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Regulations

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q.—Q. 64]

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY QUARANTINE

JULY 3, 1944.

Introductory note. The following revision of the Mexican fruitfly quarantine regulations provides for a harvest season for grapefruit, sweet limes, and "sour" and "bittersweet" oranges from September 1 through June 15 of each year for all the regulated area, and for a year-round harvest season for commercial varieties of sweet oranges, kumquats, tangelos, and all varieties of the mandarin group of oranges.

Under the former regulations the harvest season for fruitfly host fruits closed on April 30 except that the grapefruit harvest in three counties closed on the last day of February.

Persons operating a packing plant for fruit that is to be shipped interstate from the regulated area will now be required to obtain packers' permits, and permits for harvesting citrus fruits may also be required by the inspector.

Circular B. E. P. Q. 472 as revised effective September 25, 1941, specifying the type of sterilization treatments that are authorized, remains in effect.

Applications for permits should be made to the Bureau of Entomology and Plant Quarantine, 503 Rio Grande National Life Building, Harlingen, Tex.

Determination of the Secretary of Agriculture. The Secretary of Agriculture, having determined that it was necessary to quarantine the State of Texas to prevent the spread of an injurious insect known as the Mexican fruitfly (Anastrepha ludens Loew), new to and not theretofore widely prevalent or distributed within and throughout the United States, and having given the public hearing required by law, promulgated a revision of Notice of Quarantine No. 64 (§ 301.64, Part 301, Chapter III, Title 7), effective October 15, 1937, and of regulations supplemental thereto, effective October 16, 1939, governing the movement of fruits interstate from the State of Texas.

The Secretary has determined that it is necessary to revise the aforesaid regulations for the purpose of extending the harvesting season and to make other modifications.

Order of the Secretary of Agriculture. Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the subpart entitled "Mexican Fruitfly" of Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.—Q. 64 as revised] is hereby revised to read as follows:

SUBPART—MEXICAN FRUITFLY

AUTHORITY: §§ 301.64 to 301.64–8 issued under sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.

§ 301.64 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the Secretary of Agriculture quarantines the State of Texas to prevent the spread of the Mexican fruitfly (Anastrepha ludens Loew). Hereafter no fruits of any variety shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved interstate from the said quarantined State in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made or under such modification thereof as may be issued by the Chief of the Bureau of Entomology and Plant Quarantine as hereinafter provided: *Provided,* That the restrictions of this quarantine and of the rules and regulations supplemental thereto or modification thereof as hereinafter provided, may be limited to the areas in the State of Texas now, or which may hereafter be designated by the Secretary of Agriculture as regulated areas: *Provided further,* That such limitation of the restrictions to the regulated areas shall be

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FEDERAL REGISTER

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conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas, including the control of intrastate movement of host fruits from such areas, as in the judgment of the Secretary of Agriculture shall be deemed adequate to prevent the spread of the Mexican fruitfly therefrom to other parts of the State: *And provided further*, That, except as to extension or reduction of the regulated area, the Chief of the Bureau of Entomology and Plant Quarantine may modify by administrative instructions any of the restrictions of the regulations supplemental hereto when in his judgment such action is necessary to prevent the spread of the Mexican fruitfly.

Rules and Regulations

§ 301.64–1 *Definitions.* For the purpose of these regulations, the following words shall be construed respectively to mean:

(a) Mexican fruitfly: The insect known as the Mexican fruitfly (Anastrepha ludens Loew) in any stage of development.

(b) Regulated areas: The areas in the State of Texas now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.64 as revised.

(c) Host fruits: Fruits susceptible to infestation by the Mexican fruitfly, namely, mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus Casimiroa and all other fruits commonly called sapotas or sapotes), peaches, guavas, apples, pears, plums, quinces, apricotes, mameys, ciruelas, fruit of species of the genus Sargentia, and all citrus fruits except lemons and sour limes, together with any other fruits which may later be determined as susceptible.

(d) Harvesting season: A period during which host fruits are permitted to be harvested for shipment interstate.

(e) Host-free period: A period during which no host fruits are produced or permitted to exist within the regulated area except as provided in these regulations or under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine.

(f) Inspector: An inspector of the United States Department of Agriculture.

(g) Moved interstate: Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from the area designated as regulated in the State of Texas into or through any other State or Territory or District.

§ 301.64–2 *Regulated area.* In accordance with the provisos to § 301.64, the Secretary of Agriculture designates as regulated area the counties of Brooks, Cameron, Dimmit, Hidalgo, La Salle, Webb, and Willacy in the State of Texas, and that portion of Jim Wells County, Tex., lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 66 intersect.

§ 301.64–3 *Restrictions on interstate movement*—(a) *Permits required for citrus fruits.* Grapefruit, oranges, and other citrus fruits, except lemons and sour limes, shall not be moved interstate from a regulated area into or through any point outside thereof unless a shipping permit has been issued therefor by

the United States Department of Agriculture.

(b) *Movement of noncitrus host fruits prohibited.* Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas (see § 301.64–1 (c)), guavas, mameys, ciruelas, and fruits of species of the genus Sargentia shall not be moved interstate from the regulated area and no permits will be issued for such movement.

(c) *No restrictions on lemons, sour limes, and manufactured fruit products.* No restrictions are placed by these regulations on the interstate movement of lemons, sour limes, or products manufactured from host fruits.

(d) *Movement through regulated area.* No restrictions are placed by these regulations on the interstate movement of restricted fruits from an area not under regulation through a regulated area when such movement is on a through billing.

§ 301.64–4 *Conditions governing the issuance of shipping permits.* Permits for the interstate movement of grapefruit, oranges, and other restricted citrus fruits from the regulated area may be issued upon determination by the inspector that the proposed movement does not involve risk of spread of the Mexican fruitfly. Such determination will be based on compliance with the following conditions:

(a) *Grove inspection and sanitation.* The grove in which the fruit was produced shall be maintained in compliance with the host-free requirement provided in § 301.64–5 (a). The grove shall further be maintained in compliance with such other requirements as may be enforced by the State of Texas for the suppression of Mexican fruitfly infestation. Permits may be issued for the interstate movement of fruit produced only in such groves as have been inspected prior to the harvesting of the fruit concerned and have been found free from Mexican fruitfly infestation: *Provided,* That if a grove or portion thereof from which the fruit is to be shipped is within an infested zone established under § 301.64–5 (b), permits for the interstate shipment of such fruit may be issued only after the fruit has been sterilized or otherwise treated or handled in manner or by methods prescribed by the Chief of the Bureau of Entomology and Plant Quarantine.

(b) *Packing-house requirements.* Persons desiring to operate a packing plant for the purpose of shipping restricted citrus fruits from the regulated area shall apply for a packer's permit to the Bureau of Entomology and Plant Quarantine, Harlingen, Tex., and agree in writing to operate such plant in compliance with these regulations and the regulations of the Texas State Department of Agriculture, including those applying to sanitation requirements, harvesting, sterilization, packing, and shipping of restricted citrus fruits, and in addition shall maintain and make available for examination by authorized inspectors records of all receipts and sales or shipments of restricted citrus fruits.

(c) *Applications to harvest fruit.* Persons desiring to harvest citrus fruit within the regulated area for movement to points outside such area may be required to secure harvesting permits when in the judgment of the inspector the requirement of such permits is necessary to prevent the spread of the Mexican fruitfly, and when due notices to that effect has been given by the inspector. Applications for such permits, when required, shall show the kind and quantity of the citrus fruit it is proposed to harvest for movement, the location and ownership of the grove from which it will be harvested, and the location at which it will be packed for shipment. The permit issued by the inspector will include provisions needed to assure compliance with these regulations and the regulations of the Texas Department of Agriculture.

(d) *Containers.* Shipping permits will be issued for the interstate movement of only such fruit as is packed in containers customarily used in the regulated area for the commercial shipment of citrus fruits, and of such nature as will permit the inspector to identify the contents thereof.

(e) *Sterilization may be required.* Sterilization of host fruits in manner and by method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine may be required as a condition for the issuance of permits for interstate movement thereof when in his judgement the shipments concerned might involve risk of spread of the Mexican fruitfly.

(f) *Destination limitations.* Permits may be limited as to destination and when so limited the fruits covered thereby shall not be moved interstate from the regulated area, directly or indirectly, either in the original containers or otherwise, to destinations other than those authorized in such permits, except to the usual diversion points for diversion to authorized destinations only.

(g) *Cancelation of permits.* Permits issued under these regulations may be withdrawn or canceled and further permits refused, whenever in the judgment of the Bureau of Entomology and Plant Quarantine, the further use of such permits might result in the dissemination of the Mexican fruitfly. After any such permit is withdrawn or has expired, the further use of any permit tags issued thereunder is prohibited.

§ 301.64–5 *Conditions required in the regulated area.* The interstate movement of grapefruit, oranges, and other restricted citrus fruit from the regulated area under permits issued by the United States Department of Agriculture will be conditioned on the State of Texas providing for and enforcing the following control measures in manner and by method approved by the United States Department of Agriculture, namely:

(a) *Harvesting season and host-free period.* The harvesting season of grapefruit, sweet limes, and "sour" and "bittersweet" oranges produced within the regulated area shall begin on the first day of September each year, and end at midnight on June 15 of the following year. A host-free period for these fruits shall be maintained each year beginning on the 16th day of June and continuing through the last day of August. The harvesting season of commercial varieties of sweet oranges, kumquats, tangelos, and all varieties of the mandarin group of oranges, shall extend throughout the year: *Provided,* That sterilization may be required as to any citrus fruits as specified in § 301.64–4 (e): *Provided further,* That the harvesting season and the host-free period in any regulated area shall be subject to such modification as to duration as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine.

Prior to the host-free period each year, all grapefruit, sweet limes, and "sour" and "bittersweet" oranges shall be removed from the trees for destruction, immediate shipment, or storage with adequate protection to prevent infestation, and all noncitrus host fruits shall be removed from the trees and either destroyed or stored with adequate protection to prevent infestation.

Other than those citrus fruits, the harvesting season for which extends throughout the year, no host fruits shall be permitted to remain on the trees within a regulated area at any time during the host-free period except fruit in an immature stage.

(b) *Infested zones.* Upon the determination of a Mexican fruitfly infestation within a regulated area, which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine constitutes a risk of spread of such fly, an infested zone to include part or all of one or several groves shall be designated by the State of Texas subject to approval by the United States Department of Agriculture and no host fruits in susceptible stages of maturity produced within such zone shall be shipped interstate except under the conditions specified in the proviso of § 301.64–4 (a).

Marking and Use of Permit

§ 301.64–6 *Marking requirements.* Every crate, box, or other container of host fruit moved interstate under these regulations shall have securely attached thereto a shipping permit issued under the provisions of § 301.64–4, and shall be subject to such other marking as may be required by the inspector.

Each shipment of six or more crates, boxes, or other containers of host fruit moved interstate under these regulations shall, in addition to the shipping permit on each such container, be accompanied by a master permit showing the number of containers and either license number and destination of the vehicle or the name, number, and destination of the freight car or other carrier, as the case may be.

§ 301.64–7 *Inspection in transit.* Any car, vehicle, basket, box, crate, or other container, moved interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by inspectors at any time or place.

§ 301.64–8 *Shipment for experimental or scientific purposes.* Fruits subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions

and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of fruits so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

These revised rules and regulations shall be effective on and after July 3, 1944, and shall supersede the rules and regulations promulgated October 10, 1939.

