of pack, etc	Unit	Season	Maximum prices f. o. b. shipping points in Florida and California[1]	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than truckloads delivered to the premises of any retail store, Government procurement agency or institutional buyer[4]
6	Snap beans in bushel containers with a net weight of 28 pounds or more.	Bushel..	Oct. 1-Oct. 31.....	$2.70.....	$2.70 plus freight (including 3% transportation tax) from Pompano, Florida, plus 10 cents protective services for all markets east of and including Chicago, Illinois; and from San Jose, California, plus 10 cents for protective services for all markets west of Chicago, Illinois.[2]	Col. 6 price plus 75 cents.
12	Snap beans in bushel containers with a net weight of less than 28 pounds and in all other containers.[3]	Pound..	Oct.1-Oct. 31.....	9.6 cents per pound.....	Maximum price above (item 6) divided by 28.	Col. 6 price plus 2⅞ cents per pound.

2. Table 7 in paragraph (b) is amended by adding item numbers 4b, 8b, 12b and 16b to read as follows:

TABLE 7—MAXIMUM PRICES FOR CUCUMBERS

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices f. o. b. shipping points in Florida, Louisiana, California and Iowa. For season beginning July 1 prices shall apply to shipping points in all States	Maximum prices for sales delivered to any wholesale receiving point in any quantity.	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer.[3]
*	*	*	*	*	*	*
4b	Cucumbers, except hothouse cucumbers, in bushel containers with a net weight of 48 pounds or more.	Bushel	Oct. 1–Oct. 31	$2.10	Col. 5 price plus freight (including 3% transportation tax) from Ponchatoula, Louisiana, for all markets east of and including Denver, Colorado, and from Modesto, California, for all markets west of Denver, Colorado; and plus 10 cents for protective services.	Col. 6 price plus 75 cents.
*	*	*	*	*	*	*
8b	Cucumbers, except hothouse cucumbers, in lug boxes with a net weight of 28 pounds or more.	Lug	Oct. 1–Oct. 31	$1.22	Col. 5 price plus freight (including 3% transportation tax) from Ponchatoula, Louisiana, for all markets east of and including Denver, Colorado, and from Modesto, California, for all markets west of Denver, Colorado; and plus 10 cents for protective services.	Col. 6 price plus 45 cents
*	*	*	*	*	*	*
12b	Cucumbers, except hothouse cucumbers, in bushel containers with a net weight of less than 48 pounds and in lug boxes with a net weight of less than 28 pounds and in all other containers.[2]	Pound	Oct. 1–Oct. 31	4.4 cents	Maximum prices for Item 4b above divided by 48.	Col. 6 price plus 1 9/10 cents per pound.
*	*	*	*	*	*	*
16b	Hothouse cucumbers in any container.	Pound	Oct. 1–Oct. 31	11.3 cents per pound [4]	Col. 5 price plus express (including 3% transportation tax) from Davenport, Iowa.[5]	Col. 6 price plus 2½ cents per pound.

This amendment shall become effective September 9, 1944.

Issued this 4th day of September 1944.

CHESTER BOWLES,
Administrator.

Approved: August 26, 1944.
MARVIN JONES,
War Food Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, I hereby approve the prices established by the foregoing amendment and find that they are necessary as an aid to the effective prosecution of the war.

FRED M. VINSON,
Director,
Office of Economic Stabilization.

[F. R. Doc. 44-13560; Filed, Sept. 4, 1944; 11:49 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 55]

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 No. 426 is amended in the following respects:

1. The first three paragraphs of the preamble to Maximum Price Regulation No. 426 are revoked.

2. In section 1 (e), the last two sentences are revoked.

3. In section 1 (f) (1) the sentence, "The ceiling price for carlot or trucklot sales at a particular wholesale receiving point is the same regardless of the number and type of prior handlers, regardless of the seller's size or type of operations, and regardless of the purchaser's size or type of operations.", and the last undesignated paragraph are revoked.

4. Section 1 (f) (2) is amended to read as follows:

(2) *Less than carlot or trucklot sales in the market.* A ceiling price is established for less than carlot or trucklot sales at wholesale receiving points.

5. Section 1 (f) (4) is revoked.

6. Section 2 is amended to read as follows:

SEC. 2. *Sales of imported fresh fruits and vegetables.* Unless otherwise specifically provided, the maximum price per unit at any wholesale receiving point for each unit of a particular kind of fresh fruit or vegetable (standard container, other container or pound) imported from any country, possession or territory, shall be the maximum price per unit for sales delivered to that wholesale receiving point for the most closely similar variety of the same kind of domestic fresh fruit or vegetable applicable to the particular seller.

In determining the maximum price applicable, an importer (the person who makes the first sale of the particular goods being priced in the United States) shall price as if he were a grower or country shipper with respect to commodities covered by Appendices H and I, a grower-distributor with respect to commodities covered by Appendix J, and a shipping point distributor with respect to commodities covered by Appendix K.

7. Section 8 (a) (7) is amended to read as follows:

(7) "Freight from basing point to wholesale receiving point" or "freight from shipping point to wholesale receiving point" means the cost per package for transportation by the cheapest customary and generally available means. It does not include the cost of refrigeration, other protective services, diversions, demurrage, local cartage or unloading; but the transportation tax imposed by section 620 of the Revenue Act of 1942 is included.

To wholesale receiving points in principal markets where carlot or trucklot quantities are customarily received, this freight factor will ordinarily be based on the railroad carload rate from the basing point or f. o. b. shipping point. However, to some wholesale receiving points in principal markets, located relatively near the basing point or shipping point, motor or water transportation may be customary and cheaper than rail transportation and generally available. In these cases the freight factor for motor or water transportation would be applicable.

To wholesale receiving points in secondary markets, where it is not custom-

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[1] 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 890, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 4877, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7580, 7425, 7583, 7759, 7774, 7834, 8148, 9066, 9090, 9289, 9356, 9512, 9559, 9633, 9509, 9776, 9896, 9897.

*Copies may be obtained from the Office of Price Administration.

ary to receive carlots or trucklots, the freight factor will ordinarily be based on the carlot or trucklot factor to a nearby wholesale receiving point in a principal market, plus the cost of transportation by the cheapest customary and generally available means from the wholesale receiving point in the principal market to the wholesale receiving point in the secondary market.

For example, it is customary for carlots of lettuce to be received at Philadelphia, Pa., and the cheapest customary and generally available means of transportation from the basing points (El Centro and Salinas, Cal.) is by rail. The freight factor for determining lettuce prices at Philadelphia is therefore based on the railroad carload rate. On the other hand, it is not customary for carlots of lettuce to be received at Atlantic City, New Jersey. Intermediate sellers in Atlantic City customarily purchase lettuce in less-than-carlot quantities from carlot receivers in Philadelphia and transport it to Atlantic City by truck or rail. The freight factor to be used in determining prices at Atlantic City, therefore, would be the Philadelphia freight factor, as determined above, plus the cost at the customary truck rate or rail rate (whichever is the cheapest customary and generally available method from Philadelphia to Atlantic City).

However, in the event a carlot or trucklot is sold by a country shipper on a delivered basis direct to a wholesale receiving point in a secondary market the seller's maximum price shall be figured direct to that wholesale receiving point. In the example above, a carlot or trucklot of lettuce sold directly to a wholesaler at Atlantic City would be priced on the basis of the railroad carload rate from the basing point to Atlantic City.

Regional Directors of the Office of Price Administration, and such district officers as they in turn may authorize, shall determine the cheapest method of transportation which is customary and generally available from the basing point or shipping point to each wholesale receiving point within their jurisdiction, and shall figure the freight to be used in determining maximum prices at each wholesale receiving point in markets within their jurisdiction.

8. Appendix H in section 15 is amended in the following respects:

a. The first sentence of paragraph (a) is amended to read as follows:

This appendix establishes maximum prices for certain sales of spinach, snap beans (green and wax), carrots, green peas, eggplant, sweet peppers, cucumbers, cabbage, lettuce, sweet potatoes, black raspberries, red raspberries, dewberries, watermelons, cantaloupes and other melons, red sour cherries, and such other fresh fruits and vegetables as may later be added.

b. The phrase "for California-Arizona carrots," in footnote 1 to Table 1 is deleted.

c. Footnote 1 to Table 9 in paragraph (b) is deleted.

d. Column 4 of Table 14 in paragraph (b) is amended to read as follows:

Col. 4

Season	
July 16–Sept. 10	Feb. 11—Mar. 10
Sept. 11–Sept. 25	Mar. 11–Apr. 10
Sept. 26–Nov. 10	Apr. 11–May 10
Nov. 11–Nov. 25	May 11–July 15
Nov. 26–Feb. 10	

e. The heading of the table in paragraph (c) is amended to read as follows:

TABLE OF MAXIMUM MARKUPS TO BE ADDED TO THE APPLIANCE MAXIMUM PRICE F. O. B. SHIPPING POINT OR THE MAXIMUM DELIVERED PRICE, AS THE CASE MAY BE

[See columns 5 and 6 of tables in paragraph (b)]

f. Subparagraph (1) is added to paragraph (b) to read as follows:

(1) For sales of listed commodities covered by this appendix made f. o. b. shipping point by growers or country shippers, if the seller furnishes precooling, initial icing or refrigeration services in any case, he may charge, in addition to the named f. o. b. shipping point price (see Column 5 of the applicable table in paragraph (b)), for the services furnished not in excess of the lowest of the following: (1) The lowest available common or contract carrier rates for the same services, (2) the amount the seller may charge for such services under Maximum Price Regulation No. 165, or (3) the applicable amount permitted for protective services in the case of sales delivered to any wholesale receiving point. However, in each case the grower or country shipper shall show separately on his invoice the specific nature of the services furnished and the amount charged for the services.

For sales of listed commodities on a delivered basis, the maximum prices named include protective service allowances which cover any precooling, initial icing, refrigeration, or other services.

g. In paragraph (d) (1), the phrase "for precooling, initial icing or refrigeration services in sales f. o. b. shipping point;" is inserted after the phrase "for sales through agents;" in the first sentence following the headnote of subparagraph (1).

h. Paragraphs (d) (2) (i), (e) (3) and (e) (4) are amended by deleting the phrases "the listed commodity", "the listed commodity being priced" and "a listed commodity" wherever they appear and substituting therefor in each case the words "the particular goods being priced".

i. Paragraph (f) is amended by deleting the first sentence immediately following the headnote.

9. Appendix I in section 15 is amended in the following respects:

a. The heading of the table in paragraph (d) is amended to read as follows:

TABLE OF MAXIMUM MARKUPS TO BE ADDED TO THE APPLICABLE MAXIMUM PRICE F. O. B. SHIPPING POINT OR THE MAXIMUM DELIVERED PRICE, AS THE CASE MAY BE

[See Columns 5 and 6 of tables in paragraph (c)]

b. Paragraphs (e) (2) (i), (f) (3) (ii) and (f) (4) (iii) are amended by deleting the words "kind of" wherever they appear, and substituting therefor in each case the word "particular".

c. Paragraph (e) (2) (i) is amended by deleting the phrase "without packing any part of the particular citrus fruits sold."

d. Paragraph (g) is amended by deleting the first sentence immediately following the headnote.

e. Paragraph (j) is added to read as follows:

(j) *Fractions of a cent*—(1) *Standard containers.* Any maximum price, figured for citrus fruit in a standard container, which contains a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and increased to the nearest higher cent if the fraction is one-half cent or more.

(2) *Non-standard containers and in bulk.* Any maximum price, figured for citrus fruit on a pound basis, shall be carried to the second decimal place of a cent (hundredths of a cent). Any final calculation of a total maximum price applicable to an individual sale which contains a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and increased to the nearest higher cent if the fraction is one-half cent or more.

10. Appendix J in section 15 is amended in the following respects:

a. In Table B in paragraph (e), footnote designation 1 is added after the word "auction" in Col. 5 and footnote 1 is added to read as follows:

[1] This markup applies not only to sales by primary receivers through auction but also to sales by all persons, other than primary sellers, through terminal auctions (see paragraph (g) (3)).

b. Paragraphs (f) (2) (vi) and (g) (4) (ii) are amended by deleting the words "kind of" wherever they appear and substituting therefor in each case the word "particular".

c. Paragraph (1) is amended by deleting the first sentence immediately following the headnote.

d. Paragraph (1) (2) is amended by deleting the words "carlot or trucklot" and substituting therefor the word "primary."

11. Appendix K in section 15 is amended in the following respects:

a. Footnote designation 4 is added to the heading of Column 5 of Table 1 and footnote 4 is added to read as follows:

[4] No separate charge shall be made for precooling since an allowance for precooling is included in the f. o. b. price (see paragraph (h)).

b. Footnote 3 to Table 2 in paragraph (f) is amended by adding the parentheti-

cal phrase "(exclusive of precooling)" immediately following the word "furnished".

c. Footnote designation 6 is added to the heading of Column 5 of Table 2 and footnote 6 is added to read as follows:

[6] No separate charge shall be made for precooling since an allowance for precooling is included in the f. o. b. price (see paragraph (h)).

d. In Table B in paragraph (g), footnote designation 3 is added after the word "auction" in Col. 5 and footnote 3 is added to read as follows:

[3] This markup applies not only to sales by primary receivers through auction but also to sales by all persons, other than growers, grower-packers or shipping point distributors, through terminal auctions (see paragraph (m) (3)).

e. Paragraph (r) is amended by deleting the first sentence immediately following the headnote.