Done at the city of Washington this 29th day of June 1944. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 44-9558; Filed, June 29, 1944; 3:29 p. m.]

Chapter X—War Food Administration (Production Orders)

[WFO 5, Amdt. 1]

PART 1206—FERTILIZER

DELIVERY AND USE OF FERTILIZER

Effective July 1, 1944, War Food Order No. 5 (formerly Food Production Order No. 5)[1] is hereby revised and amended in its entirety to read as follows:

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of fertilizer 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:

Fertilizers for Farm Use

§ 1206.1 *Conditions of manufacture, delivery and use of fertilizers.* No fertilizer manufacturer, dealer or agent shall, subject to the exemptions provided herein, deliver for use on crops, and no person shall use on crops, in any of the States listed in Schedule I, attached hereto, any grades of fertilizer other than the grades designated in such schedule as applicable to the respective States listed therein, and where a grade is designated on such schedule as available only for a particular crop or purpose, such grade shall be delivered for use and used only on such crop or for such purpose. All fertilizers, whether mixed or unmixed materials, manufactured and delivered for general crop use, may be packaged only in units of 80 pounds or more net weight. Unapproved grades in bags in the hands of manufacturers, dealers or agents on June 30, 1944, are exempt from the foregoing provisions, as is their use by any person.

§ 1206.2 *Fertilizer ingredients for home mixing and direct application.* Each fertilizer manufacturer, dealer and agent shall make available to home mixers the same percentage of his 1944–45 supply of each fertilizer material as he delivered for such use from his 1940–41 or 1941–42 supply, whichever is greater. There shall be no discrimination against any customer who wishes to purchase fertilizer materials for inclusion in home mixtures.

§ 1206.3 *Permitted rate of application per acre.* The Director may fix the maximum rate of application per acre for use on any crop, and in connection therewith may, in his discretion, fix the maximum pounds of any individual fertilizer component to be applied per acre. In the absence of the exercise of this authority by the Director, no person shall use any fertilizer on any crop at a rate of application per acre in excess of (1) the rate recommended by the State Agricultural Experiment Station in the State concerned or (2) the rate customarily used in the area in which the crop is to be grown, whichever is greater.

§ 1206.4 *Maximum requirements.* The maximum requirement of any person for fertilizer for use on any crop shall be the acreage of the crop to be grown multiplied by the highest rate of application per acre permitted by § 1206.3. No person shall use or acquire any fertilizer in excess of his maximum requirements. No fertilizer manufacturer, dealer or agent shall deliver to any person any fertilizer for use on crops in excess of such person's maximum requirements.

§ 1206.5 *Distribution and delivery.* (a) No fertilizer manufacturer, dealer or agent, shall, in the year ending June 30, 1945, deliver to any person any fertilizer for use by such person on farm crops, unless an application or a purchase order has been executed clearly setting forth the grade and quantity of fertilizer desired, the crop upon which it is to be used, the rate of application per acre and the acreage to be fertilized. The purchaser shall be provided with a copy of the application or order.

(b) Each fertilizer manufacturer, dealer and agent, shall, during the 1944–45 season, make fertilizer available according to crop requirements in each geographical locality in which such manufacturer, dealer and agent made fertilizer available for use in the 1943–44 season, unless such manufacturer, dealer or agent has adequate proof that crop requirements for fertilizer in any such locality are being adequately provided by other manufacturers, dealers or agents.

Victory Gardens

§ 1206.6 *Victory garden fertilizer.* Fertilizer manufacturers, dealers or agents may deliver fertilizer for use on victory gardens in any State listed on Schedule I, in package of less than 80 pounds, only of the grade or grades designated in Schedule I for victory gardens in such State. Such fertilizer shall be labeled "Victory Garden Fertilizer—For Food Production Only." The grades so designated in Schedule I are recommended for use on victory gardens, but fertilizer of any approved grade for any State may be delivered, in packages of 80 pounds or more, for use on victory gardens in such State and may be labeled as indicated above. No person shall use on victory gardens any fertilizer delivered in violation of this section.

Fertilizer for Non-Food Use

§ 1206.7 *Fertilizer for non-food use—* (a) *Manufacture of specialty fertilizer.* During the year ending June 30, 1945, each fertilizer manufacturer may manufacture only one grade of mixed specialty fertilizer for sale in any particular State under his own brand and registration, and only one grade of such fertilizer for any other person who purchases it for resale in any particular State under his brand and registration. Such grade need not be an approved grade, but it must contain at least 16 units of available plant food, in terms of nitrogen, phosphoric acid and potash. Any fertilizer material eligible for direct sale may also be delivered as a specialty fertilizer. No manufacturer, however, shall use in specialty fertilizers (straight or mixed), during the year ending June 30, 1945, quantities of nitrogen and potash in excess of the quantities of such materials used by him for specialty fertilizer purposes in the year ending June 30, 1942, or the year ending June 30, 1943, whichever is greater; and, with respect to nitrogen, no manufacturer shall use in specialty fertilizers a quantity of insoluble organics in excess of the quantity of such material used by him for specialty fertilizer purposes during the year ending June 30, 1944.

(b) *Use of specialty fertilizer.* No fertilizer manufacturer, dealer or agent shall deliver for use, and no person shall use, on lawns, parks, golf courses, cemeteries, roadsides, and the non-commercial production of flowers, bulbs, shrubs, trees, or other ornamental plants, any fertilizer other than specialty fertilizer.

(c) *Use of fertilizer for the commercial production of flowers, bulbs, shrubs, trees, and ornamental plants.* Fertilizer of any approved grade and specialty fertilizer may be delivered for use and used on the commercial production of flowers, bulbs, shrubs, trees, and ornamental plants. However, no fertilizer manufacturer, dealer or agent shall deliver any fertilizer to any person, and no person shall use any fertilizer, for such purposes in excess of the quantity of fertilizer, in terms of nitrogen and potash, used by such person for such purposes during the year ending June 30, 1942, or the year ending June 30, 1943, whichever is greater.

Exemptions

§ 1206.8 *Exemptions.* Notwithstanding any other provisions of this order:

(a) *Deliveries to fertilizer manufacturers.* Any person may deliver fertilizer or fertilizer materials to a fertilizer manufacturer for use in the manufacture of mixed fertilizer.

(b) *Deliveries to armed forces.* Fertilizer manufacturers, dealers or agents may deliver any quantity of fertilizer for use in establishing and maintaining grass and other vegetation at Air Force Stations of the United States Army, Navy, Marine Corps and Coast Guard, and at other military installations for establishing and maintaining grass and other vegetation, where such is certified, in the case of the Army, by the Division Engineer, or, in the case of the Navy, Marine

[1] 8 F.R. 14649, 9 F.R. 632, 2593, 4319.

Corps and Coast Guard, by the Agronomist, Bureau of Aeronautics, Navy Department, as essential for training activities, operations or health.

(c) *Deliveries for experimental purposes to educational institutions.* Any fertilizer may be delivered to and used by educational institutions or publicly owned agricultural institutions for experimental purposes.

(d) *Starter fertilizers.* Nothing herein shall be construed to prohibit the manufacture or delivery of starter fertilizers in pressed tablet form, or in a completely soluble form.

Miscellaneous Provisions

§ 1206.9 *Records and reports.* Each fertilizer manufacturer, dealer and agent who delivers fertilizers to any person, other than a manufacturer, dealer or agent, shall keep a record of each such delivery involving a quantity of over 250 pounds, showing the person to whom delivery was made, the date of delivery, and the quantity of fertilizer materials or grade of mixed fertilizer. (For this purpose, the taking of fertilizer by a manufacturer, dealer or agent for use on his own crops shall be treated as a delivery.) Such records shall be retained for a period of two years. Applications or purchase orders received by manufacturers, dealers or agents pursuant to paragraph (a) of § 1206.5 shall also be retained for a period of two years. In addition, the Director shall be entitled to obtain such information from, and require such reports and the keeping of such other records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

§ 1206.10 *Directions.* Each person affected by this order shall comply with such directions as may be issued from time to time by the Director with respect to the quantities, grades and kinds of mixed fertilizers to be manufactured and with respect to the delivery and use of any fertilizers.

§ 1206.11 *State regulations.* Nothing contained in this order shall be construed to permit the delivery or use of any grade of fertilizer in any State where the use or delivery of such grade in such State is specifically prohibited by such State.

§ 1206.12 *Federal Explosives Act.* Nothing contained in this order shall be construed to supersede or affect in any manner whatsoever the licensing and other requirements of the Federal Explosives Act of December 26, 1941 (55 Stat. 863), as amended, and the regulations issued thereunder by the Bureau of Mines of the United States Department of the Interior.

§ 1206.13 *Definitions.* For the purposes of this order:

(a) "Fertilizer" means any material used as a plant food containing one or more of the following: nitrogen, phosphorus, or potassium, excluding, however, unprocessed animal and poultry manure, peat, humus and basic slag.

(b) "Grade" means the minimum guaranteed plant food content of any fertilizer expressed in percentages of its principal plant food components in the following order: nitrogen, available phosphoric acid and available potash.

(c) "Approved grade" means any grade of fertilizer listed in Schedule I attached hereto.

(d) "Rate of application per acre" means the total pounds of fertilizer applied per acre. Where single-strength or multiple-strength grades are substituted, one for the other, the pounds of fertilizer shall be increased or decreased in accordance with the nitrogen, phosphoric acid and potash content of the grades used and replaced.

(e) "Victory garden" means any garden planted primarily for the non-commercial production of vegetables and small fruits.

(f) "Specialty fertilizer" means any fertilizer which is prepared for use on lawns, shrubbery, trees, flowers, bulbs, parks and parkways, malls and roadsides, cemeteries, golf courses, trees, and other ornamental plants.

(g) "Fertilizer manufacturer" means any person who manufactures or mixes fertilizer for sale.

(h) "Dealer" means any person, other than a fertilizer manufacturer, who purchases fertilizer for resale.

(i) "Agent" means any person, other than a fertilizer manufacturer, who receives fertilizer on a consignment basis for sale.

(j) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not. The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or agency thereof.

(k) "State" means any of the 48 States and the District of Columbia.

(l) "Director" means the Director of the Office of Materials and Facilities of the War Food Administration.

§ 1206.14 *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of fertilizer of any persons, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

§ 1206.15 *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

§ 1206.16 *Violations.* In accordance with the applicable procedure, any person who violates any provision of this order may be prohibited from receiving, making any deliveries of, or using fertilizer. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

§ 1206.17 *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

§ 1206.18 *Territorial application of order.* This order shall have application only in the 48 States and the District of Columbia of the United States.

§ 1206.19 *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director, Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref. WFO-5.

NOTE: All 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.

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

Issued this 30th day of June, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

SCHEDULE I—FERTILIZER GRADES FOR 1944–1945

GRADES APPLICABLE TO ALL STATES

Nitrate of soda	[1] 16–0–0
By-product nitrate of soda	[1] 14–0–0
Nitrate of potash	14–0–14
Sulphate of ammonia	20 (or higher) –0–0
Cyanamid	20 (or higher) –0–0
Uramon	42–0–0
Ammoniated superphosphate	4 (or higher) –16 (or higher) –0
Ammonium phosphate	11–48–0
Ammonium phosphate-sulphate	16–20–0
Cal-nitro	20 (or higher) –0–0
A–N–L	20 (or higher) –0–0
Ammonium nitrate	[1] 30 (or higher) –0–0
Potassium nitrate	14–0–44 (or higher)
Superphosphate	[1] 0–18 (or higher)–0
Muriate of potash	[1] 0–0–50 (or higher)
Sulphate of potash	0–0–48 (or higher)
Manure salts	0–0–22 (or higher)
Sulphate or potash magnesia	0–0–18 (or higher)
Potash lime	0–0–6
Ground phosphate rock	Any Grade
Colloidal phosphate	Any Grade
Cotton hull ash	Any Grade
Wood ash	Any Grade
Straight carriers of organic nitrogen	[1] Any Grade

[1] This grade is designated for use on victory gardens in conformity with the provisions of § 1206.6, but is not limited to such use.