12. The effective date provision of Amendment 49 is amended by adding a sentence to read "For apples shipped from the shipping point and actually sold before August 16, 1944, and apples shipped from the shipping point (whether sold or unsold) before August 9, 1944, this amendment shall become effective September 6, 1944.

This amendment shall become effective September 1, 1944.

Issued this 1st day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: August 31, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-13435; Filed, Sept. 1, 1944; 4:20 p. m.]

Chapter XIII—Petroleum Administration for War

[PDO 22 as Amended Sept. 2, 1944]

PART 1543—PETROLEUM PROCESSING, REFINING, AND MARKETING

FUEL OIL

The fulfillment of requirements for the defense of the United States will result in a shortage of aviation gasoline, diesel fuel, motor fuel, gas oil, and other petroleum products for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest to promote the national defense and to provide adequate supplies for military and other essential uses.

§ 1543.2 *Petroleum Distribution Order No. 22, as amended September 2, 1944*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "District Five" means the States of Washington, Oregon, California, Nevada, and Arizona, and the territories of Alaska and Hawaii.

(3) "Fuel oil" means residual oil, heavy crude oil, or either of these materials blended with a gas oil, when such oils are to be burned as fuel, and includes light domestic fuel, bunker grade fuel and industrial fuel, and railroad and heavy industrial fuel, as herein defined.

(4) "Light domestic fuel" means any fuel oil having a viscosity not above 60 Saybolt Seconds Furol at 122° F.

(5) "Bunker grade fuel and industrial fuel" means any fuel oil having a viscosity above 60 and not above 150 Saybolt Seconds Furol at 122° F.

(6) "Railroad and heavy industrial fuel" means any fuel oil having a viscosity above 150 Saybolt Seconds Furol at 122° F., all fuel oil used by railroads in steam locomotives and steam plants, and all fuel oil used by industrial plants wherein a fuel oil having a viscosity above 150 Saybolt Seconds Furol at 122° F. is usable.

(7) "Furnace oil" means any distillate which is to be burned for heating purposes, except Pacific Specification 100 (stove oil) and lower viscosity fuels.

(8) "Non-military use" means the use of fuel oil other than by the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, United States Maritime Commission, Foreign Economic Administration, and the vessels and military forces of the United Nations.

(b) *Specifications for fuel oil.* No person in District Five shall, for non-military use, manufacture or deliver:

(1) Furnace oil of a viscosity below 35 Saybolt Seconds Universal at 100° F.

(2) Light domestic fuel of a viscosity below 35 Saybolt Seconds Furol at 122° F.: *Provided,* That light domestic fuel of a viscosity of not less than 27 Saybolt Seconds Furol at 122° F. may be manufactured and delivered for non-military use in Los Angeles County, California.

(3) Bunker grade fuel and industrial fuel of a viscosity below 140 Saybolt Seconds Furol at 122° F.: *Provided,* That bunker grade fuel and industrial fuel of a viscosity of not less than 95 Saybolt Seconds Furol at 122° F. may be manufactured and delivered for non-military use in the States of Oregon and Washington, and in the Territory of Alaska.

(4) Railroad and heavy industrial fuel of a viscosity below 200 Saybolt Seconds Furol at 122° F.

Provided, That materials which do not meet the above specifications may be manufactured as intermediate products which are thereafter blended to the above specifications prior to delivery from the refinery for non-military use.

(c) *General exception for stocks on hand.* This order shall not apply to fuel oil which on the effective date hereof shall already have been shipped from the refinery.

(d) *Prohibition against changing grades of fuel oil.* No person in District Five shall deliver to any consumer of fuel oil any grade of fuel oil for non-military use which is of lower viscosity than the viscosity prescribed in this order for the grade of fuel oil normally used by such consumer prior to the issuance of this order.

(e) *Applications for specific exceptions.* (1) Any persons affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an application for an exception, setting forth the pertinent facts and reasons why he considers himself entitled to relief. All such applications for exception shall be filed in quadruplicate and shall be addressed to the District Director in Charge, Petroleum Administration for War, 855 Subway Terminal Building, 417 South Hill Street, Los Angeles 13, California.

(2) Any person whose application for exception to this order has been denied in whole or in part may appeal to the Petroleum Administrator for War, Washington, D. C., by filing a letter in triplicate with the District Director in Charge, Petroleum Administration for War, 855 Subway Terminal Building, 417 South Hill Street, Los Angeles 13, California, stating fully the grounds of the appeal.

(f) *Violations.* Any person who wilfully violates any provisions of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(g) *Effective date.* This order shall become effective on the date of issuance.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of September 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 44-13510; Filed, Sept. 4, 1944; 10:22 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[Gen. Order 11, Corr. to Supp. 4]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

TIME CHARTERS FOR TANK VESSELS

Clause 1 of Part II of the *Time Charter for Tank Vessels* as prescribed by § 302.55, published in the FEDERAL REGISTER for Saturday, April 8, 1944, at page 3788 is corrected by striking out the words "sale already" where such words appear in the first sentence of said clause and inserting in lieu thereof the

words "safe ready" so that said first sentence will read as follows:

CLAUSE 1. The Vessel shall be placed at the disposal of the Charterer at the port of delivery at such safe ready dock, wharf, or place as the Charterer may direct.

Reference heretofore or hereafter made to Part II of the above-mentioned *Time Charter for Tank Vessels* shall be deemed to refer to said Part II as corrected above.

[SEAL] A. J. WILLIAMS, *Secretary.*

SEPTEMBER 1, 1944.

[F. R. Doc. 44-13471; Filed, Sept. 2, 1944; 11:52 a. m.]

[G. O. 8, Supp. 10 (Rev.), Corr. to Amdt. 2]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

REDETERMINATION AND READJUSTMENT OF TIME CHARTER HIRE

In § 302.92 (a) (9 F.R. 10719) the figures "6.80" are corrected to read: "6.50".

[SEAL] A. J. WILLIAMS, *Secretary.*

SEPTEMBER 4, 1944.

[F. R. Doc. 44-13543; Filed, Sept. 4, 1944; 11:23 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Exemption Order ODT 21-2A, Amdt. 2]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS AND EXEMPTIONS

CERTIFICATES OF WAR NECESSITY

Pursuant to Executive Orders 8989, as amended, and 9156, paragraph (a) of § 521.3506 of Exemption Order ODT 21-2A (8 F.R. 7404) is hereby amended to read as follows:

§ 521.3506 *Exemption of certain motor vehicles.* The following described commercial motor vehicles are hereby exempted from the provisions of General Order ODT 21, as amended:

(a) Any rental car hired for a period of time in excess of 30 consecutive days.

This Amendment 2 to Exemption Order ODT 21-2A shall become effective on September 5, 1944.

(Gen. Order ODT 21, as amended, 7 F.R. 7100, 9437, 8 F.R. 2510, 7357, 7880, 9033, 13071, 9 F.R. 7451; E.O. 8989, as amended, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R 3349)

Issued at Washington, D. C., this 5th day of September 1944.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 44-13472; Filed, Sept. 2, 1944; 11:48 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket Nos. 1403 and 1496]

PAN AMERICAN-GRACE AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the application of Pan American-Grace Airways, Inc., for amendment to its certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act, as amended, to permit temporary scheduled operations for passengers, property and mail between Chiclayo, Peru and Iquitos, Peru.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on October 2, 1944, at 10 a. m. (eastern war time) in the Foyer, Commerce Auditorium, Commerce Building at 14th Street and Constitution Avenue NW., Washington, D. C., before Examiners Francis W. Brown and James S. Keith.

Dated Washington, D. C., August 31, 1944.

By the Civil Aeronautics Board.

FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 44-13511; Filed, Sept. 4, 1944; 10:24 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-576]

TENNESSEE NATURAL GAS LINES, INC.

NOTICE OF APPLICATION

SEPTEMBER 1, 1944.

Notice is hereby given that on August 30, 1944, Tennessee Natural Gas Lines, Inc., a Delaware corporation, filed with the Federal Power Commission its application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, for authority to construct and operate approximately 17 miles of 10¾-inch transmission pipe line beginning at a proposed point of connection with the pipe line of Tennessee Gas and Transmission Company near Ashland City, Tennessee, and extending in a southeasterly direction to Nashville, Tennessee.

According to the application, applicant's source of gas supply will be from the Tennessee Gas and Transmission Company. If the proposed facilities are constructed, applicant intends to make natural gas available principally to the City of Nashville, Tennessee.

Any person desiring to be heard or to make any protest with reference to this application should, on or before the 19th day of September, 1944, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 44-13345; Filed, Sept. 2, 1944; 9:27 a. m.]

[Docket No. G-576]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 1, 1944.

Notice is hereby given that on August 30, 1944, Cities Service Gas Company filed an application with the Federal Power Commission for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, as amended, for authority to construct and operate the following facilities:

(i) 52 miles of 16" pipeline from Applicant's present facilities in the Burbank Field near Shidler, Osage County, Oklahoma, to Applicant's Cotton Valley measuring station, Washington County, Oklahoma.

(ii) 6.4 miles of 16" gas pipeline between Applicant's Altoona 16" line and Vilas 16" line, Wilson County, Kansas.

(iii) A close engine jacket Water System and two Dust Scrubbers at Applicant's Grabham compressing station, Montgomery County, Kansas.

(iv) Two Dust Scrubbers at Applicant's Petrolia compressing station, Allen County, Kansas.

The application states that the aforesaid facilities are required to transport natural gas delivered at applicant's Blackwell station to the east side of applicant's pipe line system in order to meet the increasing demands of applicant's markets due to war production.

Any person desiring to be heard or to make any protest with reference to the aforesaid application should, on or before September 16, 1944, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 44-13346; Filed, Sept. 2, 1944; 9:27 a. m.]

[Docket No. G-440]

UNITED FUEL GAS CO., ET AL.

ORDER POSTPONING HEARING

SEPTEMBER 1, 1944.

In the matter of United Fuel Gas Company, Warfield Natural Gas Company, Cincinnati Gas Transportation Company, and Huntington Development and Gas Company.

It appearing to the Commission that: (a) By order of June 14, 1944, the Commission ordered that a public hearing in the above-docketed matter be held

commencing on September 5, 1944, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(b) Good cause exists for the postponement of the hearing in this matter;

The Commission orders that: (a) The public hearing in the above-docketed matter be and the same is hereby postponed to October 3, 1944, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

At the commencement of such public hearing, pursuant to the provisions of § 50.63 of the provisional rules of practice and regulations under the Natural Gas Act, the Respondents, United Fuel Gas Company, Warfield Natural Gas Company, Cincinnati Gas Transportation Company, and Huntington Development and Gas Company, shall proceed with the presentation of evidence relevant and material to the matters heretofore set forth in the Commission's order of June 14, 1944.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 44-13508; Filed, Sept. 4, 1944; 9:51 a. m.]

[Project No. 469]

MINNESOTA POWER & LIGHT CO.

ORDER POSTPONING HEARING

SEPTEMBER 1, 1944.

It appearing to the Commission that: (a) On July 28, 1944, the Commission entered an order for hearing in the above-entitled matter, to commence September 8, 1944;

(b) On August 16 and 17, 1944, a conference was held between representatives of Minnesota Power & Light Company and members of the staff of the Commission with respect to the actual legitimate original cost of said project, as of July 31, 1924, wherein agreement was reached as to such cost, subject to the approval of the Commission;

(c) By order entered August 29, 1944, the Secretary of the Commission was directed to submit the statement of cost of said project, together with the amounts claimed but disallowed as project costs, as agreed upon in the aforesaid conference, to Minnesota Power & Light Company for its acceptance and approval;

The Commission finds that: Good cause exists for the postponement of said hearing; and

The Commission orders that: The hearing heretofore set for September 8, 1944, in the above-entitled matter, be and the same hereby is postponed subject to the further order of the Commission.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 44-13509; Filed, Sept. 4, 1944; 9:51 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 469]

RECONSIGNMENT OF CANTALOUPES 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, August 26, 1944, by La Mantia Brothers, Arrigo, of car PFE 41034, cantaloupes, now on the C&NW, Morgan St., to Shippers Service Company, Detroit, Michigan, via 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 26th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13426; Filed, Sept. 1, 1944; 3:58 p. m.]

[S. O. 70-A, Special Permit 470]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

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, August 28, 1944, by L. S. Taube Company of car MDT 146333, potatoes, now on the CB&Q to unknown destination.

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 26th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13427; Filed, Sept. 1, 1944; 3:58 p. m.]

[S. O. 70-A, Special Permit 471]

RECONSIGNMENT OF SWEET POTATOES AND PEARS 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, August 28, 1944, by E. E. Fadler & Company, of car PFE 26270, sweet potatoes, now on the Kansas City Southern Railroad, to M. J. Steffenson & Son, Omaha, Nebraska (Burlington); and of car PFE 96736, pears, now on the Union Pacific Railroad, to Fadler Produce Company, Pittsburg, Kansas (Frisco.).

The waybills 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 28th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13428; Filed, Sept. 1, 1944; 3:58 p. m.]

[S. O. 200, 5th Amended Gen. Permit 13]

REICING OF POTATOES FROM COLORADO AND WYOMING

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes originating at any point or points in the States of Colorado, and Wyoming, to reice in transit one time only and to accord the reicing at stations designated by shippers or, at the carriers' option, at the first reicing station on either side of such designated station.

This general permit shall apply to all such cars billed or moving on the effective date hereof.

This general permit shall become effective at 12:01 a. m., September 1, 1944, and shall expire at 12:01 a. m., October 1, 1944.

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 28th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13429; Filed, Sept. 1, 1944; 3:58 p. m.]

[2d Rev. S. O. 224, Special Permit 3]

REICING OF MELONS AND PEARS AT SAN FRANCISCO AND STOCKTON, CALIF.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of 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:

To disregard the provisions of Service Order No. 224 insofar as it applies to the reicing, one time only, to full bunker capacity, August 26 or 27, 1944, as ordered by Quartermaster Marketing Center, San Francisco, California, of 32 refrigerator cars consisting of 13 cars honey dew melons, 6 cars cantaloupes, 6 cars Bartlett pears, 7 cars Casaba melons, all at Bay Shore Yards on the Southern Pacific Company, and 2 cars Bartlett pears at Military Hold Yards, Stockton, California, on the Western Pacific Railroad, all the above consigned to Port Transportation Officer, San Francisco Port of Embarkation, Fort Mason for the Property Officer, San Francisco Quarter Master Corps, c/o Pier 24, for export; account ship delayed and additional ice needed to keep fruit in best condition for movement abroad.

The waybills 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 26th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13430; Filed, Sept. 1, 1944; 3:58 p. m.]

[Rev. S. O. 226, Special Permit 3]

REICING OF CARROTS AT PEORIA, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (9 F.R. 10649) of Service Order No. 226 of August 24, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To retop ice, one time only, at Peoria, Illinois, (T.P.&W.RR) August 25, 1944, with not to exceed twenty-five thousand (25,000) pounds of ice, as ordered by Mefford Brothers Fruit Company, car FGEX 51305, carrots, originating in California, August 17, 1944, consigned to Sales Officer, U. S. Navy, Norfolk, Virginia (SP-RI-TP&W-Big 4-NYC.).

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 25th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13431; Filed, Sept. 1, 1944; 3:58 p. m.]

[S. O. 70-A, Special Permit 472]

RECONSIGNMENT OF CAR AT DELAWARE, OHIO

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, August 29, 1944, by National Produce Company of car WFE 61048, now on the Wood Street Terminal, to Dinovo Brothers, Delaware, Ohio.

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 29th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13531; Filed, Sept. 4, 1944; 11:08 a. m.]

[S. O. 70-A, Special Permit 473]

RECONSIGNMENT OF CANTALOUPES 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, August 29, 1944, by Glanukos Demos Company, of car SFRD 23797, cantaloupes, now on the Alton Railroad, to Degaro Company, Cincinnati, Ohio (C&O).

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 29th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13532; Filed, Sept. 4, 1944; 11:09 a. m.]

[S. O. 70-A, Special Permit 474]

RECONSIGNMENT OF CANTALOUPES 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, August 29, 1944, by Chicago Tomato Company, of car PFE 62515, cantaloupes, now on the Wabash Railroad, to Sawyer and Company, Boston, Mass. (Erie).

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 29th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13533; Filed, Sept. 4, 1944; 11:09 a. m.]

[S. O. 70-A, Special Permit 475]

RECONSIGNMENT OF PEACHES AT KANSAS CITY, MO.

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, August 30, 1944, by C. W. Lingenfelter of car URT 6503, peaches, now on the Missouri Pacific Railroad, to Vernon Vaughan, Houston, Texas (Mo. Pac.).

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 30th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13534; Filed, Sept. 4, 1944; 11:09 a. m.]

[S. O. 70-A, Special Permit 476]

RECONSIGNMENT OF PEACHES AT KANSAS CITY, MO.

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, August 30, 1944, by C. W. Lingenfelter, of car URTX 5921, peaches, now on the Missouri Pacific to G. B. Hall Wholesale Company, Monett, Missouri (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 30th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13535; Filed, Sept. 4, 1944; 11:09 a. m.]

[S. O. 70-A, Special Permit 477]

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, August 31, 1944, by Bacon Bros. of cars of potatoes, now on the Chicago and North Western Railway (Wood Street).

NRC 3042 to Endsley Produce Co., Robinson, Ill. (B/4).

NWX 1297 to J. C. Broub, Seymour, Ind. (CMSt.P&P).

URT 9071 to Helman Co., Terre Haute, Ind. (C&EI).

The waybills 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 31st day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13536; Filed, Sept. 4, 1944; 11:09 a. m.]

[S. O. 70-A, Special Permit 479]

RECONSIGNMENT OF HONEYDEW MELONS AT PITTSBURGH, PA.

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 Pittsburgh, Pennsylvania, August 31, 1944, by O'Donnell Fruit Company of car PFE 52161, honeydew melons, now on the Pennsylvania Railroad, to Colley Woods Company, Boston, Massachusetts (P.R.R.-N.Y.,N.H.&H.).

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 31st day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13537; Filed, Sept. 4, 1944; 11:09 a. m.]

[S. O. 200, Amended Gen. Permit 8]

REICING OF POTATOES FROM WASHINGTON

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes in the State of Washington, to reice once in transit when destined west of the Mississippi River and to reice twice in transit when destined east of the Mississippi River, at stations designated by shippers or, at carriers' option, at the first icing station west or east of such designated station. This general permit shall apply to all such cars billed or moving on the effective date hereof.

This general permit shall become effective 12:01 a. m., September 1, 1944, and shall expire at 12:01 a. m., October 1, 1944.

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 31st day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13538; Filed, Sept. 4, 1944; 11:10 a. m.]

[S. O. 200, Amended Gen. Permit 9]

REICING OF POTATOES FROM IDAHO OR OREGON

Pursuant to the authority vested in me by paragraph (e) of the first ordering

paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

Subject to the Exception shown below, to disregard the provisions of Service Order No. 200 insofar as it applies to the reicing in transit of any refrigerator car loaded with potatoes, other than sweet, originating at any point or points located in Idaho groups B or C, or in Oregon group B, as defined in Items 1013 and 1043, respectively, of National Perishable Freight Committee's Perishable Protective Tariff No. 13, Agent J. J. Quinn's I. C. C. No. 22, supplements thereto or reissues thereof, when subject to compulsory billing and modified refrigeration service provided in Rule No. 200, paragraph K, of the above named tariff, supplements thereto or reissues thereof. Exception: Such reicing by the Union Pacific Railroad on such cars moving east of Granger, Wyoming, on that line, may be accorded only at Denver, Colorado, Council Bluffs, Iowa, Kansas City, Kansas, or Omaha, Nebraska.

This general permit shall become effective at 12:01 a. m. September 1, 1944, and shall apply only to cars billed on and after that date; and shall expire at 12:01 a. m., October 2, 1944.

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 30th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13539; Filed, Sept. 4, 1944; 11:10 a. m.]

[2d Rev. S. O. 224, Gen. Permit 2]

ICING OF FRUITS AND MELONS AT ARIZONA OR CALIFORNIA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (9 F.R. 10429) of Second Revised Service Order No. 224 of August 24, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 224 insofar as it applies to the initial icing of refrigerator cars loaded with citrus fruits, deciduous fruits or melons, originating at origins located in the States of Arizona or California.

This general permit shall become effective at 12:01 a. m., September 1, 1944, and shall apply only to cars 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 31st day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13540; Filed. Sept. 4, 1944; 11:10 a. m.]

[2d Rev. S. O. 224, Special Permit 4]

REFRIGERATION OF PRUNES AT MILTON, OREG.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (9 F.R. 10429) of Second Revised Service Order No. 224 of August 24, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 224 insofar as it applies to the according of standard refrigeration to full bunker capacity on car NADX 12930, prunes, shipped by Stadelman Fruit Company from Milton, Oregon, consigned to H. Schnell, New York, New York, (U. P. to Kansas City, Mo. Pac. to St. Louis, Wabash to Huntington, Indiana, Erie beyond).

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 29th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13541; Filed, Sept. 4, 1944; 11:10 a. m.]

[S. O. 184, Amdt. 5]

REQUIREMENTS CONCERNING BILL OF LADING FOR CERTAIN MEAT SHIPMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of September A. D. 1944.

Upon further consideration of Service Order No. 184 (9 F.R. 2613) of March 3, 1944, as amended (9 F.R. 2924; 9 F.R. 3594, 9 F.R. 4442; 9 F.R. 9295) and good cause appearing therefor:

It is ordered, That Service Order No. 184 (9 F.R. 2613) of March 3, 1944, 49 C.F.R. § 95.333, as amended, be further amended by striking from the last ordering paragraph, as amended, the clause "That this order shall become effective at 7:00 a. m., September 9, 1944"; and by inserting in lieu thereof the following clause "That this order shall become effective at 7:00 a. m., November 9, 1944:". (49 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., September 9, 1944; that a copy of this order and direction shall be served upon each state railroad 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. 44-13523; Filed, Sept. 4, 1944; 11:08 a. m.]

[S. O. 223]

UNLOADING OF BEER AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of September A. D. 1944.

It appearing, That car PFE 20392, containing beer, at Los Angeles, California, on the Union Pacific Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

Beer at Los Angeles, California, be unloaded. (a) The Union Pacific Railroad Company, its agents or employees, shall unload forthwith car PFE 20392, containing beer, at Los Angeles, California, consigned to order of shipper, Manhattan Distributors, Inc., notify Merchants Wholesale Liquor Company.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload of beer has been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 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 immediately, and that a copy of this order and direction shall be served upon the Union Pacific Railroad Company, 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. 44-13529; Filed, Sept. 4, 1944; 11:08 a. m.]

[S. O. 229]

FURNISHING OF COAL CARS BY READING CO. AT MINE OF PHOENIX COAL CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of September A. D. 1944.

It appearing, that by petition dated August 29, 1944, from the Assistant Deputy Solid Fuels Administrator, Solid Fuels Administration for War, to the Director, Office of Defense Transportation, the Assistant Deputy recited that on July 24, 1944, the Solid Fuels Administration for War wrote the Phoenix Coal Company, Llewellyn, Pennsylvania, prohibiting "shipments of chestnut, pea, buckwheat and rice anthracite with an ash content exceeding that prescribed in Solid Fuels Administration for War Regulation No. 9 (8 F.R. 15560) produced at (the) Phoenix breaker * * * on and after six days from the date of * * * (that) letter * * *"; that the Solid Fuels Administration for War advises further that directions will be issued to retail dealers prohibiting their receipt of coal from this mine with an ash content in excess of that prescribed in such regulation; that this action will result in detention of cars at destination for unloading or other disposition and is a waste of cars and transportation; Solid Fuels Administration requests the Director of the Office of Defense Transportation, and the Director of that office has requested this Commission to prohibit the furnishing, supplying or placing of coal cars at the mine of the Phoenix Coal Company, Llewellyn, Pennsylvania; in the opinion of the Commission an emergency exists requiring immediate action.

It is ordered, That, the Reading Company shall not furnish, supply or place coal cars at the mine of the Phoenix Coal Company, at Llewellyn, Pennsylvania, for chestnut, pea, buckwheat and rice anthracite coal loading. (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 12:01 a. m., September 6, 1944, and shall remain in force until further order of the Commission; that a copy of this order and direction shall be served upon the Reading Company, upon the Pennsylvania Public Utility 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. 44-13530; Filed, Sept. 4, 1944; 11:08 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 126, Amdt. 1]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN WICHITA, KANS., AND PONCA CITY, OKLA.

Upon consideration of a petition to substitute 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, in lieu of Benjamin Cain, doing business as Cain's Truck Lines, as a party to Supplementary Order ODT 3, Revised-126 (8 F.R. 16568), and good cause appearing therefor; *It is hereby ordered,* That:

1. Supplementary Order ODT 3, Revised-126 be, and it hereby is, amended by substituting 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, in lieu of Benjamin Cain, doing business as Cain's Truck Lines, and

2. 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, on and after the effective date of this amendment, shall perform, subject to the provisions of said order, the functions of Benjamin Cain, doing business as Cain's Truck Lines, as described in the plan for joint action effectuated by, and made a part of, that order.

This amendment shall become effective September 5, 1944.

Issued at Washington, D. C., this 5th day of September 1944.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 44-13475; Filed, Sept. 2, 1944; 11:49 a. m.]

[Supp. Order ODT 3, Rev. 127, Amdt. 1]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN WICHITA AND EL DORADO, KANS.

Upon consideration of a petition to substitute 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, in lieu of Benjamin Cain, doing business as Cain's Truck Lines, as a party to Supplementary Order ODT 3, Revised-127 (8 F.R. 16568), and good cause appearing therefor; *It is hereby ordered,* That:

1. Supplementary Order ODT 3, Revised-127 be, and it hereby is, amended by substituting 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, in lieu of Benjamin Cain, doing business as Cain's Truck Lines, and

2. 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, on and after the effective date of this amendment, shall perform, subject to the provisions of said order, the functions of Benjamin Cain, doing business as Cain's Truck Lines, as described in the plan for joint action effectuated by, and made a part of, that order.

This amendment shall become effective September 5, 1944.

Issued at Washington, D. C., this 5th day of September 1944.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 44-13473; Filed, Sept. 2, 1944; 11:49 a. m.]

[Supp. Order ODT 3, Rev. 134, Amdt. 1]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN FRANKFORT AND LOUISVILLE, KY.