Maine: 0–10–20; 0–14–14; 4–12–4; 4–12–8; 4–12–16; 5–7–10; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 6–9–15; 7–7–7.

New Hampshire: 0–10–20; 0–14–14; 4–12–4; 4–12–8; 4–12–12; 4–12–16; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 6–3–6 [3]; 7–7–7.

Vermont: 0–10–20; 0–14–14; 4–12–4; 4–12–8; 4–12–16; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 6–3–6 [3]; 7–7–7.

Massachusetts: 0–10–20; 0–14–14; 4–10–02 [4]; 4–12–4; 4–12–8; 4–12–16; 5–3–5 [1 3]; 5–5–15 [3]; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 6–3–6 [3]; 7–7–7.

Rhode Island: 0–10–20; 0–14–14; 4–12–4; 4–12–8; 4–12–16; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 7–7–7.

Connecticut: 0–10–20; 0–14–14; 4–10–0 [4]; 4–12–4; 4–12–8; 4–12–16; 5–3–5 [1 3]; 5–5–15 [3]; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 6–3–6 [3]; 7–7–7.

Unless prohibited hereinabove, multiples (higher analyses with the same ratio) of the foregoing approved grades may be manufactured and delivered.

[1] No multiples permitted.
[2] Victory garden fertilizer.
[3] Tobacco only.
[4] Tobacco plant beds only.

MIDDLE ATLANTIC AREA

New York: 0–10–20; 0–12–12; 3–9–12; 3–9–15; 3–12–6; 4–8–12; 4–12–4; 4–12–8; 5–10–5 [1]; 5–10–10; 7–7–7.

Pennsylvania: 0–12–12; 0–14–7; 3–9–12; 3–9–15; 3–12–6; 4–8–12; 4–12–4; 4–12–8; 4–12–12; 5–10–5; [1] 5–10–10; 7–7–7; 10–6–4.

New Jersey: 0–12–12; 0–14–7; 3–9–12; 3–9–15; 3–12–6; 4–8–12; 4–12–4; 4–12–8; 5–10–5; [1] 5–10–10; 7–7–7; 10–6–4.

Delaware: 0–12–12; 0–14–7; 2–12–12; 3–9–12; 3–9–15; 3–12–6; 4–8–12; 4–12–4; 4–12–8; 5–10–5; [1] 5–10–10; 6–8–6; 7–7–7; 10–0–10; 10–6–4.

Maryland and the District of Columbia: 0–10–20; 0–12–12; 0–14–7; 2–12–12; 3–9–12; 3–9–15; 3–12–6; 4–8–12; 4–12–4; 4–12–8; 5–10–5; [1] 5–10–10; 6–8–6; 7–7–7; 10–0–10; 10–6–4.

Virginia: 0–12–12; 0–14–7; 2–10–6; [2] 2–12–12; 3–8–5; [2] 3–9–6; [2] 3–9–9; 3–9–12; 3–12–6; 4–9–3; [3] 4–10–6; 4–12–4; 4–12–8; 5–5–20; [2] 5–10–5; [1] 6–8–6; 7–7–7; [4] 10–0–10; 10–6–4.[5]

West Virginia: 0–12–12; 0–14–7; 3–12–6; 4–12–4; 4–12–8; 5–10–5; [1] 5–10–10; 7–7–7; 10–6–4.

Multiples (higher analyses with the same ratio) of the foregoing approved grades may be manufactured and delivered.

[1] Victory garden fertilizer.
[2] Tobacco only.
[3] Tobacco plant beds only.
[4] Top dressing only.
[5] Fruit only.

SOUTHWESTERN AREA

Northern Carolina: 0–8–16 (basic 500 lbs.); 0–12–12 (basic 300 lbs.); 0–14–7; 2–10–6; [1] 2–12–12; 3–8–5; [1] 3–9–6; [1] 3–9–9; 3–9–12; 3–12–6; 4–8–8; 4–9–3; [2] 4–10–6; 4–12–4; 5–5–20; [1] 5–10–5; [3] 5–7–5; 6–8–6; 10–0–10.

South Carolina: 0–12–12; 0–14–7; 3–9–6; [1] 3–9–9; 3–9–12; 3–12–6; 4–8–8; 4–9–3; [2] 4–10–6; 4–12–4; 4–12–12; 5–10–5; [3] 5–10–10; 6–8–6; 6–9–3; 7–7–7.

Georgia: 0–14–7; 0–14–10; 2–12–6; 3–9–6; 3–9–9; 3–12–6; 4–4–8; [1] 4–8–6; 4–8–8; 4–9–3; [2] 4–10–6; 4–12–4; 5–10–5; [3] 6–8–6; 6–8–8; 10–0–10.

Alabama: 0–14–10; 3–9–9; [1] 4–10–4; 4–10–7; 5–10–5; [4] 6–8–4; 6–8–8.

Mississippi: 0–14–7; 4–8–8; 5–10–5; [3] 6–8–4; 6–8–8.

Tennessee: 0–12–12; 0–14–4; 0–14–7; 2–12–6; 3–9–6; 4–8–8; 4–8–12; 4–12–4; 5–5–10; 5–10–5; [3] 6–8–4; 7–7–7; 8–5–5; 10–6–4.

[1] Tobacco only.
[2] Tobacco beds only.
[3] Victory garden fertilizer.
[4] Victory garden fertilizer only.

FLORIDA AREA

Florida: 0–8–12; 0–8–24; 0–10–10; 0–12–16; 0–14–5; 0–14–10; 0–16–0 plus mn; 2–8–6; 2–8–10; 2–10–4; 3–6–8; 3–6–10; 3–8–5; 3–8–8; 4–4–8; 4–5–7; 4–6–8; 4–7–5; 4–8–4; 4–8–6; 4–8–8; 4–9–3; 4–10–7; 4–12–4; 4–12–6; 5–5–8; 5–6–10; 5–7–5; 5–8–8; 5–10–5; [1] 6–4–8; 6–6–6; 8–0–8; 8–0–12; 12–0–10.

[1] Victory garden fertilizer only.

WEST SOUTH CENTRAL AREA

Arkansas: 0–10–20; 0–12–12; 0–14–7; 3–9–18; 3–12–6; 4–8–8; 4–12–4; 5–10–5 [1]; 6–8–4; 6–8–12; 8–8–8; 10–6–4.

Louisiana: 0–12–12; 0–14–7; 3–12–12; 4–8–8; 4–12–4; 4–12–8; 5–10–5 [1]; 6–8–4; 6–8–8; 6–9–6; 8–8–8; 9–6–9; 10–0–10; 10–6–4; 12–8–0.

Texas: 0–14–7; 4–8–8; 4–10–0; 4–12–4; 5–10–5 [1]; 6–8–4; 6–12–0; 6–30–0 [2]; 10–10–0; 10–20–0; 12–15–0.

Oklahoma: 0–14–7; 2–12–6; 4–12–0; 4–12–4; 5–10–5.[1]

Multiples (higher analyses with the same ratio) of the foregoing approved grades may be manufactured and delivered.

[1] Victory garden fertilizer.
[2] Pan Handle and West Texas only.

MIDDLE WEST AREA

Illinois: 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–20–10; 0–20–20; 2–12–6; 3–9–18; 3–12–12; 3–18–9; 4–12–4 [1]; 4–12–8; 8–8–8; 10–6–4.

Indiana: 0–6–18 [2]; 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–20–10; 0–20–20; 2–12–6; 3–9–18; 3–12–12; 3–18–9; 4–12–4 [1]; 4–12–8; 5–10–10; 8–8–8; 10–6–4.

Iowa: 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 2–12–6; 2–16–8; 3–9–18; 3–12–12; 3–18–9; 4–12–4 [1]; 4–12–8; 4–16–4; 8–8–8; 10–6–4.

Minnesota: 0–9–27; 0–10–20; 0–12–12; 0–12–24; 0–12–36; 0–14–7; 0–20–10; 0–30–15; 0–20–20; 2–12–6; 2–16–8; 3–9–18; 3–12–12; 3–18–9; 4–12–4 [1]; 4–12–8; 4–24–12; 4–16–16; 6–12–18; 8–8–8; 8–16–12; 10–6–4.

Ohio: 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–20–10; 0–20–20; 2–12–6; 3–9–18; 3–12–12; 3–18–9; 4–12–4; [1] 4–12–8; 5–10–10; 8–8–8; 10–6–4.

Wisconsin: 0–6–18; [2] 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 2–12–6; 3–9–18; 3–12–12; 3–18–9; 4–12–4 [1] 4–12–8; 6–6–18; 8–8–8; 10–6–4.

Michigan: 0–6–18; [2] 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 2–12–6; 2–16–8; 3–9–18; 3–12–12; 3–18–9; 4–12–4; [1] 4–12–8; 4–16–4; 8–8–8; 10–6–4.

Missouri: 0–10–20; 0–12–12; 0–14–7; 0–20–10; 0–20–20; 2–12–6; 3–9–18; 3–12–12; 3–18–9; 4–12–4; [3] 4–12–8; 5–10–10; 8–8–8; 10–6–4.

Kentucky: 0–12–12; 0–14–7; 0–20–10; 0–20–20; 2–12–6; 3–9–6; 3–12–12; 3–18–9; 4–12–0; [4] 4–12–4; [3] 4–12–8; 5–10–10; 6–8–6; 8–8–8; 10–6–4.

[1] Victory garden fertilizer only.
[2] To contain 700 pounds NaCl per ton.
[3] Victory garden fertilizer.
[4] Tobacco plant beds only.

PACIFIC COAST AREA

Arizona: 4–8–0 (manure base only); 4–12–4; 4–19–5; 6–10–4 [1]; 6–12–0; 6–18–0; 8–8–0; 8–12–0; 8–16–0; 10–10–0; 10–20–0; 10–38–0; 14–6–0.

California: 0–10–8; 0–10–12; 2–10–8; 4–6–8; 4–10–10; 4–12–4; 4–18–18; 5–12–5; 5–14–9; 6–9–6; 6–10–4 [1]; 6–12–8; 6–16–6; 8–0–12; 8–6–8; 8–8–4; 8–10–12; 10–5–5; 10–5–10; 10–10–0; 10–10–5; 10–12–10; 10–16–8; 10–20–0; 12–0–14; 12–6–0; 14–0–8; 15–8–4; 17–7–0.

Oregon: 0–12–20; 3–10–10; 3–10–20; 4–12–4; 4–12–8; 5–6–8; 5–10–10; 5–10–20; 6–10–4 [1]; 6–30–0; 10–10–0; 10–10–5; 10–16–8; 10–20–0; 12–12–0; 17–12–0; 17–4–4.

Washington: 0–12–20; 3–10–10; 3–10–20; 4–12–4; 4–12–8; 5–6–8; 5–10–10; 5–10–20; 6–10–4 [1]; 6–30–0; 10–10–0; 10–10–5; 10–16–8; 10–20–0; 12–12–0; 17–12–0; 17–4–4.