Upon consideration of a petition for the amendment of Supplementary Order ODT 3, Revised-134 (8 F.R. 17441), filed with the office of Defense Transportation by the parties subject thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised-134 be, and it hereby is, amended by adding in Appendixes 1 and 2 thereto Albert Gatewood and Gavin Tandy, doing business as Claxon Truck Line, Frankfort, Kentucky, as a party subject to said order and as a participant in the plant for joint action effectuated by, and made a part of, that order.

This amendment shall become effective September 5, 1944.

Issued at Washington, D. C., this 5th day of September 1944.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 44-13476; Filed, Sept. 2, 1944; 11:49 a. m.]

[Supp. Order ODT 3, Rev. 303]

COMMON CARRIERS

COORDINATED OPERATIONS IN CALIFORNIA

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 pur-

poses 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 September 9, 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 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

G. L. Moser, doing business as Lloyd Moser Transportation Co., 590 Bryant Street, San Francisco, Calif.

Glenn R. Baxley, doing business as Blue Line Truck Service, 474 Valencia Street, San Francisco, Calif.

J. Freitas, doing business as J. Freitas Transfer & Drayage Co., 340 12th Street, San Francisco, Calif.

Leslie C. George, 1985 Silver Avenue, San Francisco, Calif.

[F. R. Doc. 44-13478; Filed, Sept. 2, 1944; 11:49 a. m.]

[Supp. Order ODT 3, Rev. 305]

COMMON CARRIERS

COORDINATED OPERATIONS IN NORTH CAROLINA

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

[1] Filed as part of the original document.

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 plant 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 in-interest and the other carriers named in volved in this order, the successor in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 9, 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 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

D. J. Thurston, Jr., doing business as Thurston Motor Lines, Pender Street Extended, Wilson, N. C.

Carolina Transportation Company (a corporation) (Lessee and Operator of L. Russell Stallings, Mrs. N. H. Stallings and John L. Barbee, doing business as Stallings Transfer Service), Raleigh, N. C.

[F. R. Doc. 44-13479; Filed, Sept. 2, 1944; 11:50 a. m.]

[Supp. Order ODT 3, Rev. 306]

COMMON CARRIERS

COORDINATED OPERATIONS IN MICHIGAN

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

[1] Filed as part of the original document.

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 Transportatoin of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 9, 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 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Arvilla Werner and Carlos M. Dunn, doing business as Werner & Dunn Trucking Co., 134 Bentley Street, Lapeer, Mich.

Earl C. Smith, Inc., 1424 Fourth Street, Port Huron, Mich.

[F. R. Doc. 44-13480; Filed, Sept. 2, 1944; 11:50 a. m.]

[Supp. Order ODT 3, Rev. 307]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN CHARLOTTE AND STATESVILLE, N. C.

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 September 9, 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 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Smith's Transfer Corporation, 327 West Avenue, Lenoir, N. C.
Frederickson Motor Express Corporation, 2109 Hutchison Avenue, Charlotte, N. C.

[F. R. Doc. 44-13481; Filed, Sept. 2, 1944; 11:50 a. m.]

[Supp. Order ODT 3, Rev. 893]

COMMON CARRIERS

COORDINATED OPERATIONS IN KENTUCKY AND TENNESSEE

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 Transpor-

[1] Filed as part of the original document.

tation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 9, 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 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Hoover Motor Express Company, Inc., 414 Fifth Ave., So., Nashville, Tenn.
Gid's Motor Express (a corporation), Tompkinsville, Ky.

[F. R. Doc. 44-13482; Filed, Sept. 2, 1944, 11:50 a. m.]

[Supp. Order ODT 3, Rev. 309]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN LITTLE ROCK AND FORT SMITH, ARK.

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 September 9, 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 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Keystone Freight Lines (a corporation), 1522 East 5th Place, Tulsa, Okla.
Harvey Jones, doing business as Jones Truck Line, Springdale, Ark.

[F. R. Doc. 44-13483; Filed, Sept. 2, 1944; 11:51 a. m.]

[Supp. Order ODT 3, Rev. 310]

COMMON CARRIERS

COORDINATED OPERATIONS IN ARIZONA

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 ODT3, 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,

[1] Filed as part of the original document.

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, changes, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 9, 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 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Tucson Warehouse & Transfer Company (a corporation), 110 East 6th Street, Tucson, Ariz.

Citizens Transfer & Storage Co., Inc., 44 West 6th Street, Tucson, Ariz.

G. L. Gibbons, doing business as Lightning Delivery and Transfer Service, 2 East 6th Street, Tucson, Ariz.

Fermin R. Montiel, doing business as Ralph's Transfer, 657 West St. Marys Road, Tucson, Ariz.

C. R. Dusenberry, doing business as City Transfer Co., 721 North 3d Avenue, Tucson, Ariz.

Ben A. Wilson, Administrator of the estate of Joseph L. Wilson, doing business as Terminal Transfer, 302 South Park Avenue, Tucson, Ariz.

[F. R. Doc. 44-13484; Filed, Sept. 8, 1944; 11:51 a. m.]

[Supp. Order ODT 6A-43]

COMMON CARRIERS

COORDINATED OPERATIONS IN DETROIT, MICH., AREA

Coordinated operations within an area comprised of Detroit, Michigan, and a zone extending twenty-five air miles from the boundaries 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 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-43" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, D. C.

This order shall become effective September 9, 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

[1] Filed as part of the original document.

the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Joseph A. Smith, doing business as Exhibitors Truck Service, 2310 Cass Avenue, Detroit, Mich.
2. Film Truck Service (a corporation), 1008 Fox Theatre Building, Detroit, Mich.
3. G. E. Leveque, doing business as Cinema Service, 2540 Cass Avenue, Detroit, Mich.
4. Gordon Roe, Owendale, Mich.
5. H. C. Craven, doing business as Exhibitors Service, 2310 Cass Avenue, Detroit, Mich.

[F. R. Doc. 44-13486; Filed, Sept. 2, 1944; 11:52 a. m.]

[Supp. Order ODT 6A-44]

COMMON CARRIERS

COORDINATED OPERATIONS IN SIOUX CITY, IOWA, AREA

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-44" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, D. C.

This order shall become effective September 9, 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 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Bekins Van & Storage Company (a corporation), Fifth and Wesley Streets, Sioux City, Iowa.

Brady Transfer & Storage Company (a corporation), Fort Dodge, Iowa.

Hi-Speed Motor Express, Inc., 201 Iowa Street, Sioux City, Iowa.

Holdcroft Transportation Company (a corporation), Chicago, Ill.

F. McManigal, doing business as Mack's Delivery Service, Sioux City, Iowa.

Carl Propeck, doing business as Propeck's Transfer, 309 Water Street, Sioux City, Iowa.

Rosenthal Transfer & Storage, Inc., 914 Fourth Street, Sioux City, Iowa.

Sioux Transportation Co. (a corporation), 310 Jennings Street, Sioux City, Iowa.

Harold F. Stephens, doing business as Stephens Transfer Co., 310 Water Street, Sioux City, Iowa.

Ralph L. Towns, doing business as Towns Transfer, Sioux City, Iowa.

W. R. Towns, doing business as Towns-Chapman, 309 Jones Street, Sioux City, Iowa.

Union Transfer Co. (a corporation), doing business as Union Freightways, 720 Leavenworth Street, Omaha, Nebr.

N. W. Aalfs and Joe Burback, doing business as Union Truck Depot, 308 Jennings Street, Sioux City, Iowa.

Watson Bros. Transportation Co., Inc., 802 South 14th Street, Omaha, Nebr.

Leo Wilson and Lillian M. Wilson, doing business as Wilson Van Lines, Sioux City, Iowa.

Wilson Storage & Transfer Co. (a corporation), Sioux Falls, S. Dak.

[F. R. Doc. 44-13487; Filed, Sept. 2, 1944; 11:52 a. m.]

[Supp. Order ODT 20A-172]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATION IN JUNCTION CITY, KANS., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F. R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Junction City, Kansas, so as to assure maximum utilization of their facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessarry traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence.

[1] Filed as part of the original document.

The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Topeka, Kansas, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-172" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Topeka, Kansas.

8. This order shall become effective September 12, 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 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Bell Taxi, 108 E. 6th, Junction City, Kans.
Dime-N-Taxi, 124 N. 9th, Junction City, Kans.

[F. R. Doc. 44-13474; Filed, Sept. 2, 1944; 11:48 a. m.]

[Supp. Order ODT 3, Rev. 239, Amdt. 1]

COMMON CARRIERS

COORDINATED OPERATIONS IN NEBRASKA

NOTE: Amendment 1 to Supplementary Order ODT 3, Revised-239, amending Appendix 2, was filed with the Division of the Federal Register September 2, 1944, 11:48 a. m. as F. R. Doc. 44-13477.

[Supp. Order ODT 3, Rev. 312]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN ATLANTA, GA., AND GREENVILLE, S. C.

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 September 9, 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 5th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Akers Motor Lines, Inc. (lessee and operator of Gettys Transfer Co.) Gastonia, N. C.
Great Southern Trucking Co., 1833 Clarkson Street, Jacksonville, Fla.

[F. R. Doc. 44-13485; Filed, Sept. 2, 1944; 11:51 a. m.]

[1] Filed as part of the original document.

OFFICE OF ECONOMIC STABILIZATION.

[Directive, Aug. 26, 1944]

DAIRY PRODUCTION, 1944

PAYMENTS IN DROUGHT AREAS

The War Food Administrator having submitted certain information and recommendations to me on August 4 and

August 26, 1944, with reference to a program for dairy production payments in drought areas during the period August 5, 1944, to March 31, 1945, it is hereby found and determined that the purposes of the hold-the-line order, specifically, the policy established by Executive Orders 9250 and 9328 (3 CFR Cum. Supp., pp. 1213, 1267) will be effectuated by the making of payments to equalize, to the extent necessary, the excess costs incurred by dairy farmers who are forced to produce under winter conditions because of drought.

The War Food Administrator is, therefore, hereby authorized and directed to absorb, during the period August 5, 1944, through March 31, 1945, by the use of Commodity Credit Corporation funds, the aforesaid excess costs incurred by dairy farmers who are forced to produce under winter conditions because of drought. Such drought payments shall be in addition to payments made under the WFA Dairy Production Payments Program.

Effective date: August 5, 1944. Issued this 26th day of August 1944.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-13488; Filed, Sept. 2, 1944; 2:19 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Maximum Import Price Reg., Order 39]

BRAZILIAN QUARTZ CRYSTAL

ADJUSTMENT OF MAXIMUM PRICES

Order No. 39 under section 21 of the Maximum Import Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Orders Nos. 9250 and 9328 it is ordered:

(a) *What this order does.* This order permits importers of Brazilian quartz crystal, until October 15, 1944, to make delivery of Brazilian quartz crystal, purchased prior to July 6, 1944, at prices higher than might properly be charged under the Maximum Import Price Regulation.

(b) *Maximum prices for Brazilian quartz crystal purchased by the importer prior to July 6, 1944.* Notwithstanding the provisions of the Maximum Import Price Regulation, any importer who purchased Brazilian quartz crystal from the foreign seller before July 6, 1944, may sell and deliver to industrial users (and industrial users may buy and receive) such Brazilian quartz crystal, for use in performance of a Federal Government contract or subcontract: *Provided,* That delivery is made by October 15, 1944 and that the reports required by paragraph (c) are filed, at prices not higher than the following:

(1) If the quartz crystal was contracted to be sold by the importer to the industrial user prior to July 6, 1944, the maximum price shall be the contract price, if one was stated.

(2) If the quartz crystal was not contracted to be sold by the importer to the industrial user prior to July 6, 1944 or if no contract price was stated, the maximum price shall be the highest price charged, offered or quoted by the importer to the same class of purchaser for the same grade and size of quartz crystal, during the 30 days next preceding July 6, 1944.

(c) *Filing of reports.* (1) The importer shall, within 10 days from the effective date of this order, file with the Export-Import Price Branch of the Office of Price Administration, Washington, D. C., a certified statement containing the following:

(i) Inventory of imported quartz crystal, by size and grade, on hand July 6, 1944.

(ii) List of purchase contracts entered into prior to July 6, 1944, on which delivery of quartz crystal had not been completed on July 6, 1944, showing the date of contract, name and address of foreign seller, quantity and description of quartz crystal covered by purchase contract, price paid to foreign seller and estimated total landed costs.

(iii) Prices paid to foreign sellers during 30-day period prior to August 20, 1943. If no purchases were made during the period, prices paid on last purchase prior to that period.

(iv) Prices charged, offered or quoted during 30-day period prior to July 6, 1944.

(2) The importer, on or before October 31, 1944 shall file with the Export-Import Price Branch of the Office of Price Administration, Washington, D. C., a statement of all sales of Brazilian quartz crystal for period July 6, 1944 to October 15, 1944 made pursuant to this order to industrial users, showing the date of sale, the name and address of purchasers, quantity and description of quartz crystal sold and prices charged.

(3) The reports required under this order are in lieu of the reports required under the Maximum Import Price Regulation.

(d) *Discounts, credit terms and transportation charges.* The importer shall apply to the maximum prices established herein the same discounts, credit terms and practices relating to the payment of freight charges on sales of imported quartz crystal which he used during the 30-day period next preceding July 6, 1944.

(e) *Brokers' or agents' commissions.* Maximum prices established in this order may not be increased by any commission paid any broker or to any buying or selling agent unless such commission was paid during the 30-day period prior to July 6, 1944.

(f) *Definitions.* The terms used herein shall have the same meaning as like terms used in the Maximum Import Price Regulation.

(g) *Invoices.* Every seller making sales of imported quartz crystal under this order shall include on each invoice the following statement:

The invoiced quartz crystal are sold to you at prices established under Order No. 39 issued under section 21 of the Maximum Import Price Regulation. Copy of said order may be obtained from the Export-Import Price Branch of the Office of Price Administration, Washington, D. C.

(h) *Effective date.* This order shall become effective September 2, 1944.

NOTE: The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13443; Filed, Sept. 1, 1944; 4:20 p. m.]

[MPR 120, Order 952]

KAY DOT COAL CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 952 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Establishing price classifications and maximum prices for coals of the Kay Dot Coal Company.

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 Kay Dot No. 1 Mine of the Kay-Dot Coal Company located in Washington County, Pennsylvania in Subdistrict No. 7, District No. 2, operating in the Pittsburgh Seam, is hereby assigned Mine Index No. 4136 and classified in Railroad Fuel Price Group No. 2, and in Maximum Truck Price Group No. 6.

(b) Coals produced at the Kay Dot No. 1 Mine, Mine Index No. 4136 of the Kay Dot Coal Company, located in Washington County, Pennsylvania in Subdistrict No. 7, District No. 2 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	3	4	5	6	7	8	9	10	11
Price classifications	J	J	H	H	H	H	J	J	J	.....	.....
Rail shipment	285	285	270	270	270	260	235	235	225	.....	.....
Truck shipment	425	425	425	385	375	375	375	325	290	290	255
Railroad fuel	290	290	290	290	290	275	235	235	235	235	.....

(c) The maximum prices established herein are f. o. b. the mine for truck shipment and f. o. b. the rail shipping point for all rail shipment and for roalroad 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 September 2, 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 1st day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13441; Filed, Sept. 1, 1944; 4:21 p. m.]

[MPR 120, Order 953]

L. H. AND J. W. BORGMAN, INC., ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 953 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.214 and all other provisions of Maximum Price Regulation No. 120.

No. 177——11

L. H. AND J. W. BORGMAN, INC., R. 4, TUNNELTON, W. VA., MT. VIEW MINE, M. V. FREEPORT (UPPER FREEPORT) SEAM, MINE INDEX NO. 2030, PRESTON COUNTY, V. VA., RAIL SHIPPING POINT: HOWESVILLE, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	Size group Nos.				
	1	2	3	4	5
Price classification	J	J	J	J	J
Rail shipment and railroad fuel	290	290	290	285	285
Truck shipment	310	310	285	275	265

CHRISTOPHER NATIONAL COAL CO., MORGANTOWN, W. VA., NATIONAL MINE INDEX 2031 MINE, SEWICKLEY SEAM, MINE INDEX NO. 2031, MONONGALIA COUNTY, W. VA., RAIL SHIPPING POINT: NATIONAL, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 4

	Size group Nos.				
	1	2	3	4	5
Price classification	J	J	J	J	J
Rail shipment and railroad fuel	290	290	290	245	250
Truck shipment	285	290	275	245	235

MON-VALLEY COAL AND LUMBER CO., LOCK DRAWER 676, MORGANTOWN, W. VA., MON MINE, PITTSBURGH SEAM, MINE INDEX NO. 2028, MONONGALIA COUNTY, W. VA., RAIL SHIPPING POINT: NEAR, MAIDSVILLE, W. VA., MAXIMUM TRUCK PRICE GROUP NO. 3.

Price classification	F	F	F	F	F
Rail shipment and railroad fuel	275	275	290	290	240
Truck shipment	310	310	285	275	235

SUNCREST COAL CORPORATION, FAIRMONT, W. VA., MINE NO. 24 B MINE, PITTSBURGH SEAM, MINE INDEX NO. 2023, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: GALLIHUE, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	F	F	F	F	F
Rail shipment and railroad fuel	275	275	290	290	240
Truck shipment	310	310	285	275	235

NOTE: The size group numbers referred to herein for rail shipments and for railroad fuel are those described in the table of prices in Amendment No. 95 to maximum price regulation No. 120, and for truck shipments, as described in the table of prices in Amendment No. 105 to maximum price regulation No. 120.

This order shall become effective September 2, 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 1st day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13442; Filed, Sept. 1, 1944; 4:21 p. m.]

[MPR 120, Order 959]

BANKS COAL CO., ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 959 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

BANKS COAL CO., SASSAFRAS, KY., BANKS MINE, WHITESBURG SEAM, MINE INDEX NO. 7127, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT: WHITESBURG, KY., F. O. G. 100, DEEP MINE MAXIMUM TRUCK PRICE GROUP NO. 5

	Size Group Nos.													
	1	2	3	4	5	6	7	8	9	10	15-16-17	18	19	20-21
Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel	320	320	245	245	245	325	315	310	310	245	300	235	240	230
Truck shipment	320	320	325	325	320	295	290	275	----	----	----	----	----	----

DEPUE COAL CO., 403 YUSTER BLDG., COLUMBUS, OHIO, KINGS CREEK NO. 1 MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 7192, LETCHER COUNTY, KY., SUBDISTRICT 3, RAIL SHIPPING POINT: ROXANA, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size Group Nos.													
	1	2	3	4	5	6	7	8	9	10	15-16-17	18	19	20-21
Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel	350	350	345	345	345	335	315	310	310	345	300	285	280	280
Truck shipment	380	360	335	335	320	295	260	255	-----	-----	-----	-----	-----	-----

DEPUE COAL CO., 403 YUSTER BLDG., COLUMBUS, OHIO, KINGS CREEK NO. 2 MINE, HAZARD NO. 4 SEAM, MINE, INDEX NO. 7193, LETCHER COUNTY, KY., SUB-DISTRICT 3, RAIL SHIPPING POINT: ROXANA, KY., F. O. G. 100 DEEP MINE, MAXIMUM TRUCK PRICE NO. 5

Price Classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel	350	350	345	345	345	335	315	310	310	345	300	285	280	280
Truck shipment	380	360	335	335	320	295	260	255	-----	-----	-----	-----	-----	-----

DEPUE COAL CO., 403 YUSTER BLDG., COLUMBUS, OHIO, KINGS CREEK NO. 3 MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 7194, LETCHER COUNTY, KY., SUB-DISTRICT 3, RAIL SHIPPING POINT: ROXANA, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price Classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel	350	350	345	345	345	335	315	310	310	345	300	285	280	280
Truck shipment	380	360	335	335	320	295	260	255	-----	-----	-----	-----	-----	-----

DEPUE COAL CO., 403 YUSTER BLDG., COLUMBUS, OHIO, KINGS CREEK NO. 4 MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 7195, LETCHER COUNTY, KY., SUB-DISTRICT 3, RAIL SHIPPING POINT: ROXANA, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel	350	350	345	345	345	335	315	310	310	345	300	285	280	280
Truck shipment	380	360	335	335	320	295	260	255	-----	-----	-----	-----	-----	-----

DEPUE COAL CO., 403 YUSTER BLDG., COLUMBUS, OHIO, KINGS CREEK NO. 5 MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 7196, LETCHER COUNTY, KY., SUB-DISTRICT 3, RAIL SHIPPING POINT: ROXANA, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	M	M	M	M	K	K	J	G	E	G	D	K	K	K
Rail shipments and railroad fuel	350	350	345	345	345	335	315	310	310	345	300	285	280	280
Truck shipment	380	360	335	335	320	295	260	255	-----	-----	-----	-----	-----	-----

DEPUE COAL CO., 403 YUSTER BLDG., COLUMBUS, OHIO, CANNEL COAL MINE, ELKHORN AND CANNEL SEAM, MINE INDEX NO. 223, LETCHER COUNTY, KY., SUB-DISTRICT 3, RAIL SHIPPING POINT: ROXANA, KY., F. O. G. 100, DEEP MINE

Price classification[1]	H	H	H	H	H	H	G	E	C	E	D	J	J	J
Rail shipments and railroad fuel[1]	380	375	360	360	345	335	315	315	315	370	300	295	285	280
Truck shipment[1]	380	360	335	335	320	295	260	255	-----	-----	-----	-----	-----	-----

[1] Previously established. The listed maximum prices include all adjustments authorized by amendment No. 115, effective Aug. 16, 1944. Cannel coal: For all methods of shipment to all destinations—lump, 435; egg, 385; chips, 335; machine cuttings, 235.

HURTS CREEK COAL CO., HYDEN, KY., HURTS CREEK MINE, HAZARD NO. 4 SEAM, MINE INDEX NO. 3731, LESLIE COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT: COMBS, KY., F. O. G. 100

Price classification	K	K	K	K	J	J	H	G	E	G	D	K	K	K
Rail shipments and railroad fuel	380	375	365	365	360	350	330	325	325	360	315	300	295	295
Truck shipment[1]	380	360	335	335	320	295	260	255	-----	-----	-----	-----	-----	-----

[1] Previously established.

NOTE: The maximum prices established by this order include all adjustments authorized by Amendment No. 115 to Maximum Price Regulation No. 120, effective August 16, 1944.

This order shall become effective September 3, 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 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13468; Filed, Sept. 2, 1944; 11:43 a. m.]

[MPR 188, Order 30 Under Order A-2, Amdt. 2]

LANDEN PUTTY WORKS

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 2 to Order No. 30 under subparagraph (a) (13) of Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188. Maximum prices for putty manufactured by Landen Putty Works, Malden, Massachusetts, and sold outside of New England.

For the reasons set forth in an opinion issued simultaneously herewith, paragraph (a) (1) of Order No. 30 under paragraph (a) (13) of Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188 is amended to read as follows:

NET PRICE PER 100 POUNDS F. O. B. BOSTON, MASSACHUSETTS

	100-lb. and 85-lb. steel drums	25-lb. cans	12½-lb. cans	5-lb. cans	1-lb. cans
Glaziers (commercial)	$2.45	$2.95	$3.10	$3.45	$4.95
Glaziers 5% white lead	3.20	3.70	3.85	4.20	5.70
Glaziers 20% white lead	4.25	4.75	4.90	5.25	6.75
Strictly pure linseed oil (meets Federal Spec. TT-P-791a Type I)	4.35	4.85	5.00	5.35	6.85
Strictly pure linseed oil 5% white lead	4.85	5.35	5.50	5.85	7.35
Strictly pure linseed oil 10% white lead (meets Federal Spec. TT-P-791a Type II)	5.35	5.85	6.00	6.35	7.85
Strictly pure 20% white lead	6.20	6.70	6.85	7.20	8.70
Factory steel sash (for interior glazing)	3.50	4.00	4.15	4.50	-----
Master plumbers (same as commercial)	2.45	2.95	3.10	3.45	4.95

This amendment shall become effective September 4, 1944.

Issued this 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13457; Filed, Sept. 2, 1944; 11:42 a. m.]

[MPR 188, Rev. Order 869]

MEMPHIS FURNITURE MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Revised Order No. 869 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturer's maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a high chair and play yard manufactured by Memphis Furniture Manufacturing Company.

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, Order No. 869 is revised and amended to read as set forth herein:

(a) This revised order establishes maximum prices for sales and deliveries of a high chair and a play yard manufactured by Memphis Furniture Manufacuring Company, Memphis, Tennessee.

1 (i) For all sales and deliveries by the manufacturer to retailers, and to persons other than retailers who resell the article, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons who sell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
High chair	0595	4.25	5.00
Play yard	127	4.93	5.80

These prices are f. o. b. factory, and are for the articles described in the manufacturer's applications dated August 22, 1943 which were completed October 13, 1943.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for these sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries to retailers by persons other than the manufacturer, the maximum prices are those set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
		Each
High chair	0595	5.00
Play yard	127	5.80

These prices are for the articles described in the manufacturer's applications dated August 22, 1943, which were completed October 13, 1943.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by this order for such resale. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 3d day of September 1944.

Issued this 2d day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13469; Filed, Sept. 2, 1944; 11:43 a. m.]

[MPR 188, Order 2225]

EASTERN FURNITURE MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 2225 under § 1499.158 of Maximum Price Regulation No. 188, Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a high chair and a nursery chair manufactured by Eastern Furniture Manufacturing Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9326, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of a high chair and a nursery chair manufactured by Eastern Furniture Manufacturing Company, Montgomery, Pennsylvania.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188 by the manufacturer to retailers, by the manufacturer to jobbers, and by the manufacturer to mail-order houses, the maximum prices are those set forth below:

Article	Model No.	Maximum price to retailers	Maximum price to jobbers	Maximum price to mail-order houses
		Each	*Each*	*Each*
High chair	650	$3.20	$3.03	$3.20
Nursery chair	650	2.71	2.44	2.30

These prices are net, f. o. b. factory.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries, on and after the effective date of this order, to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
		Each
High chair	650	$3.20
Nursery chair	650	2.71

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 3, 1944.

Issued this 2d day of September 1944.

JAMES G. ROGERS,
Acting Administrator.

[F. R. Doc. 44-13470; Filed, Sept. 2, 1944; 11:43 a. m.]