Idaho: 0–12–20; 3–10–10; 3–10–20; 4–12–4; 4–12–8; 5–6–8; 5–10–10; 5–10–20; 6–10–4 [1]; 6–12–0; 6–30–0; 10–10–0; 10–10–5; 10–16–8; 10–20–0; 12–12–0; 17–12–0; 17–4–4.

[1] Victory garden fertilizer.

[F. R. Doc. 44–9610; Filed, June 30, 1944; 12:03 p. m.]

[WFO 12]

PART 1206—FERTILIZER

ORGANIC NITROGENOUS MATERIAL

Effective July 1, 1944, War Food Order No. 12 (formerly Food Production Order No. 12 [1] is hereby revoked: *Provided, however,* That Food Production Order No. 8,[2] which was revoked by War Food Order No. 12, shall not be deemed to be revived by this revocation: *Provided, further,* That said War Food Order No. 12 shall be deemed to be in full force and effect for the purpose of sustaining any suit, action or other proceeding with respect to any violation thereof, or right accrued or liability incurred thereunder.

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

Issued this 30th day of June 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–9609; Filed, June 30, 1944; 12:03 p. m.]

[WFO 105]

PART 1206—FERTILIZER

USE OF EDIBLE OILSEED MEAL IN FERTILIZER

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of edible oilseed meal 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:

§ 1206.700 *Use of edible oilseed meal in fertilizer*—(a) *Acquisition.* During the period from July 1, 1944, to June 30, 1945, no person shall acquire any edible oilseed meal for fertilizer purposes unless specifically authorized to do so by the Director. Applications for such authorization shall be filed with the Director on or before September 30, 1944. The maximum quantity of edible oilseed meal which any person may be authorized to acquire for fertilizer purposes shall be the same proportion of the total quantity of edible oilseed meal made available for fertilizer purposes as the proportion which such person used for fertilizer purposes of the total quantity used by all applicants for such purposes during the period July 1, 1941, to June 30, 1942. In making an application the applicant shall inform the Director of the quantity of edible oilseed meal used by him for fertilizer purposes during the period July 1, 1941, to June 30, 1942, unless such information has previously been filed with the Director pursuant to the provisions of War Food Order No. 12 (formerly Food Production Order No. 12)[1]. The Director's authorization, serially numbered, will be issued in writing upon approval of the application. No processor, jobber or other person shall deliver any edible oilseed meal to any person for fertilizer purposes other than a person duly

[1] 8 F.R. 15419, 9 F.R. 2939, 4319.
[2] 8 F.R. 1826.

authorized to acquire such meal pursuant to the provisions of this order.

(b) *Inedible oilseed meal of edible type.* No processor, jobber or other person shall transfer or deliver any inedible oilseed meal of edible type for fertilizer purposes without first having obtained authorization to do so from the Director. To obtain such authorization the processor, jobber or other person shall apply to the Director in writing, setting forth the type and quantity of such oilseed meal, and an explanation of why it is considered inedible. The authorization will be issued by the Director upon approval.

(c) *Records and reports.* Each person affected by this order shall maintain for at least two years accurate records of his acquisitions and deliveries of edible oilseed meal and inedible oilseed meal of edible type for fertilizer purposes showing the quantities and types acquired from or delivered to each person. In addition, the Director shall be entitled to obtain such information from, and require such reports and the keeping of such additional records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(d) *Definitions.* For the purposes of this order:

(1) "Edible oilseed meal" means cottonseed oil meal or cake, soybean oil meal or cake, peanut oil meal or cake, and linseed oil meal or cake of merchantable quality for feeding purposes.

(2) "Inedible oilseed meal of edible type" means an oilseed meal that ordinarily is edible, but because of taste, color or chemical change, is unfit for feeding.

(3) "Person" means any individual, partnership, corporation, association, business trust or any organized group of persons whether incorporated or not. The term "person" shall also include the United States or any agency thereof and a State or any political subdivision or agency thereof.

(4) "Processor" means a person who produces or processes oilseed meal.

(5) "Jobber" means any person who imports, or purchases from a processor or importer, oilseed meal for transfer to fertilizer manufacturers or other persons.

(6) "Director" means the Director of the Office of Materials and Facilities of the War Food Administration.

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

(f) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(g) *Violations.* In accordance with the applicable procedure, any person who violates any provision of this order may be prohibited from receiving, making any deliveries of, or using edible oilseed meal or inedible oilseed meal of edible type. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

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

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director, Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref. WFO 105.

(j) *Effective date.* This order shall become effective July 1, 1944.

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, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Issued this 30th day of June 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-9611; Filed, June 30, 1944; 12:03 p. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 81, Amdt. 2]

PART 1440—ESSENTIAL OILS

OIL OF PEPPERMINT

War Food Order No. 81, as amended (8 F.R. 12525, 9 F.R. 152, 4321, 4319), is further amended by deleting therefrom the provisions of § 1440.1 (d) (2) and inserting, in lieu thereof, the following:

(2) During the period from June 30, 1944, to September 30, 1944, inclusive, any person may, in addition to the quantity which such person may acquire under his quota for the current year ending September 30, 1944, make advance acquirements of oil of peppermint only in a total amount not in excess of 50 percent of his quota of oil of peppermint hereunder for the year beginning on October 1, 1944; but any such advance acquirement of oil of peppermint is not to be considered as increasing a person's quota for the current year or for the year beginning on October 1, 1944, and any such advance acquirement of oil of peppermint shall be subject, in all respects, to the restrictions of this order. Except as authorized in the preceding sentence, the total acquirements of oil of peppermint by any person (either personally, or through an agent, or bailee) during any year, as defined in (a) (9) hereof, shall not, when added to the amount of oil of peppermint which he had on hand (either personally, or through an agent, or bailee) unused at the beginning of that year, except as provided in (e) hereof, exceed his quota of oil of peppermint for such year. Any person may, however, carry on hand at any one time, in addition to the amount authorized hereinabove in this paragraph, a stock of oil of peppermint sufficient to meet his requirements for the next succeeding 90 days in manufacturing products for delivery to or for the account of the agencies or persons listed or referred to in (f) hereof: *Provided,* That the Director may, if he shall deem it desirable to do so at any time, specify the amount of oil of peppermint which any such person may carry on hand for such non-quota use, in which event the amount so specified by the Director shall be the maximum amount which may be carried on hand for that purpose.

This order shall become effective at 12:01 a. m., e. w. t., June 30, 1944. With respect to violations of said War Food Order No. 81, as amended, rights accrued, liabilities incurred, or appeals taken under said order, as amended, prior to the effective time of the provisions hereof, all provisions of War Food Order No. 81, 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 respect to any such violation, right, liability, or appeal.

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

Issued this 28th day of June 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-9535; Filed, June 29, 1944; 12:15 p. m.]

[WFO 33, Rev.]

PART 1460—FATS AND OILS

TERMINATION OF REQUIRED RECOVERIES OF GLYCERINE

War Food Order No. 33, as amended (8 F.R. 17397, 9 F.R. 4319), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., June 29, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 33, as amended, prior to said date, all provisions of said War Food Order No. 33, as amended, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or

other proceeding with respect to any such violation, right, liability, or appeal.

Issued this 28th day of June 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-9534; Filed, June 29, 1944; 12:15 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5382]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

TAXATION OF COMPENSATION FOR PERSONAL SERVICES RENDERED FOR A PERIOD OF FIVE YEARS OR MORE

Regulations 103 (part 19, Title 26, Code of Federal Regulations, 1940 Supp.) are amended as follows:

Section 19.107-1, as amended by Treasury Devision 5220, approved February 2, 1943, is further amended to read as follows:

§ 19.107-1 *Tax on compensation received in taxable years beginning in 1939 and 1940 for personal services rendered over extended period.* Where, in any taxable year beginnig after December 31, 1938, and before January 1, 1941, an individual receives compensation for personal services rendered by him, either in his individual capacity or as a member of a partnership, over a period of five calendar years or more from the beginning to the completion of such services, the tax attributable to the amount of such compensation shall, for the taxable year in which such compensation is received, not exceed the aggregate of the taxes attributable to such compensation had it been received in equal portions in each of the years included in the period during which the services were rendered.

With respect to compensation received in taxable years beginning after December 31, 1938, and before January 1, 1941, section 107 is applicable only where at least 95 per cent of the total compensation for such services is paid on or after their completion. It is immaterial when the personal services are rendered provided a period of at least five years elapses during the period from the beginning to the completion of the services. For example, an individual beginning his services on July 13, 1934, and completing them on July 18, 1939, meets such requirement, since the period of his services covers a period of at least five years.

The first step in determining whether the limitation in section 107 relative to the amount of tax is applicable is the computation of the amount of tax for the current taxable year attributable to the compensation received in such year for services rendered over the required period. The tax attributable to such compensation is the difference between the tax for such taxable year computed with the inclusion of such compensation in gross income and the tax for such taxable year computed without including such compensation in gross income.

The next step is to compute the tax attributable to such compensation for each of the taxable years, including the current taxable year, within which falls one or more days included in the period of service, as if the compensation had been received daily. The amount of the tax attributable to such compensation for each such taxable year is the difference between the tax for such year computed with the inclusion of an allocable portion of such compensation in gross income and the tax for such year computed without including any part of such compensation in gross income. The portion of the compensation allocable to each such taxable year is an amount equal to the entire amount of such compensation received in the current taxable year, divided by the number of days included within the period of service, and multiplied by the number of such days falling within the particular taxable year.

The tax for the current taxable year shall be the tax for such year computed without including the compensation for personal services subject to section 107 in gross income, plus the amount of tax for such taxable year attributable to such compensation, computed in accordance with the second preceding paragraph, or the sum of the taxes attributable to such compensation, had it been received in equal portions for each day included in the period of service, computed in accordance with the preceding paragraph, whichever is the smaller.

The method of allocating compensation for personal services to the taxable years in which falls all or part of any of the years within the period of service may be illustrated by the following example, in which the taxpayer makes his returns on the cash receipts and disbursements basis:

Example. A, an individual who keeps his books and makes his income tax returns on the calendar year basis, performed personal services for the period which began on July 13, 1934 and ended on July 18, 1939, for which he received $109,920 on September 1, 1939. For the purpose of determining whether the aggregate of the taxes attributable to the $109,920 compensation, had it been received in equal portions in each of the years included in the period of service, is less than the tax attributable to such compensation for the taxable year 1939, $60 ($109,920 divided by 1,832) must be allocated to each of the days included within the period of service. That part of the compensation attributable to 1934 is $10,320 (172 times $60); to 1935 is $21,900 (365 times $60); to 1936 is $21,960 (366 times $60); to 1937 and 1938 is $21,900 each (365 times $60); and to that part of 1939 during which the personal services were performed is $11,940 (199 times $60).

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 62))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: June 28, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-9565; Filed, June 29, 1944; 4:47 p. m.]

Subchapter D—Employment Taxes

[T. D. 5383]

PART 400—EXCISE TAX ON EMPLOYERS UNDER TITLE IX OF THE SOCIAL SECURITY ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

FEDERAL UNEMPLOYMENT TAX

Regulations 90, such regulations as made applicable to the Internal Revenue Code by Treasury Decision 4885, and Regulations 107, amended to conform to sections 601 and 602 of the Revenue Act of 1943. Credit against the tax imposed by Title IX of the Social Security Act for the calendar years 1936, 1937, and 1938, and the tax imposed by the Federal Unemployment Tax Act (subchapter C, chapter 9, Internal Revenue Code) for the calendar year 1939 and subsequent calendar years, for contributions paid into State unemployment funds.