[FPR 2, Order 2 to Supp. 3]

BARLEY

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of section 11 (b) (3) of Supplement No. 3 to Food Products Regulation No. 2, *It is hereby ordered*, That:

(a) Base prices for imported malting barley, produced in Canada, imported by rail in carload quantities, shall be as follows:

(1) On track, loaded in cars at Duluth, Minnesota and at Superior, Wisconsin, $1.32½ per bushel, United States dollars.

(2) On track, loaded in cars at all other points of destination in Minnesota and Wisconsin, and at all points of destination in Illinois, shall be calculated as follows: If the transportation charge from the Canadian point of origin to any such destination point exceeds the transportation charge from the point of origin to either of the base points specified in (1) above, the excess shall be added to the above base point price in (1) above; if it is less, the difference shall be deducted.

(b) Whenever it becomes necessary under the provisions of this supplement to adjust the price of such barley according to premiums or discounts provided for barley graded under United States Official Grain Standards, the base prices in (a) above shall be deemed to be for "Standard Grade", or No. 2 Barley having a minimum test weight of 46 pounds. Base prices for other grades and qualities shall be determined by adding to or subtracting from the base price for the "Standard Grade" the premiums and discounts provided in Table I of Appendix A of Supplement No. 3 to Food Products Regulation No. 2, except that no further premium for malting barley may be added.

(c) The base prices established by this order include the import duty; and in calculating the maximum price the importer may not add any duty paid.

(d) The foregoing base prices shall apply only to malting barley as defined

in section 5 (b) (2) (i) of Supplement No. 3 to Food Products Regulation No. 2. They may be used by any importer, where applicable, for the entering of any quantity, after the importer has filed a notice of intention to import such quantity through one or more of the points provided for in (a) above. Such notice of intention shall be filed with the Cereals, Feeds and Agricultural Chemicals Branch of the Office of Price Administration, Washington, D. C.

(e) This order may be revoked or amended by the Price Administrator at any time.

NOTE: The base prices established by this order are not maximum prices but are to be used in the determination of the maximum prices that may be paid for imported malting barley, as provided in section 11 (c) of Supplement No. 3 to Food Products Regulation No. 2. If you are an importer the maximum price for the sale of imported malting barley shall be determined pursuant to the provisions of section 11 (d) of Supplement No. 3 to Food Products Regulation No. 2.

This order shall become effective September 1, 1944.

Issued this 1st day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13440; Filed, Sept. 1, 1944; 4:22 p. m.]

[MPR 491, Order 1]

FOREST PRODUCTS

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1 under Maximum Price Regulation No. 491. Pressure preservative treatment of forest products and pressure treated forest products. Order authorizing adjustable pricing in sales on specified-length orders.

A petition has been filed by a treating company selling poles and piling subject to MPR 491, seeking amendment of the regulation to restore, in whole or in part, the former allowance of an addition to the maximum price for selection of specified lengths where the material is so ordered by the buyer. Specified-length additions were authorized in the original regulation, but such authority was withdrawn in Amendment 1 to the regulation, effective July 24, 1944.

A meeting with the Industry Advisory Committee was held on August 22, 1944, and further study of the question is being made. Since the regulation is nation-wide in scope, a proper disposition of the question must be based on consideration of price history and industry practices which may vary from one region to another as well as with different species. For that reason some time will be required before final action is taken in the matter.

It has been shown that authorization to use adjustable pricing on sales in specified lengths where so ordered by the buyer, is necessary to promote distribution of pressure-treated poles and piling and that such authorization will be consistent with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and pursuant to section 12 of Maximum Price Regulation 491, *It is hereby ordered,* That:

(a) Treating plants subject to MPR 491 may sell and deliver, and any person may buy and receive, pressure-treated poles and piling on orders calling for specified lengths, at prices not over the prevailing ceiling at time of shipment but by agreement between buyer and seller subject to any addition for specified lengths authorized by the Office of Price Administration after delivery.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of permissible additions for specified lengths as hereinbefore described, or upon denial of the petition. It may be revoked or amended by the Administrator at any time.

(c) This order shall become effective September 5, 1944.

Issued this 4th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13554; Filed, Sept. 4, 1944; 11:48 a. m.]

Regional and District Office Orders.

[Region VIII Order G-1 Under MPR 425, Amdt. 1]

FRESH FRUITS, BERRIES AND VEGETABLES IN SAN FRANCISCO REGION

Amendment No. 1 to Order No. G-1 under Maximum Price Regulation 425, as amended. Fresh fruits, berries, and vegetables for processing.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by section 15 (a) of Maximum Price Regulation 425, *It is hereby ordered,* That paragraphs (a), (b), and (c) of Order No. G-1 be amended to read as follows:

(a) *Fees and commissions.* (1) Processors of apples subject to the provisions of Maximum Price Regulation 425, as amended, are hereby authorized to pay to their agents or brokers the usual fees or commissions for services performed in the purchase of apples for processing: *Provided, however,* Such fees or commissions shall not exceed the allowable fees or commissions for such agent or broker determined under the provisions of Maximum Price Regulation No. 165, as amended.

(2) Processors of wild blackberries (Evergreen), subject to the provisions of Maximum Price Regulation 425, as amended, are hereby authorized to pay to their agents or brokers the usual fees or commissions for services performed in the purchase of wild blackberries for processing: *Provided, however,* Such fees or commissions shall not exceed the allowable fees or commissions for such agent or broker determined under the provisions of Maximum Price Regulation No. 165, as amended.

(b) *Applicability.* (1) Paragraph (a) (1) shall apply to Region VIII.

(2) Paragraph (a) (2) shall apply to the territory in Clatsop and Columbia Counties in the State of Oregon, within a line drawn from Astoria, southeast to Elsie, northeast to Jewel, to Vesper, to Mist, to Clatskanie, and bounded on the north by the Columbia River. The towns named shall include the area within a radius of three miles thereof.

(c) Definition. "Region VIII" means the states of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following Counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(d) This amendment may be revoked, amended, or corrected at any time.

This amendment shall become effective upon its issuance.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1944.

BEN C. DUNIWAY,
Acting Regional Administrator.

[F. R. Doc. 44-13438; Filed, Sept. 1, 1944; 4:22 p. m.]

[Region VIII Order G-3 Under 8 (e)]

HANLEY & KINSELLA LABORATORIES, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. G-3 under § 1499.3 (e) as amended of the General Maximum Price Regulation. Two-way insecticide screen paint. Maximum prices for sales and deliveries of two-way insecticide screen paint manufactured by Hanley & Kinsella Laboratories, Inc.

For the reasons set forth in the accompanying opinion and pursuant to the authority conferred upon the Regional Administrator by section 3 (e) of the General Maximum Price Regulation, *It is ordered:*

(a) The maximum prices for sales at wholesale and at retail of Two-Way Insecticide Screen Paint manufactured by Hanley & Kinsella Laboratories, Inc., of St. Louis, Missouri, by resellers subject to the General Maximum Price Regulation who cannot determine their maximum prices under sections 2 or 3 (a) of the General Maximum Price Regulation shall be those stated in Appendices A and B hereof, respectively;

(b) This order shall apply to sales in the states of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho;

(c) This order shall be subject to revocation or amendment at any time hereafter either by special order or by any price regulation issued hereafter or by any supplement or amendment here-

after issued as to any price regulation the provisions of which may be contrary hereto;

(d) This order shall become effective August 31, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of August 1944.

CHARLES R. BAIRD,
Regional Administrator.

APPENDIX A—MAXIMUM PRICES FOR SALES AT WHOLESALE OF TWO-WAY INSECTICIDE SCREEN PAINT MANUFACTURED BY HANLEY & KINSELLA LABORATORIES, INC.

4-oz.	$3.82 dozen.
8-oz.	$6.94 dozen.
16-oz.	$10.84 dozen.
32-oz.	$15.52 dozen.
Gallon	$16.38 case of 4 gallons.

APPENDIX B—MAXIMUM PRICES FOR SALES AT RETAIL OF TWO-WAY INSECTICIDE SCREEN PAINT MANUFACTURED BY HANLEY & KINSELLA LABORATORIES, INC.

4-oz. bottle	$0.49
8-oz. bottle	0.89
16-oz. bottle	1.39
32-oz. bottle	1.99

[F. R. Doc. 44-13439; Filed, Sept. 1, 1944; 4:22 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on August 28, 1944.

REGION I

Boston Order 5-F, Amendment 2, covering fresh fruit and vegetable prices in Commonwealth of Mass., except Dukes & Nantucket Counties, filed 4:36 p. m.

Augusta Order 1-F, Amendment 8, covering fresh fruit and vegetables in Portland, S. Portland and Westbrook, Maine, filed 4:37 p. m.

Augusta Order 2-F, Amendment 2, covering fresh fruit and vegetables in Maine except designated cities and towns, filed 4:38 p. m.

REGION II

District of Columbia Order 1-F, Amendment 22, covering fresh fruit and vegetables in portion of Md. within 2 miles of the District of Columbia boundary line, filed 4:35 p. m.

Binghamton Order 1-F, Amendment 20, covering fresh fruit and vegetables in certain designated areas in New York, filed 3:16 p. m.

Buffalo Order 1-F, Amendment 20, covering fresh fruit and vegetables in named areas in New York, filed 4:21 p. m.

Scranton Order 12, covering dry groceries in named counties in Pennsylvania, filed 4:22 p. m.

Scranton Order 13, covering dry groceries in named counties in Pennsylvania, filed 4:23 p. m.

Williamsport Order 1-F, Amendment 21, covering fresh fruit and vegetables in designated counties in Pennsylvania, filed 3:18 p. m.

REGION III

Columbus Order 3-F, Amendment 37, covering fresh fruit and vegetables in Columbus and Franklin Counties, Ohio, filed 4:35 p. m.

Cincinnati Order 1-F, Amendment 45, covering fresh fruit and vegetables in Hamilton County, Ohio, filed 4:35 p. m.

Cincinnati Order 2-F, Amendment 38, covering fresh fruit and vegetables in Butler, Clark, Montgomery and Scioto Counties, Ohio, filed 4:23 p. m.

Detroit Order 1-F, Amendment 33, covering fresh fruit and vegetables in designated counties in Michigan, filed 4:25 p. m.

Detroit Order 10, Amendment 10, covering community food prices in designated counties, filed 4:23 p. m.

Grand Rapids Basic Order 1-B, covering retail food prices in certain designated areas in Michigan, filed 4:24 p. m.

Grand Rapids Basic Order 2-B, covering wholesale food prices in named counties in Michigan, filed 4:23 p. m.

REGION IV

Charlotte Order 2-F, Amendment 10, covering fresh fruit and vegetables in designated counties in North Carolina, filed 4:25 p. m.

Memphis Order 4-F, Amendment 48, covering fresh fruit and vegetables in the Memphis District, filed 4:23 p. m.

Montgomery Order 16-F, Amendment 8, covering fresh fruit and vegetables in Montgomery County, Alabama, filed 3:09 p. m.

Montgomery Order 17-F, Amendment 5, covering fresh fruit and vegetables in Houston County, Alabama, filed 3:09 p. m.

Montgomery Order 18-F, Amendment 5, covering fresh fruit and vegetables in Dallas County, Ala., filed 3:09 p. m.

Montgomery Order 19-F, Amendment 6, covering fresh fruit and vegetables in Mobile County, Ala., filed 3:10 p. m.

REGION V

San Antonio Order 1-F, Amendment 9, covering fresh fruit and vegetables in certain areas in Texas, filed 4:25 p. m.

San Antonio Order 2-F, Amendment 9, covering fresh fruit and vegetables in certain areas in Texas, filed 4:25 p. m.

San Antonio Order 3-F, Amendment 5, covering fresh fruit and vegetables in designated counties in Texas, filed 4:25 p. m.

San Antonio Order 4-F, Amendment 5, covering fresh fruit and vegetables in certain areas in Texas, filed 4:33 p. m.

Shreveport Order 2-F, Amendment 28, covering fresh fruit and vegetables in the Shreveport District, filed 3:13 p. m.

Shreveport Order 3-F, Amendment 17, covering fresh fruits and vegetables in the Shreveport District, filed 3:13 p. m.

REGION VI

Chicago Order 2-F, Amendment 27, covering fresh fruit and vegetables in named counties in Illinois, and Lake County, Ind., filed 4:40 p. m.

Duluth-Superior Order 1-F, Amendment 31, covering fresh fruit and vegetables in Duluth, Procter City and City and Town of Superior, filed 3:04 p. m.

Fargo-Moorhead Order 1-W, Amendment 3, covering dry groceries in area described therein, filed 3:17 p. m.

Fargo-Moorhead Order 2-W, Amendment 2, covering dry groceries in area described therein, filed 4:34 p. m.

Fargo-Moorhead 2d Rev. Order 18, Am. 2, covering dry groceries and perishables in certain area described therein, filed 4:41 p. m.

Fargo-Moorhead 2d Rev. Order 21, Amendment 2, covering community food prices in area described therein, filed 4:40 p. m.

Fargo-Moorhead 2d Rev. Order 22, Amendment 2, covering community food prices in area described therein, filed 4:40 p. m.

Green Bay Order 9, Amendment 5, covering community food prices in certain area in Wisconsin, filed 4:36 p. m.

Green Bay Order 12, Amendment 5, covering community food prices in certain area in Wisconsin, filed 4:36 p. m.