PARAGRAPH A. *Credit against tax for 1936, 1937, and 1938.* In order to conform Regulations 90 (Part 400, Title 26, Code of Federal Regulations), relating to the excise tax on employers under Title IX of the Social Security Act, to section 602 of the Revenue Act of 1943 (Public Law 235—78th Congress), enacted February 25, 1944, such regulations are amended as follows:

(1) Section 400.203, (Title 26, Code of Federal Regulations) (article 203), relating to persons liable for the tax for the calendar year 1936, 1937, or 1938, is amended by striking out the second sentence of the last paragraph together with the parenthetical cross reference to § 400.211 (article 211) following such sentence, and by inserting in lieu therof the following:

However, if he is subject to such a State law, he may be entitled to certain credits against the tax. See § 400.211 and § 400.212.

(2) Immediately preceding § 400.211, as amended by Treasury Decision 5088 (Title 26, Code of Federal Regulations, 1941 Supp.) (article 211), relating to credit against the tax for the calendar year 1936, 1937, or 1938 for contributions paid, the following is inserted:

SECTION 602 (a) OF THE REVENUE ACT OF 1943. *Allowance of credit against tax for 1936, 1937, and 1938.* Against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, any taxpayer shall be allowed credit (if credit is not allowable under section 902 of such Act) for the amount of contributions paid by him into an unemployment fund under a State law—

(1) Without regard to the date of payment, to the extent hereinafter provided in this subsection;

(2) Without regard to the date of payment, with respect to wages paid after September 19, 1939;

(3) Without regard to the date of payment, if the assets of the taxpayer were, at any time during the period August 11, 1939, to October 8, 1939, inclusive, or the period October 9, 1940, to December 6, 1940, inclusive, or the period September 21, 1941, to November 18, 1941, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The provisions of the Social Security Act in force prior to February 11, 1939 (except

the provision limiting the credit to amounts paid before the date of filing returns), shall apply to allowance of credit under this subsection; except that the amount of credit against the tax for the calendar year 1936, 1937, or 1938, for contributions paid after December 6, 1940, shall not (unless the credit is allowable on account of paragraph (2) or (3)) exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid before the last day upon which the taxpayer was required under section 905 of such Act to file a return for such year. The terms used in this subsection shall have the same meaning as when used in title IX of such Act prior to February 11, 1939. The total credit allowable against the tax imposed by section 901 of such Act for the calendar year 1936, 1937, or 1938 shall not exceed 90 per centum of such tax.

(3) Section 400.211, as amended by Treasury Decision 5088 (Title 26, Code of Federal Regulations, 1941 Supp.) (article 211), relating to credit against the tax for the calendar year 1936, 1937, or 1938 for contributions paid, is further amended to read as follows:

§ 400.211 *Credit against tax for calendar year 1936, 1937, or 1938 for contributions paid*—(a) *In general.* Subject to the limitations hereinafter prescribed in paragraphs (b), (c), (d), and (e), the taxpayer may credit against the tax for the calendar year 1936, 1937, or 1938 the total amount of contributions paid by him under all State laws which have been found by the Social Security Board to contain the provisions specified in section 903 (a) of the Social Security Act: *Provided*, That no credit may be taken for contributions under a State law if such State has not been duly certified for the calendar year to the Secretary by the Social Security Board.

(b) *Limitation on total credit allowable.* The total credit allowed to any taxpayer for contributions paid to State unemployment funds with respect to employment during any one year shall not exceed 90 percent of the tax against which such credit is applied. See § 400.212 (d) (3), relating to the aggregate limitation on the credit against the tax for the calendar year 1938 in case an additional credit is taken under section 909 of the Social Security Act.

(c) *Limitation on services with respect to which credit is allowable.* Contributions must have been paid with respect to employment as defined in section 907 (c) of the Social Security Act, that is, with respect to services performed by an employee within the United States and not excepted by such Act. See §§ 400.206 to 400.206 (7), inclusive.

(d) *Limitation on the taxable year in which services are performed.* Contributions must have been paid with respect to services performed during the calendar year covered by the return.

(e) *Limitation on amount of credit allowable based on time when contributions are paid*—(1) *In general.* Contributions paid into a State unemployment fund at any time may be credited against the tax, but the amount of the credit is dependent upon the time when the contributions are paid. The amount of the credit shall be determined in accordance with subparagraph (2), (3), (4), (5), (6), or (7), below, whichever is applicable, subject, however, to the limitation on the total credit set forth in paragraph (b), above. Although contributions paid at any time may be credited against the tax, no refund or credit of the tax based on credit for contributions paid will be allowed unless the contributions are paid prior to the expiration of four years after the payment of the tax. For provisions relating to the statutory period of limitations applicable to refund or credit of the tax, see § 400.503 (c).

(2) *Amount of credit allowable when contributions are paid before last day for filing return.* Contributions paid into a State unemployment fund before the last day upon which the return for the taxable year is required to be filed may be credited against the tax in an amount equal to such contributions, but not, however, to exceed 90 percent of such tax. (The last day for filing the return is January 31 next following the close of the taxable year unless the time for filing the return is extended. See §§ 400.303, 400.304, 400.305.

(3) *Amount of credit allowable when contributions are paid on or after last day for filing return but before December 7, 1940.* Contributions paid into a State unemployment fund on or after the last day upon which the return for the taxable year is required to be filed but before December 7, 1940, may be credited against the tax in the same amount that would have been allowable as credit had such contributions been paid before such last day. See § 400.503a, relating to refund, credit, or abatement of the tax based on credit for contributions paid.

(4) *Amount of credit allowable when contributions are paid after December 6, 1940.* Contributions paid into a State unemployment fund after December 6, 1940, may be credited against the tax in an amount not to exceed 90 percent of the amount which would have been allowable as credit on account of such contributions had they been paid before the last day upon which the return for the taxable year was required to be filed. See, however, subparagraphs (5) and (6), below, for special provisions relating respectively to credit for contributions paid where taxpayers' assets were in the custody or control of certain fiduciaries and to credit for contributions paid with respect to wages paid after September 19, 1939. See also subparagraph (7), below, relating to the payment of contributions to the wrong State. For provisions relating to refund, credit, or abatement of the tax based on credit for contributions paid, see § 400.503a.

(5) *Amount of credit allowable when taxpayers' assets are in custody or control of certain fiduciaries.* This subparagraph applies to those cases in which the assets of the taxpayer were, at any time during the period August 11, 1939, to October 8, 1939, inclusive, or the period October 9, 1940, to December 6, 1940, inclusive, or the period September 21, 1941, to November 18, 1941, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction. In such cases contributions paid into a State unemployment fund at any time may, notwithstanding the provisions of subparagraph (4), above, be credited against the tax in the same amount that would have been allowable as credit had the contributions been paid before the last day upon which the return for the taxable year was required to be filed.

(6) *Amount of credit allowable when wages are paid after September 19, 1939, for employment during 1936, 1937, or 1938.* This subparagraph applies to contributions with respect to wages paid after September 19, 1939, for employment during the calendar year 1936, 1937, or 1938. Such contributions paid into a State unemployment fund at any time may, notwithstanding the provisions of subparagraph (4), above, be credited against the tax in the same amount that would have been allowable as credit had the contributions been paid before the last day upon which the return for the taxable year was required to be filed.

(7) *Amount of credit allowable when contributions are paid to wrong State.* Contributions paid into the unemployment fund of a State which are required under the unemployment compensation law of that State, with respect to remuneration on the basis of which the taxpayer had, prior to such payment, erroneously paid an amount as contributions under another unemployment compensation law, shall be deemed to have been made at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions with respect to services subject to such other law, the payment into the proper fund shall be deemed to have been made on the date the return for the taxable year was actually filed under section 905 of the Social Security Act.

(f) *Contributions.* The term "contributions" for purposes of credit against the tax means payments required to be made by an employer pursuant to a State law into the unemployment fund of such State, to the extent that such payments are made by the employer without any part thereof being deducted or deductible from the wages of individuals in his employ. Notwithstanding the provision limiting the term to payments required by a State law, the term also includes so much of any payments made as contributions for the calendar year 1936 or 1937 into the unemployment fund of a State which payments are held by the highest court of such State not to be required payments under the unemployment compensation law of such State, as are not returned to the taxpayer.

(g) *Refund of State contributions.* If, subsequent to the filing of the return, a refund is made by a State to the taxpayer of any part of his contributions which had been credited against the tax, the taxpayer is required to advise the Commissioner under oath of the date and amount of such refund and the reason therefor, and to pay the tax, if any, due as a result of such refund, together with interest from the date when the tax was due.

(4) Section 400.212, as amended by Treasury Decision 4876 (Title 26, Code of Federal Regulations, 1938 Supp.) (article 212) relating to the additional

credit against the tax for the calendar year 1938, is further amended as follows:

(A) By striking out the first sentence of paragraph (a) and inserting in lieu thereof the following:

In addition to the credit against the tax allowable for contributions actually paid to State unemployment funds (see § 400.211), the taxpayer may be entitled to a further credit under section 909.

(B) By striking out the second sentence of paragraph (d) (1), together with the parenthetical cross reference to article 211 following such sentence, and by inserting in lieu thereof the following:

If the State law does not make provision for such a lower rate, no additional credit is available to the taxpayer and he can take only the credit allowable for contributions actually paid. See § 400.211.

(C) By striking out paragraph (d) (3) and inserting in lieu thereof the following:

(3) The aggregate of such additional credit and the credit allowable for contributions actually paid to State unemployment funds shall not exceed 90 percent of the tax against which credit is taken.

(5) Section 400.213 (a), added by Treasury Decision 4876 (Title 26, Code of Federal Regulations, 1938 Supp.) (article 213 (a)), relating to proof of the credit allowable under section 902 of the Social Security Act against the tax for the calendar year 1936, 1937, or 1938, is amended as follows:

(A) By striking out the heading of the paragraph and inserting in lieu thereof the following:

(a) *Credit for contributions paid.*

(B) By striking out subparagraph (3) and inserting in lieu thereof the following:

(3) Such other or additional proof as the Commissioner may deem necessary to establish the right to the credit.

(6) Section 400.503 (Title 26, Code of Federal Regulations) (article 503), relating to refund and credit of taxes erroneously collected with respect to the calendar year 1936, 1937, or 1938, is amended as follows:

(A) By striking out paragraph (c) and inserting in lieu thereof the following:

(c) No refund or credit will be allowed after the expiration of four years after the payment to the collector of the tax, penalty, interest, or addition to the tax, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such four-year period. A claim based on credit for contributions paid into a State unemployment fund shall not be considered as setting forth a sufficient ground within the meaning of this article unless the contributions, with respect to which credit is claimed, are paid prior to the filing of the claim. The amount of the refund or credit shall not exceed the portion of the tax, penalty, interest, or addition to the tax paid during the four years immediately preceding the filing of the claim for refund or credit, or if no claim was filed, then during the four years immediately preceding the allowance of the refund or credit.

(B) By striking out paragraph (d) and inserting in lieu thereof the following:

(d) A claim which does not comply with the requirements of this section will not be considered for any purpose as a claim for refund or credit.

(7) Immediately preceding § 400.503a, added by Treasury Decision 4812 (Title 26, Code of Federal Regulations, 1938 Supp.) (article 503½), as amended by Treasury Decision 5088 (1941 Supp.), relating to refund, credit or abatement of the tax for the calendar year 1936, 1937, or 1938 based on credit for contributions paid, the following is inserted:

SECTION 602 (c) OF THE REVENUE ACT OF 1943.