La Crosse Order 1-F, Amendment 31, covering fresh fruit and vegetables in La Crosse & Sparta, Wis. and Winona, Minn., filed 3:19 p. m.

La Crosse Order 3-F, Amendment 27, covering fresh fruit and vegetables in Eau Claire & Chippewa Falls, Wis., filed 3:19 p. m.

La Crosse Order 5-F, Amendment 26, covering fresh fruit and vegetables in Rochester, Minn., filed 3:20 p. m.

Quad-Cities Order 2-F, Amendment 21, covering fresh fruit and vegetables in designated cities in Illinois and Iowa, filed 4:21 p. m.

Quad-Cities Order 3-F, Amendment 8, covering fresh fruit and vegetables in designated counties in Ill. and Iowa, filed 4:21 p. m.

Springfield Order 1-FS, Amendment 6, covering fresh fruit and vegetables in designated counties in Illinois, filed 3:10 p. m.

Sioux City Order 2-F, Amendment 31, covering fresh fruit and vegetables in Sioux City, Iowa and Sioux City, Nebr., filed 3:13 p. m.

Omaha Order 3-W, Amendment 2, covering dry groceries in Omaha, Nebr. and Council Bluffs, Iowa, filed 3:14 p. m.

Omaha Order 4-W, Amendment 2, covering dry groceries in Lincoln, Nebr., filed 3:14 p. m.

Omaha Order 7-F, Amendment 9, covering fresh fruit and vegetables in Omaha, Nebr. and Council Bluffs, Iowa, filed 3:06 p. m.

Omaha Order 8-F, Amendment 9, covering fresh fruit and vegetables in Lincoln, Nebr., filed 3:06 p. m.

Omaha Order 17, Amendment 2, covering community dry groceries and perishables in certain counties in Nebraska, filed 3:07 p. m.

REGION VIII

Los Angeles Order 1-F, Amendment 23, covering fresh fruit and vegetables in the San Bernardino-Riverside Area, filed 4:36 p. m.

Phoenix Order 4-F, Amendment 16, covering fresh fruit and vegetables in the Tucson Area, filed 4:21 p. m.

Phoenix Adopting Order 6 under 1-B, covering community food prices in the Gila Valley Area, filed 3:03 p. m.

Phoenix Revocation of Order 10, covering community food prices in the Gila Valley Area, filed 3:07 p. m.

San Francisco Order G-8, Amendment 8, covering community food prices in certain areas in the San Francisco District, filed 3:05 p. m.

San Francisco Order G-9, Amendment 7, covering community food prices in designated areas in the San Francisco District, filed 3:05 p. m.

San Francisco Order G-10, Amendment 7, covering community food prices in designated areas in the San Francisco District, filed 3:07 p. m.

San Francisco Order G-11, Amendment 7, covering community food prices in named counties in California, filed 3:03 p. m.

San Francisco Order G-12, Amendment 7, covering community food prices in named counties in California, filed 3:03 p. m.

San Francisco order G-13, Amendment 1, covering community food prices in named counties in California, filed 3:04 p. m.

Copies of any of these orders may be obtained at the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-13555; Filed, Sept. 4, 1944; 11:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-957]

CRESCENT PUBLIC SERVICE CO. AND OKLAHOMA UTILITIES CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of August, A. D. 1944.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Crescent Public Service Company ("Crescent"), a registered holding company, and its wholly owned subsidiary, Oklahoma Utilities Company ("Oklahoma").

All interested persons are referred to said documents which are on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Oklahoma proposes to sell to Oklahoma Natural Gas Company, a gas utility company, all of its natural gas production, transmission, and distribution properties and systems located in the counties of Creek, Lincoln, Tulsa, Okfuskee, and Okmulgee in the State of Oklahoma, together with all leases, franchises, and easements, for a base price of $280,000, subject to certain adjustments.

Oklahoma proposes to utilize the proceeds of the aforesaid sale to reduce its 7% unsecured Promissory Note outstanding in the principal amount of $719,648, as of June 30, 1944. Both the aforesaid unsecured Promissory Note and the common stock of Oklahoma (both owned by Crescent) are pledged under the Trust Indenture securing Crescent's Collateral Trust 6% Income Bonds, Series B, due October 1, 1954, outstanding as of June 30, 1944 in the principal amount of $2,802,000. The amount to be paid by Oklahoma on its unsecured Promissory Note will be paid to the Trustee under the aforementioned Indenture.

After the consummation of the proposed sale it is contemplated that Oklahoma will convert its remaining assets to cash and pay such amount to the Indenture Trustee in reduction of the principal of its outstanding unsecured Promissory Note. Oklahoma will, thereupon, request the Trustee to surrender the aforesaid Note, on which a balance of the principal amount will remain unpaid, and Oklahoma's common stock, and will thereafter dissolve.

Crescent states the proposed transactions are the final steps in disposing of its interest in Oklahoma as part of its plan for compliance with section 11 of the act. Crescent represents that at or before the consummation of the proposed sale of the utility assets of Oklahoma, a plan under section 11 (e) providing for its liquidation will be filed with this Commission and that cash to be paid to the Indenture Trustee by Oklahoma will be used by Crescent in effectuating the distribution of its assets in accordance with the said plan.

The Indenture securing Crescent's Collateral Trust Income Bonds requires, among other things, that as a prerequisite to the voting of the securities of Oklahoma in favor of the sale of properties owned by Oklahoma sixty days' written notice be given to holders of Crescent's bonds, written consents be obtained from at least 25% in principal amount of outstanding bonds, and that written objections of 25% or more in principal amount of outstanding bonds shall not have been filed with the said Trustee. The material to be sent to registered holders of Crescent's Income Bonds in the solicitation of their consents will be filed as part of the present application or declaration (or both), and it is requested that the declaration in this respect be permitted to become effective pursuant to Rule U-62.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said applications or declarations (or both) shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable provisions of said act and rules of the Commission thereunder be held on September 15, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Crescent Public Service Company, Oklahoma Utilities Company and The Corporation Commission of the State of Oklahoma; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before September 13, 1944 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said applications and declarations, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration to be received for the assets of Oklahoma is fair and reasonable;

(2) Whether the solicitation material to be sent to the bondholders of Crescent contains full disclosure of all pertinent facts involved in the proposed transactions;

(3) Generally, whether in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the Act or the rules and regulations promulgated thereunder;

(4) Whether, if the proposed transactions are authorized, the imposition of terms and conditions is necessary and appropriate in the public interest or for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-13448; Filed, Sept. 2, 1944; 11:18 a. m.]

WAR MANPOWER COMMISSION.

FITCHBURG, MASS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following substitute employment stabilization program for Fitchburg Area is hereby prescribed, pursuant to §907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.
1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Referrals by the United States Employment service.
9. Hiring contrary to the program.
10. Exclusions.
11. Appeals.
12. Statements of availability.
13. Solicitation of workers.
14. Hiring.
15. Representation.
16. General referral policies.
17. Effective date.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Fitchburg Area, with the approval of the Regional Director. The purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities.

(b) The reduction of unnecessary labor migration.

(c) The direction of the flow of scarce labor where most needed in the war program,

(d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(a) The "Fitchburg Area" is comprised of the territory designated in appendix A.

(b) "Agriculture" means those farm activities carried on by farm owners, or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30 day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(f) Locally needed activity means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

(h) "Employment ceilings" will represent the maximum number of employees or specific types of employees which an establishment may have in its employ during a specified time period.

(i) "Priority referral" is a requirement that workers secure jobs and that employers hire workers only upon referral by, or in accordance with arrangements with the United States Employment Service.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Fitchburg Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Fitchburg Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutes and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* No employer in the Fitchburg Area shall hire any new worker except upon referral by or in accordance with arrangements with the United States Employment Service.

Notice of referral received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

Workers receiving statements of availability from their employers may not be hired upon presentation of the statement of availability to a new employer. A worker shall present the statement of availability to the local office of the United States Employment Service of the War Manpower Commission for referral by it to a new job.

SEC. 8. *Referrals by the United States Employment Service.* (a) When any of the circumstances set forth in section 7 are found to exist in an individual's case and the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall refer such individual to a job opening. Pending such finding the United States Employment Service shall either request the worker to remain on his job or return to it in instances where the worker has voluntarily terminated his employment. When none of the circumstances set forth in section 7 are found to exist in an individual's case the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) The United States Employment Service shall refer 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 stabilization program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding. An employer who continues to be in non-compliance after notice, hearing, and final decision shall not receive any referrals of labor from the United States Employment Service.

(c) 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.

(d) The United States Employment Service, upon the request of an individual, shall refer him to a former employer, when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

(e) The United States Employment Service shall refer any worker who has not been engaged in an essential or locally needed activity during the preceding 60-day period.

(f) If a worker's last regular employment was in agriculture, he shall not be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *Provided,* That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral.

SEC. 9. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service promptly release from employment any worker hired in violation of this program.

SEC. 10. *Exclusions.* No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employees' principal work; but such work shall not constitute the individual's "last employment" for the purpose of the

program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring of a foreign, State, County, or Municipal Government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County, or Municipal Government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

SEC. 11. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment Stabilization Program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 12. *Statements of availability.* A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission Officer and office, the date of issuance, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

SEC. 13. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 14. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Area Manpower Director may fix for all or any establishments in the Fitchburg Area, fair and reasonable employment ceilings, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or, the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling currently applicable to it.

The Federal Government shall be considered as a single essential employer for the purpose of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 15. *Representation.* Nothing contained in this program shall be construed to restrict any individual from seeking the advise 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 program.

SEC. 16. *General referral policies.* No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 17. *Effective date.* This program shall become effective as of August 18, 1944, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

APPENDIX A—DESIGNATION OF THE FITCHBURG AREA

The Fitchburg Area is comprised of the territories included in the following cities and towns in the Commonwealth of Massachusetts:

The cities of: Fitchburg, Gardner, and Leominster.

The towns of: Ashburnham, Ashby, Ayer, Baldwinville, Boxborough, Clinton, Groton, Harvard, Hubbardston, Lancaster, Lunenburg, Otter River, Pepperell, Princeton, Shirley, Sterling, Templeton & E. Templeton, Townsend, Westminster, and Winchendon.

Dated: August 28, 1944.

F. X. POWERS,
Area Director.

Approved: August 28, 1944.

DAVID G. NAGLE,
Acting Regional Director.

[F. R. Doc. 44-13494; Filed, Sept. 2, 1944; 8:22 p. m.]

LOWER NAUGATUCK VALLEY, CONN., AREA EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Lower Naugatuck Valley Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

SEC.
1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. General.
6. Issuance of statements of availability by employers.
7. Issuance of statements of availability by United States Employment Service.
8. Referral in case of under-utilization.
9. Workers who may be hired only upon referral by the United States Employment Service.
10. Hiring contrary to the program.
11. Exclusions.
12. Appeals.
13. Statements of availability.
14. Solicitation of workers.
15. Hiring.
16. Representation.
17. General referral policies.
18. Seniority.
19. Effective date.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Lower Naugatuck Valley Area, subject to approval by the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities.

(b) The reduction of unnecessary labor migration.

(c) The direction of the flow of scarce labor where most needed in the war program.

(d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(a) The "Lower Naugatuck Valley Area" is the area comprised of the towns of Ansonia, Derby, Seymour, Shelton and Oxford.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Lower Naugatuck Valley Area to be either

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in the area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix A and may be amended from time to time by the Area Manpower Director.

(g) Essential activity means any activity included in the War Manpower Commission List of Essential Activities.

(h) Locally needed activity means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms employment and work as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Lower Naugatuck Valley Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Lower Naugatuck Valley Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this Committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 6. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 7. *Issuance of Statements of Availability by United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 6 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 6 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation or policy, and for so long as such employer continues his noncompliance after such finding.

An employer who continues to be in noncompliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

SEC. 8. *Referral in case of underutilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 9. *Workers who may be hired only upon referral by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix A) or his statement of availability indicates that his last employment was in such an occupation;

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided,* That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further,* That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 10. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired.

(a) In violation of this program, or

(b) Upon referral by the United States Employment Service, if made as a result of any misrepresentations on the part of such worker pertaining to previous employment, when otherwise a referral would not have been made, or if it is found that it should not have been made in the first instance.

SEC. 11. *Exclusions.* No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county or municipal government, or their political subdivision or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period;

(g) The transfer of workers between agencies and departments of the Federal Government.

SEC. 12. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under the employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 13. *Statements of availability.* A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 14. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 15. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except, as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 16. *Representation.* Nothing contained in the program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 17. *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 18. *Seniority.* Workers referred or transferred in accordance with section 8 of this area stabilization agreement shall:

(a) Preserve and accrue their seniority rights with their home employer in the same manner and with the same qualifications provided either by union agreement or plant custom.

(b) Be re-employed by their home employer according to the seniority agreement or custom mentioned above providing they apply for re-employment within forty days of either the date they terminate from the plant to which they first transferred or the date when the U. S. Government declares an end to the war emergency, whichever is sooner.

Workers transferred with statements of availability and later entering the armed forces under the Selective Service Act will have the same rights for re-employment with their home employer as provided in (a) and (b).

(c) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has re-employment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

SEC. 19. *Effective date.* This program shall become effective as of October 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

WM. J. CRONIN, Jr.,
Area Director.

Approved:

DAVID G. NAGLE,
Acting Regional Director.