Refund, credit, or abatement. (1) Refund or credit of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund.

(2) Any claim for refund or credit, with respect to the tax (including penalty and interest collected with respect thereto, if any) imposed by section 901 of the Social Security Act * * *, based on credit for contributions, which has been disallowed prior to the date of enactment of this Act, the allowance of which would be considered erroneous under section 3774 (b) or section 3775 (b) of the Internal Revenue Code, shall nevertheless be allowable if otherwise allowable under this section * * *.

(3) Notwithstanding the acceptance of an offer in compromise prior to the date of enactment of this Act with respect to any tax (or penalty or interest in connection therewith) imposed by section 901 of the Social Security Act * * *, any claim for refund, credit, or abatement with respect to the tax (including penalty and interest collected with respect thereto, if any) imposed by * * * such Acts, based on credit for contributions, shall be allowable if otherwise allowable under this section * * *.

(4) On and after the date of the enactment of this Act no refund, credit, or abatement shall be allowed based on any credit allowable under section 701 of the Revenue Act of 1941.

(8) Section 400.503a added by Treasury Decision 4812 (Title 26, Code of Federal Regulations, 1938 Supp.) (article 503½), as amended by Treasury Decision 5088 (1941 Supp.) relating to refund, credit, or abatement of the tax for the calendar year 1936, 1937, or 1938 based on credit for contributions paid, is further amended to read as follows:

§ 400.503a *Refund, credit, or abatement of tax for calendar year 1936, 1937, or 1938, based on credit against such tax for contributions paid*—(a) *In general.* If the tax for the calendar year 1936, 1937, or 1938, against which an amount is allowable as credit under section 602 (a) of the Revenue Act of 1943 for contributions paid, has been paid without the benefit of such credit, the taxpayer shall be entitled to a refund or credit of the tax equal to the amount of such allowable credit for contributions paid. The taxpayer shall also be entitled to a refund or credit of the amount of interest or penalty, if any, collected from him with respect to the tax refunded or credited. See, however, § 400.503 (c), relating to the statutory period of limitations applicable to such refund or credit. No interest shall be allowed or paid by the Government on the amount of any such refund or credit. Every claim for such refund or credit shall be made on Form 843 in accordance with the provisions of this section and § 400.503, relating to refund and credit of taxes erroneously collected. A claim which does not comply with these requirements wil not be considered for any purpose as a claim for refund or credit.

On and after February 25, 1944, no refund, credit, or abatement shall be allowed based on any credit allowable under section 701 of the Revenue Act of 1941. Nor shall any refund, credit, or abatement be allowed, on or after September 20, 1941, based on any credit allowable under section 810 of the Revenue Act of 1938, section 902 (a) of the Social Security Act Amendments of 1939, or section 701 of the Second Revenue Act of 1940.

(b) *Special cases; claim disallowed or liability compromised.* Section 602 (c) (2) of the Revenue Act of 1943 provides that, even though refund or credit, with respect to the tax (including penalty and interest collected with respect thereto, if any) for the calendar year 1936, 1937, or 1938, based on credit for contributions, would be considered erroneous under section 3774 (b) of the Internal Revenue Code (in case of a claim for refund) or under section 3775 (b) of the Internal Revenue Code (in case of a claim for credit) by reason of the disallowance by the Commissioner of the claim for such refund or credit and the failure of the claimant to bring suit for the recovery of the tax prior to the expiration of the statutory period of limitation for bringing suit therefor, the Commissioner may nevertheless allow such refund or credit if (1) the claim therefor was filed prior to the expiration of the statutory period of limitation for filing the claim, (2) such claim was disallowed prior to February 25, 1944, and (3) such refund or credit is otherwise allowable under section 602 of the Revenue Act of 1943.

Section 602 (c) (3) of the Revenue Act of 1943 provides that, notwithstanding the acceptance of an offer in compromise prior to February 25, 1944, with respect to the tax (or penalty or interest in connection therewith) for the calendar year 1936, 1937, or 1938, the Commissioner may nevertheless allow any refund, credit, or abatement with respect to such tax (including penalty and interest collected with respect thereto, if any), based on credit for contributions, if such refund, credit, or abatement is otherwise allowable under section 602 of the Revenue Act of 1943. In such case the amount of the refund, credit, or abatement shall be determined as though an offer in compromise had not been accepted, except that any amount paid by the taxpayer under the compromise agreement shall be treated as a payment on account of the tax (including penalty and interest in connection therewith, if any).

The allowance of any such refund, credit, or abatement shall be subject to

the provisions of paragraph (a) of this section.

PAR. B. *Credit against tax for 1939.* In order to conform Regulations 90 (Part 400, Title 26, Code of Federal Regulations), only as made applicable to the Internal Revenue Code by Treasury Decision 4885 (Chapter I, note, of such Title 26, 1939 Supp.), to sections 601 and 602 of the Revenue Act of 1943 (Public Law 235—78th Congress), enacted February 25, 1944, such regulations are amended as follows:

(1) Section 400.1 (l) added by Treasury Decision 4953 (Title 26, Code of Federal Regulations, 1939 Supp.), (article 1 (l) defining the term "Federal Unemployment Tax Act" for the purposes of the regulations for the calendar year 1939, is amended by striking out the first sentence and inserting in lieu thereof the following:

The term "Federal Unemployment Tax Act" means subchapter C of chapter 9 of the Internal Revenue Code, as amended by sections 608, 609, 610, 611, 612, 613, and 615 of the Social Security Act Amendments of 1939 and by section 601 of the Revenue Act of 1943.

(2) Section 400.2 (a), added by Treasury Decision 4953 (Title 26, Code of Federal Regulations, 1939 Supp.) (article 2 (a)) relating to the scope of the regulations for the calendar year 1939, is amended by striking out the first sentence and inserting in lieu thereof the following:

These regulations relate to the excise tax on employers of eight or more employees for the calendar year 1939 imposed under the Federal Unemployment Tax Act (subchapter C of chapter 9 of the Internal Revenue Code, which superseded Title IX of the Social Security Act with respect to the tax for such year and subsequent years), as amended by sections 608, 609, 610, 611, 612, 613, and 615 of the Social Security Act Amendments of 1939 and by section 601 of the Revenue Act of 1943.

(3) Section 400.203, as amended by Treasury Decision 4931 and by Treasury Decision 4953 (Title 26, Code of Federal Regulations, and 1939 Supp.) (article 203), relating to persons liable for the tax for the calendar year 1939, is further amended by striking out the second sentence of the last paragraph, together with the parenthetical cross reference to §§ 400.211a and 400.212 following such sentence, and by inserting in lieu thereof the following:

However, if he is subject to such a State law, he may be entitled to certain credits against the tax. See §§ 400.211a and 400.212.

(4) Immediately preceding § 400.211a, added by Treasury Decision 4953 (Title 26, Code of Federal Regulations, 1939 Supp.) (article 211 (1)), as amended by Treasury Decision 5088 (1941 Supp.), relating to credit against the tax for the calendar year 1939 for contributions paid, the following is inserted:

SECTION 601 (A) OF THE REVENUE ACT OF 1943.

Section 1601 (a) (3) (relating to the time within which contributions are required to be paid in order to be allowable as credit) is amended to read as follows:

(3) The credit against the tax for any taxable year shall be permitted only for contributions paid on or before the last day upon which the taxpayer is required under section 1604 to file a return for such year; except that credit shall be permitted for contributions paid after such last day, but such credit shall not exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day.

SECTION 602 (b) OF THE REVENUE ACT OF 1943.

*Allowance of credit against tax for 1939 * * * where assets in control of court.* Against the tax imposed by the Federal Unemployment Tax Act for the calendar year 1939 * * *, any taxpayer shall be allowed credit for the amount of contributions paid by him into an unemployment fund under a State law, without regard to the date of payment, if the assets of the taxpayer were, at any time during the period from the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act to file a return of the tax against which credit is claimed to June 30 next following such last day, inclusive, or (in the case of credit against the tax for the calendar year 1939) the period October 9, 1940, to December 6, 1940, inclusive, or the period September 21, 1941, to November 18, 1941, inclusive, * * * in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction. The provisions of the Federal Unemployment Tax Act (except section 1601 (a) (3)) * * * shall apply to allowance of credit under this subsection. The terms used in this subsection shall have the same meaning as when used in the Federal Unemployment Tax Act. The total credit allowable against the tax imposed by such act for the calendar year 1939 * * * shall not exceed 90 per centum of such tax.

(5) Section 400.211a, added by Treasury Decision 4953 (Title 26, Code of Federal Regulations, 1939 Supp.) (article 211 (1)), as amended by Treasury Decision 5088 (1941 Supp.), relating to credit against the tax for the calendar year 1939 for contributions paid, is further amended to read as follows:

§ 400.211a *Credit against tax for calendar year 1939 for contributions paid*—(a) *In general.* Subject to the limitations hereinafter prescribed in paragraphs (b), (c), and (d), the taxpayer may credit against the tax for the calendar year 1939 the total amount of contributions paid by him under all State laws which have been found by the Social Security Board to contain the provisions specified in section 1603 (a) of the Federal Unemployment Tax Act: *Provided,* That no credit may be taken for contributions under a State law if such State has not been duly certified for the calendar year to the Secretary by the Social Security Board. The contributions may be credited against the tax whether or not they are paid with respect to employment as defined in the Federal Unemployment Tax Act.

(b) *Limitation on total credit allowable.* The total credit allowed to any taxpayer for contributions paid to State unemployment funds shall not exceed 90 percent of the tax against which such credit is applied. See § 400.212 (d) (2), relating to the aggregate limitation in case an additional credit is taken under section 1601 (b) of the Federal Unemployment Tax Act.

(c) *Limitation on the taxable year with respect to which contributions are allowable.* Contributions must have been paid with respect to the calendar year 1939.

(d) *Limitation on amount of credit allowable based on time when contributions are paid*—(1) *In general.* Contributions paid into a State unemployment fund at any time may be credited against the tax, but the amount of the credit is dependent upon the time when the contributions are paid. The amount of the credit shall be determined in accordance with subparagraph (2), (3), (4), or (5), below, whichever is applicable, subject, however, to the limitation on the total credit set forth in paragraph (b), above. Although contributions paid at any time may be credited against the tax, no refund or credit of the tax based on credit for contributions paid will be allowed unless the contributions are paid prior to the expiration of four years after the payment of the tax. For provisions relating to the statutory period of limitations applicable to refund or credit of the tax, see § 400.503 (c).

(2) *Amount of credit allowable when* contributions are paid on or before last day for filing return. Contributions paid into a State unemployment fund on or before the last day upon which the return for the taxable year is required to be filed may be credited against the tax in an amount equal to such contributions, but not, however, to exceed 90 percent of such tax. (The last day for filing the return is January 31, 1940, unless the time for filing the return is extended. See §§ 400.303, 400.304 and 400.305.)

(3) *Amount of credit allowable when contributions are paid after last day for filing return.* Contributions paid into a State unemployment fund after the last day upon which the return for the taxable year is required to be filed may be credited against the tax in an amount not to exceed 90 percent of the amount which would have been allowable as credit on account of such contributions had they been paid into the State unemployment fund on or before such last day. See, however, subparagraph (4), below, for special provisions relating to credit for contributions paid where taxpayers' assets were in the custody or control of certain fiduciaries. See also subparagraph (5), below, relating to the payment of contributions to the wrong State. For provisions relating to refund, credit, or abatement of the tax based on credit with respect to contributions, see § 400.503e.

(4) *Amount of credit allowable when taxpayers' assets are in custody or control of certain fiduciaries.* This subparagraph applies to those cases in which the assets of the taxpayer were, at any time during the period from the last day upon which the return for the calendar year 1939 was required to be filed to June 30, 1940, inclusive, or the period October 9, 1940, to December 6, 1940, inclusive, or the period September 21, 1941, to November 18, 1941, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction. In

such cases contributions paid into a State unemployment fund at any time may, notwithstanding the provisions of subparagraph (3), above, be credited against the tax in the same amount that would have been allowable as credit had the contributions been paid on or before the last day upon which the return for the taxable year was required to be filed.

(5) *Amount of credit allowable when contributions are paid to wrong State.* Contributions for the calendar year 1939 paid into the unemployment fund of a State which are required under the unemployment compensation law of that State, but which are paid with respect to remuneration on the basis of which the taxpayer had, prior to such payment, erroneously paid an amount as contributions under another unemployment compensation law, shall be deemed for purposes of credit to have been paid at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions with respect to services subject to such other law, the payment into the proper fund shall be deemed for purposes of credit to have been made on the date the return was actually filed under section 1604 of the Federal Unemployment Tax Act.

(See, however, section 7 (b) of the Act approved August 13, 1940 (Public, No. 764, 76th Congress), for a special provision relating to credit for certain contributions paid with respect to certain services affected by such Act; and see sections 1, 3, 4, and 6 of such Act quoted preceding § 400.206 (8), relating to such services.)

(e) *Refund of State contributions.* If, subsequent to the filing of the return for the calendar year 1939, a refund is made by a State to the taxpayer of any part of his contributions for such year which had been credited against the tax, the taxpayer is required to advise the Commissioner under oath of the date and amount of such refund and the reason therefor, and to pay the tax, if any, due as a result of such refund, together with interest from the date when the tax was due.

(6) Section 400.212, as amended by Treasury Decision 4953 (Title 26, Code of Federal Regulations, 1939 Supp.) (article 212), relating to the additional credit against the tax for the calendar year 1939, is further amended as follows:

(A) By striking out the first sentence of paragraph (a) and inserting in lieu thereof the following:

In addition to the credit against the tax allowable for contributions actually paid to State unemployment funds (see § 400.211a), the taxpayer may be entitled to a further credit under section 1601 (b) of the Federal Unemployment Tax Act.

(B) By striking out the second sentence of paragraph (d) (1), together with the parenthetical cross reference to § 400.211a (article 211 (1)), following such sentence, and by inserting in lieu thereof the following:

If the State law does not make provision for such a lower rate, no additional credit is available to the taxpayer and he can take only the credit allowable for contributions actually paid. See § 400.211a.

(C) By striking out paragraph (d) (2) and inserting in lieu thereof the following:

(2) The aggregate of such additional credit and the credit allowable for contributions actually paid to State unemployment funds shall not exceed 90 percent of the tax against which credit is taken.

(7) Section 400.213 (a), added by Treasury Decision 4876 (Title 26, Code of Federal Regulations, 1938 Supp.) (article 213 (a)) as amended by Treasury Decision 4953 (1939 Supp.), relating to proof of the credit allowable under section 1601 (a) of the Federal Unemployment Tax Act against the tax for the calendar year 1939, is further amended as follows:

(A) By striking out the heading of the paragraph and inserting in lieu thereof the following:

(a) *Credit for contributions paid.*

(B) By striking out subparagraph (3) and inserting in lieu thereof the following:

(3) Such other or additional proof as the Commissioner may deem necessary to establish the right to the credit.

(8) Section 400.503 (Title 26, Code of Federal Regulations), relating to refund and credit of taxes erroneously collected with respect to the calendar year 1939, is amended as follows:

(A) By striking out paragraph (c) and inserting in lieu thereof the following:

(c) No refund or credit will be allowed after the expiration of four years after the payment to the collector of the tax, penalty, interest, or addition to the tax, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such four-year period. A claim based on credit for contributions paid into a State unemployment fund shall not be considered as setting forth a sufficient ground within the meaning of this article unless the contributions, with respect to which credit is claimed, are paid prior to the filing of the claim. The amount of the refund or credit shall not exceed the portion of the tax, penalty, interest, or addition to the tax paid during the four years immediately preceding the filing of the claim for refund or credit, or if no claim was filed, then during the four years immediately preceding the allowance of the refund or credit.

(B) By striking out paragraph (d) and inserting in lieu thereof the following:

(d) A claim which does not comply with the requirements of this article will not be considered for any purpose as a claim for refund or credit.

(9) Immediately preceding § 400.503e, added by Treasury Decision 4953 (Title 26, Code of Federal Regulations, 1939 Supp.), (Article 503⅝), as amended by Treasury Decision 5088 (1941 Supp.), relating to refund, credit, or abatement of the tax for the calendar year 1939 based on credit with respect to contributions, the following is inserted:

SECTION 601 (b) AND (c) OF THE REVENUE ACT OF 1943.

(b) Section 1601 (a) (5) (relating to refunds) is repealed.

(c) Section 1601 (relating to credits against the Federal unemployment tax) is amended by inserting at the end thereof the following:

(d) *Refund or credit.* Refund or credit of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund.

SECTION 602 (c) OF THE REVENUE ACT OF 1943.

Refund, credit, or abatement. (1) Refund or credit of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund.

(2) Any claim for refund or credit, with respect to the tax (including penalty and interest collected with respect thereto, if any) imposed by * * * section 1600 of the Federal Unemployment Tax Act, based on credit for contributions, which has been disallowed prior to the date of enactment of this Act, the allowance of which would be considered erroneous under section 3774 (b) or section 3775 (b) of the Internal Revenue Code, shall nevertheless be allowable if otherwise allowable under this section or section 1601 of the Federal Unemployment Tax Act.

(3) Notwithstanding the acceptance of an offer in compromise prior to the date of enactment of this Act with respect to any tax (or penalty or interest in connection therewith) imposed by * * * section 1600 of the Federal Unemployment Tax Act, any claim for refund, credit, or abatement with respect to the tax (including penalty and interest collected with respect thereto, if any) imposed by * * * such Acts, based on credit for contributions, shall be allowable if otherwise allowable under this section or section 1601 of the Federal Unemployment Tax Act.

(4) On and after the date of the enactment of this Act no refund, credit, or abatement shall be allowed based on any credit allowable under section 701 of the Revenue Act of 1941.

(10) Section 400.503e, added by Treasury Decision 4953 (Title 26, Code of Federal Regulations, 1939 Supp.) (article 503⅝) as amended by Treasury Decision 5088 (1941 Supp.), relating to refund, credit, or abatement of the tax for the calendar year 1939 based on credit with respect to contributions, is further amended to read as follows:

§ 400.503e *Refund, credit, or abatement of tax for calendar year 1939, based on credit against such tax with respect to contributions*—(a) *In general.* If the tax for the calendar year 1939, against which an amount is allowable as credit under section 1601 of the Federal Unemployment Tax Act or section 602 (b) of the Revenue Act of 1943, has been paid without the benefit of such credit, the taxpayer shall be entitled to a refund or credit of the tax equal to the amount of such allowable credit. The taxpayer shall also be entitled to a refund or credit of the amount of interest or penalty, if any, collected from him with respect to the amount of

tax refunded or credited. See, however, § 400.503 (c), relating to the statutory period of limitations applicable to such refund or credit. No interest shall be allowed or paid by the Government on the amount of any such refund or credit. Every claim for such refund or credit shall be made on Form 843 in accordance with the provisions of this article and § 400.503, relating to refund and credit of taxes erroneously collected. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund or credit.

On and after February 25, 1944, no refund, credit, or abatement shall be allowed based on any credit allowable under section 701 of the Revenue Act of 1941. Nor shall any refund, credit, or abatement be allowed, on or after September 20, 1941, based on any credit allowable under section 701 of the Second Revenue Act of 1940.

(b) *Special cases; claim disallowed or liability compromised.* Section 602 (c) (2) of the Revenue Act of 1943 provides that, even though refund or credit, with respect to the tax (including penalty and interest collected with respect thereto, if any) for the calendar year 1939, based on credit for contributions, would be considered erroneous under section 3774 (b) of the Internal Revenue Code (in case of a claim for refund) or under section 3775 (b) of the Internal Revenue Code (in case of a claim for credit) by reason of the disallowance by the Commissioner of the claim for such refund or credit and the failure of the claimant to bring suit for the recovery of the tax prior to the expiration of the statutory period of limitation for bringing suit therefor, the Commissioner may nevertheless allow such refund or credit if (1) the claim therefor was filed prior to the expiration of the statutory period of limitation for filing the claim, (2) such claim was disallowed prior to February 25, 1944, and (3) such refund or credit is otherwise allowable under section 1601 of the Federal Unemployment Tax Act or section 602 of the Revenue Act of 1943.

Section 602 (c) (3) of the Revenue Act of 1943 provides that, notwithstanding the acceptance of an offer in compromise prior to February 25, 1944, with respect to the tax (or penalty or interest in connection therewith) for the calendar year 1939, the Commissioner may nevertheless allow any refund, credit, or abatement with respect to such tax (including penalty and interest collected with respect thereto, if any), based on credit for contributions, if such refund, credit, or abatement is otherwise allowable under section 1601 of the Federal Unemployment Tax Act or section 602 of the Revenue Act of 1943. In such case the amount of the refund, credit, or abatement shall be determined as though an offer in compromise had not been accepted, except that any amount paid by the taxpayer under the compromise agreement shall be treated as a payment on account of the tax (including penalty and interest in connection therewith, if any).

The allowance of any such refund, credit, or abatement shall be subject to the provisions of paragraph (a) of this section.

PAR. C. *Credit against tax for 1940 and subsequent years.* In order to conform Regulations 107 (Part 403, Title 26, Code of Federal Regulations, Cum. Supp.), relating to the excise tax on employers under the Federal Unemployment Tax Act (subchapter C, chapter 9, Internal Revenue Code), to sections 601 and 602 of the Revenue Act of 1943 (Public Law 235—78th Congress, enacted February 25, 1944, such regulations are amended as follows:

(1) Section 403.101 (a), relating to the scope of the regulations for the calendar year 1940 and subsequent calendar years, is amended by striking out "(See § 403.1 (b) (1) for a cronological description of the pertinent statutes.)".

(2) Immediately preceding § 403.401, as amended by Treasury Decision 5083, approved October 17, 1941, relating to credit against the tax for the calendar year 1940 and subsequent calendar years for contributions paid, the following is inserted:

SECTION 601 (a) OF THE REVENUE ACT OF 1943.

Section 1601 (a) (3) (relating to the time within which contributions are required to be paid in order to be allowed as credit) is amended to read as follows:

(3) The credit against the tax for any taxable year shall be permitted only for contributions paid on or before the last day upon which the taxpayer is required under section 1604 to file a return for such year; except that credit shall be permitted for contributions paid after such last day, but such credit shall not exceed 90 per centum of the amount which would have been allowed as credit on account of such contributions had they been paid on or before such last day.