APPENDIX A—ADDITIONAL CONTROLLED OCCUPATIONS

The following shall be considered additional controlled occupations in the Lower Naugatuck Valley:

(1) Occupations in which the demand for workers in the area exceeds the available supply:

Brass roller,
Chippers,
Grinder operators,
Laborers,
Non-ferrous casters,
Screw machine operators, and
Sewing machine operators.

[F. R. Doc. 44-13498; Filed, Sept. 2, 1944; 3:23 p. m.]

[Amdt. 1]

LOWER NAUGATUCK VALLEY, CONN., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Lower Naugatuck Valley Area, dated October 15, 1943, is hereby amended as follows:

Section 9 of said program is hereby amended by adding the following new paragraph:

(e) The new employee is a male worker.

Dated: August 12, 1944.

WM. J. CRONIN, Jr.,
Area Director.

Approved: August 26, 1944.

DAVID G. NAGLE,
Acting Regional Director.

[F. R. Doc. 44-13499; Filed, Sept. 2, 1944; 3:23 p. m.]

TORRINGTON, CONN., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Torrington Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.
1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. General.
6. Issuance of statements of availability by employers.
7. Issuance of statements of availability by United States Employment Service.
8. Referral in case of under-utilization.
9. Workers who may be hired only upon referral by the United States Employment Service.
10. Hiring contrary to the program.
11. Exclusions.
12. Appeals.
13. Content of statements of availability.
14. Solicitation of workers.
15. Hiring.
16. Representation.
17. General referral policies.
18. Effective date.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Torrington Area, subject to approval by the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities,

(b) The reduction of unnecessary labor migration,

(c) The direction of the flow of scarce labor where most needed in the war program,

(d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(a) The "Torrington Area" is the area comprised of the towns of Barkhamsted, Burlington, Canaan, Colebrook, Cornwall, Goshen, Hartland, Harwinton, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Salisbury, Sharon, Torrington, Winchester.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the

cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(f) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Torrington Area to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in the area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area War Manpower Director is attached to this program as Appendix A and may be amended from time to time by the Area War Manpower Director.

(g) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439)

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment means his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Torrington Area shall be conducted in accordance with this employment stabilization program.

"All hiring and solicitation of workers . . . for work in the Torrington Area" as used in this section shall include hiring and solicitation, whether within or outside the Torrington Area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Torrington Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area War Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 6. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 7. *Issuance of statements of availability by United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 6 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 6 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulations, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A statement af availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(d) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form the words:

The Employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

SEC. 8. *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 9. *Workers who may be hired only upon referral by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or

in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation or his statement of availability indicates that his last employment was in a critical occupation;

(b) The new employee is to be hired for work in an additional controlled occupation or his statement of availability indicates that his last employment was in such an occupation;

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made);

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided further that such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 10. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,

(a) In violation of this program, or

(b) Upon referral by the United States Employment Service, if made as a result of any misrepresentations on the part of such worker pertaining to previous employment, when otherwise a referral would not have been made, or if it is found that it should not have been made in the first instance.

SEC. 11. *Exclusions.* No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period;

(g) The transfer of workers between agencies and departments of the Federal Government.

SEC. 12. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 13. *Content of statements of availability.* A statement of availability issued to an individual pursuant to the program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 14. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 15. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 16. *Representation.* Nothing contained in the program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 17. *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 18. *Effective date.* This program shall become effective as of November 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

MARY M. DEWEY,
Area Director.

Approved:

DAVID G. NAGLE,
Acting Regional Director.

APPENDIX A

Armature Winder I	6-99.011
Automatic Screw Machine Operator	4-78.145
Auto Mechanic	5-81.010
Blacksmith II	4-86.010
Blacksmith Helper	8-93.71
Broaching Machine Operator	6-78.051
Card Tender Finisher (textile)	6-19.031
Carpenter	5-25.110
Caster	6-91.612
Chain Machine Operator	6-72.316
Chucking Machine Operator	6-78.021
Clock Adjuster	4-71.510
Coil Winder II	6-99.014
Coremaker Helper	8-82.10
Cupola Repairman	5-24.130
Cupola Tender	4-91.951
Cupola Tender Helper	6-91.053
Cut-off Machine Operator	6-88.348
Cylindrical Grinder Operator	4-78.511
Disk Grinder	6-78.512
Draftsman	0-46.18
Draw Bench Operator I	4-88.312
Dresser Tender	4-19.211
Drop-Hammer Operator III	6-86.110
Electric Truck Operator	7-88.410
Enamel-Machine Operator	7-00.216
Engine Lathe Operator I	4-78.011
Filer, Machine	4-78.291
Fireman, Stationary	7-70.040
Floor Assembler	6-78.632
Forming Press Operator I	6-88.627
Four Slide Machine Operator	4-75.160
Grinder	6-77.710
Hairspring Truer	6-72.213
Hammersmith	4-86.210
Hand Screw Machine Operator	4-78.021
Header Operator	4-86.126
Heavy Foundry Laborer	8-82.10
Honing Machine Operator	4-78.411
Honing Machine Operator, Automatic	6-78.412
Internal Grinder	4-78.512
Jig Boring Machine Operator	4-78.043
Job Setter II	4-75.160
Knitting Machine Operator I (knit goods)	4-14.061
Knitting Machine Operator—Full Fashioned Hosiery (hosiery)	4-14.062
Laborer, Process (misc. steel products)	8-93.76
Laborer, Process (needle, pin and rel. products)	9-13.65
Laborer, Process (nonferrous metal alloys and products)	8-93.86
Lapper	6-78.418
Looper II (hosiery)	6-14.420
Machine Fixer II (hosiery):	
(a) Knitting Machine Fixer	5-83.323
(b) Looper Fixer	5-83.323
(c) Seamer Machine Fixer	5-83.326

Machinist Helper	8-94.61
Metal Spinner	4-94.201
Milling Machine Operator II	4-78.031
Molder, Helper	6-82.950
Nail Making Machine Set-Up Man	7-83.315
Oil Burner Service Man	5-83.024
Oiler II	7-71.010
Planer Operator II	4-78.071
Plater I	4-74.010
Plumber	5-30.210
Polisher II	6-77.060
Power Shear Operator	6-88.664
Profiling Machine Operator I	5-78.111
Punch Press Operator	6-88.627
Radial Drill Press Operator	6-78.082
Riveting Machine Operator IV	6-95.074
Rod Straightener	8-82.10
Roller (nonferrous metal alloys and products)	4-88.031
Sand Blaster I	6-82.720
Screw Machine Set-Up Man Automatic	4-75.160
Sewing Machine Operator (hosiery)	6-27.513
Shaper Operator	4-78.061
Sheet Metal Worker II	4-80.010
Spinner, Frame	6-19.041
Spinner, Mule	6-72.213
Spot Welder	6-85.060
Spray Painter I	7-16.210
Steam Fitter	5-30.410
Sticker (nonferrous metal alloys and products)	6-88.035
Surface Grinder Operator I	4-78.513
Swaging Machine Operator II	6-86.120
Tool Clerk	1-38.05
Tool Grinder Operator	5-84.110
Tool Hardener	4-87.230
Truck Driver, Heavy	7-36.250
Tube Drawer	4-88.311
Tumbling Barrel Operator	9-02.01
Turret Lathe Operator	4-78.021
Welder, Acetylene	4-85.030
Welder, Arc	4-85.020
Wire Drawer III (wire)	4-88.511

[F. R. Doc. 44-13495; Filed, Sept. 2, 1944; 3:22 p. m.]

[Amdt. 1]

TORRINGTON, CONN., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Torrington Area, dated November 15, 1943, is hereby amended in the following respects:

1. Section 2 (f) of said program is hereby amended by inserting after the word "Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" in the last paragraph of said section, so that the same shall read as follows:

(f) "Additional controlled occupation" means an occupation fund by the Area Manpower Director for the Torrington Area with the approval of the Regional Director to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in the Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix A and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 7 is hereby amended by deleting subparagraph (c) in its entirety, thereby making subparagraph (d) of said section, subparagraph (c), and adding the following sentence after the word "employment" at the end of the first paragraph of said subparagraph:

Nothing in this section shall be construed to supersede the provisions of section 9 (d).

3. Section 8 is hereby amended by changing the title from "Referral in Case of Under-Utilization" to "Referral by the United States Employment Service" and adding the following as the second paragraph:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

4. Section 9 is hereby amended by deleting the words in subparagraph (c) enclosed in parenthesis, so that said paragraph shall read as follows:

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period:

5. Section 10 is hereby amended by striking out the semi-colon after the word "hired" in the second line, inserting the phrase "in violation of this program" and by striking out paragraphs (a) and (b) of said section so that the same shall read as follows:

An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

6. Section 11 of said program is hereby amended by striking out subparagraph (g) thereof in its entirety.

Dated: August 12, 1944.

MARY M. DEWEY,
Area Director.

Approved: August 26, 1944.

DAVID G. NAGLE,
Acting Regional Director.

[F. R. Doc. 44-13496; Filed, Sept. 2, 1944; 3:22 p. m.]

[Amdt. 2]

TORRINGTON, CONN., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Torrington Area, dated November 15, 1943 is hereby amended in the following respect:

Section 9 of said program is hereby amended by adding the following new paragraph:

(e) The new employee is a male worker.

Dated: August 12, 1944.

MARY M. DEWEY,
Area Director.

Approved: August 26, 1944.

DAVID G. NAGLE,
Acting Regional Director.

[F. R. Doc. 44-13497; Filed, Sept. 2, 1944; 3:23 p. m.]

WAR PRODUCTION BOARD.

[C-295]

SPALSBURY STEIS DEEVERS SHOE CO.

Spalsbury Steis Deevers Shoe Company, a corporation, with its general office and factory in Fredericktown, Missouri, is engaged in the manufacture of women's and growing girls' shoes. On or about May 1, 1944, it began the production of a line of misses' shoes at $2.01 per pair and manufactured a total of 21,552 pairs of such shoes. During the base period selected by the company it did not produce any misses' and children's shoes so that the manufacture of such shoes without an established quota was in violation of Conservation Order M-217. On July 3, 1944, the War Production Board gave authorization to complete the manufacture of 5,706 pairs of such shoes out of materials on hand so that the company manufactured a total of 15,846 pairs of such shoes without authorization and in violation of Conservation Order M-217.

Spalsbury Steis Deevers Shoe Company admits the production of 15,846 pairs of misses' and children's shoes for which it had no established quota and in violation of M-217 and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Spalsbury Steis Deevers Shoe Company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Spalsbury Steis Deevers Shoe Company, its successors and assigns, shall not manufacture any line of foot wear (except military foot wear) not manufactured by it in its six months base period.

(b) Spalsbury Steis Deevers Shoe Company, its successors and assigns, shall reduce its production of women's and growing girls' shoes in the established price line of $2.95 to $3.25 so that its total production of such shoes for the period commencing September 1, 1944, and ending February 28, 1945, shall be 15,846 pairs less than it would otherwise be permitted to produce under the provisions of Conservation Order M-217.

(c) Nothing contained in this order shall be deemed to relieve Spalsbury Steis Deevers Shoe Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Produc-

tion Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the date of issuance, and shall expire on February 28, 1945.

Issued this 2d day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13501; Filed, Sept. 2, 1944; 4:17 p. m.]

[C-203]

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKINSBURG

First Federal Savings and Loan Association of Wilkinsburg, a corporation, located at 1010 Center Street, Wilkinsburg, Pennsylvania, is engaged in the business of financing residential properties. During the latter part of March, 1944, it did construction on a building which it owned at 711 Penn Avenue, Wilkinsburg, Pennsylvania, at a cost of $2,384.24, including new construction at a cost of $1,267.98, without securing approval from the War Production Board, in wilful violation of Conservation Order L-41. First Federal Savings and Loan Association of Wilkinsburg admits having done this construction. It does not desire to contest the issue of wilfulness and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of the First Federal Savings and Loan Association of Wilkinsburg, the Regional Attorney and the Regional Compliance Chief, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither First Federal Savings and Loan Association of Wilkinsburg, its successors and assigns, nor any other person shall do any further construction on the property located at 711 Penn Avenue, Wilkinsburg, Pennsylvania, unless specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve First Federal Savings and Loan Association of Wilkinsburg, its successors or assigns, from any restriction, prohibition or provision contained in any order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 1st day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13432; Filed, Sept. 1, 1944; 4:17 p. m.]

[C-204]

SOUTH SIDE JOURNAL, INC.

South Side Journal, Inc., is a corporation with its principal place of business in St. Louis, Missouri. It is engaged in publishing and circulating a free distribution newspaper and shopping guide in St. Louis. During the fourth quarter of 1943 and in the first and second quarters of 1944, it used or caused to be used in the publication of such newspaper print paper in excess of its quota established by Limitation Order L-241 amounting to 45,000 pounds. South Side Journal, Inc., admits such excess usage of print paper and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of South Side Journal, Inc., the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) South Side Journal, Inc., its successors and assigns, shall reduce its consumption of print paper during the third and fourth quarters of 1944 so that its total usage for such two quarters shall be 45,000 pounds less than it would otherwise be permitted to use during such two quarters under the provisions of Limitation Order L-241.

(b) Nothing contained in this order shall be deemed to relieve South Side Journal, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the date of issuance, and shall expire on December 31, 1944.

Issued this 1st day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13433; Filed, Sept. 1, 1944; 4:18 p. m.]