SECTION 602 (B) OF THE REVENUE ACT OF 1943

*Allowance of credit against tax for * * * 1940, 1941, and 1942 where assets in control of court.* Against the tax imposed by the Federal Unemployment Tax Act for the calendar year * * * 1940, 1941, or 1942, any taxpayer shall be allowed credit for the amount of contributions paid by him into an unemployment fund under a State law, without regard to the date of payment, if the assets of the taxpayer were, at any time during the period from the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act to file a return of the tax against which credit is claimed to June 30 next following such last day, inclusive, * * * or (in the case of credit against the tax for the calendar year 1940) the period September 21, 1941, to November 18, 1941, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction. The provisions of the Federal Unemployment Tax Act (except section 1601 (a) (3)), including such provisions as modified by section 902 (e) of the Social Security Act Amendments of 1939, shall apply to allowance of credit under this subsection. The terms used in this subsection shall have the same meaning as when used in the Federal Unemployment Tax Act. The total credit allowable against the tax imposed by such Act for the calendar year * * * 1940, 1941, or 1942 shall not exceed 90 per centum of such tax.

(3) Section 403.401, as amended by Treasury Decision 5083, relating to credit against the tax for the calendar year 1940 and subsequent calendar years for contributions paid, is further amended as follows:

(A) By striking out the heading of paragraph (b) and inserting in lieu thereof the following:

(b) *Limitation on total credit allowable.*

(B) By striking out paragraph (c) and inserting in lieu thereof the following:

(c) *Limitation on amount of credit allowable based on time when contributions are paid*—(1) *In general.* Contributions paid into a State unemployment fund at any time may be credited against the tax, but the amount of the credit is dependent upon the time when the contributions are paid. The amount of the credit shall be determined in accordance with subparagraph (2), (3), (4), or (5), below, whichever is applicable, subject, however, to the limitation on the total credit set forth in paragraph (b), above. Although contributions paid at any time may be credited against the tax, no refund or credit of the tax based on credit for contributions paid will be allowed unless the contributions are paid prior to the expiration of four years after the payment of the tax. For provisions relating to the statutory period of limitations applicable to refund or credit of the tax, see § 403.602 (c).

(2) *Amount of credit allowable when contributions are paid on or before last day for filing return.* Contributions paid into a State unemployment fund on or before the last day upon which the return for the taxable year is required to be filed may be credited against the tax in an amount equal to such contributions, but not, however, to exceed 90 percent of such tax. (The last day for filing the return is January 31 next following the close of the taxable year unless the time for filing the return is extended. See §§ 403.506 and 403.507.)

(3) *Amount of credit allowable when contributions are paid after last day for filing return.* Contributions paid into a State unemployment fund after the last day upon which the return for the taxable year is required to be filed may be credited against the tax in an amount not to exceed 90 percent of the amount which would have been allowable as credit on account of such contributions had they been paid into a State unemployment fund on or before such last day. See, however, subparagraph (5), below, for special provisions relating to credit, against the tax for the taxable year 1940, 1941, or 1942 only, for contributions paid where taxpayers' assets were in the custody or control of certain fiduciaries. See also subparagraph (4), below, relating to the payment of contributions to the wrong State. For provisions relating to refund, credit, or abatement of the tax based on credit with respect to contributions, see § 403.602.

Example (1). The Federal return of the M Company for the calendar year 1940 discloses a total tax of $12,000. The company is liable for total State contributions of $8,000 for such year. The due date of the company's Federal return is January 31, 1941, no extension of time for filing the return having been granted. The contributions are not paid until February 1, 1941. If the contributions had been paid on or before January 31, 1941, the entire amount could have been credited against the tax (such amount not exceeding 90 percent of the Federal tax of $12,000). Since the contributions were paid after January 31, 1941, the M Company

is entitled to a credit of 90 percent of the amount of the contributions ($8,000), or $7,200, the net liability for Federal tax being $4,800 ($12,000 minus $7,200).

Example (2). The facts are the same as in example (1), except that the M Company is liable for and pays total State contributions of $12,000, instead of $8,000. If the contributions had been paid on or before January 31, 1941, the amount allowable as credit would have been $10,800 (90 percent of the Federal tax of $12,000). Since the contributions were paid after January 31, 1941, the M Company is entitled to a credit of 90 percent of $10,800, or $9,720, the net liability for Federal tax being $2,280 ($12,000 minus $9,720).

Example (3). The Federal return of the R Company for the calendar year 1940 discloses a total tax of $10,000. The company is liable for total State contributions of $9,000 for such year. The due date of the company's Federal return is January 31, 1941, no extension of time for filing the return having been granted. The R Company pays $8,000 of the total State contributions on or before such date, and the remaining $1,000 on February 1, 1941. If the $1,000 had been paid on or before January 31, 1941, that amount could have been credited against the tax (such amount plus the $8,000 paid on or before January 31, 1941, not exceeding 90 percent of the Federal tax of $10,000). Since the $1,000 was paid after January 31, 1941, the R Company is entitled to a credit of 90 percent of this amount or $900, plus the credit of $8,000 allowable for the contributions paid on or before January 31, 1941. The net liability for Federal tax is thus $1,100 ($10,000 minus $8,900).

(4) *Amount of credit allowable when contributions are paid to wrong State.* Contributions for the taxable year paid into a State unemployment fund which are required under the unemployment compensation law of that State, but which are paid with respect to remuneration on the basis of which the taxpayer had, prior to such payment, erroneously paid an amount as contributions under another unemployment compensation law, shall be deemed for purposes of the credit to have been paid at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions for such taxable year with respect to services subject to such other law, the payment into the proper fund shall be deemed for purposes of credit to have been made on the date the return for such year was actually filed under section 1604 of the act.

Example. Employer N, whose Federal return for the calendar year 1940 discloses a total tax of $1,000, employs individuals in State X and State Y during the calendar year 1940. N assumes in good faith that the services of his employees are covered by the unemployment compensation law of State Y, and pays as contributions to State Y the amount of $900 based upon the remuneration of the employees. All of the services were in fact covered by the unemployment compensation law of State X, and none by the law of State Y. The payment to State Y was made on January 31, 1941. When the error was discovered thereafter, N paid to State X contributions in the amount of $900 based upon such remuneration. Since the contributions were paid to State Y on January 31, 1941, the contributions to State X are, for purposes of the credit, deemed to have been paid on such date. N is entitled to a credit of $900 against the Federal tax of $1,000, the net liability for Federal tax being $100 ($1,000 minus $900).

(5) *Amount of credit allowable, against tax for taxable year 1940, 1941, or 1942 only, when taxpayers' assets are in custody or control of certain fiduciaries.* This subparagraph applies only to credit against the tax for the taxable year 1940, 1941, or 1942 in those cases where the assets of the taxpayer were, at any time during the period from the last day upon which the taxpayer was required to file a return of the tax against which credit is claimed to June 30 next following such last day, both dates inclusive, or, in the case of credit against the tax for the taxable year 1940, the period September 21, 1941, to November 18, 1941, both dates inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction. In such cases contributions paid into a State unemployment fund at any time may, notwithstanding the provisions of subparagraph (3), above, be credited, against the tax for the taxable year 1940, 1941, or 1942, in the same amount that would have been allowable as credit had the contributions been paid on or before the last day upon which the return for the taxable year was required to be filed.

(4) Section 403.402 (d), relating to the 90-percent limitation on credits with respect to the tax for the calendar year 1940 and subsequent calendar years, is amended to read as follows:

(d) *Ninety-percent limitation on credits.* The aggregate of the additional credit under section 1601 (b) of the act, the credit under section 1601 (a) of the act, the credit under section 701 (b) of the Revenue Act of 1941, the credit under section 602 (b) of the Revenue Act of 1943, and the special credit under section 902 (e) of the Social Security Act Amendments of 1939 shall not exceed 90 percent of the tax against which credit is taken.

(5) Section 403.403 (a), as amended by Treasury Decision 5302, approved October 11, 1943, relating to proof of the credit allowable under section 1601 (a) of the Federal Unemployment Tax Act against the tax for the calendar year 1940 and subsequent calendar years, is further amended as follows:

(A) By striking out the heading of the paragraph and inserting in lieu thereof the following:

(a) *Credit under section 1601 (a) of the act or section 602 (b) of the Revenue Act of 1943.*

(B) By striking out subparagraph (3) and inserting in lieu thereof the following:

(3) Such other or additional proof as the Commissioner may deem necessary to establish the right to the credit provided for under section 1601 (a) of the act or section 602 (b) of the Revenue Act of 1943.

(6) Immediately following the provisions of law under the caption "Section 701 (c) of the Revenue Act of 1941" preceding § 403.602, as amended by Treasury Decision 5088, the following is inserted:

SECTION 601 (b) AND (c) OF THE REVENUE ACT OF 1943.

(b) Section 1601 (a) (5) (relating to refunds) is repealed.

(c) Section 1601 (relating to credits against the Federal unemployment tax) is amended by inserting at the end thereof the following:

(d) *Refund or credit.* Refund or credit of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund.

SECTION 602 (c) OF THE REVENUE ACT OF 1943.

Refund, credit, or abatement. (1) Refund or credit of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund.

(2) Any claim for refund or credit, with respect to the tax (including penalty and interest collected with respect thereto, if any) imposed by * * * section 1600 of the Federal Unemployment Tax Act, based on credit for contributions, which has been disallowed prior to the date of enactment of this Act, the allowance of which would be considered erroneous under section 3774 (b) or section 3775 (b) of the Internal Revenue Code, shall nevertheless be allowable if otherwise allowable under this section or section 1601 of the Federal Unemployment Tax Act.

(3) Notwithstanding the acceptance of an offer in compromise prior to the date of enactment of this Act with respect to any tax (or penalty or interest in connection therewith) imposed by * * * section 1600 of the Federal Unemployment Tax Act, any claim for refund, credit, or abatement with respect to the tax (including penalty and interest collected with respect thereto, if any) imposed by * * * such Acts, based on credit for contributions, shall be allowable if otherwise allowable under this section or section 1601 of the Federal Unemployment Tax Act.

(4) On and after the date of the enactment of this Act no refund, credit, or abatement shall be allowed based on any credit allowable under section 701 of the Revenue Act of 1941.

(7) Section 403.602, as amended by Treasury Decision 5088, relating to claims for refund, credit, or abatement of the tax for the calendar year 1940 and subsequent calendar years, is further amended as follows:

(A) By striking out paragraph (c) and inserting in lieu thereof the following:

(c) *Limitations on claims.* No refund or credit will be allowed after the expiration of four years after the payment to the collector of the tax, penalty, or interest, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such four-year period. A claim based on credit for contributions paid into a State unemployment fund shall not be considered as setting forth a sufficient ground within the meaning of this section unless the contributions, with respect to which credit is claimed, are paid prior to the filing of the claim. The amount of the refund or credit shall not exceed the portion of the tax, penalty, or interest paid during the four years immediately preceding the filing of the

claim for refund or credit, or if no claim was filed, then during the four years immediately preceding the allowance of the refund or credit.

(B) By striking out paragraph (f) and inserting in lieu thereof the following:

(f) *Refunds or credits under section 1601 (d) of the act.* The provisions of this section of these regulations shall apply in the case of claims for refund or credit of the tax (including penalty and interest collected with respect thereto, if any) based upon credit allowable under section 1601 of the act (see Subpart D of these regulations). No interest shall be allowed or paid by the Government on the amount of any such refund or credit.

(C) By striking out paragraph (g) and inserting in lieu thereof the following:

(g) *Refunds or credits, under section 602 (c) (1) of Revenue Act of 1943, of tax for taxable year 1940, 1941 or 1942.* The provisions of this section of these regulations shall apply in the case of claims for refund or credit of the tax (including penalty and interest collected with respect thereto, if any) for the taxable year 1940, 1941, or 1942, based on credit, for contributions paid, allowable under section 602 (b) of the Revenue Act of 1943. No interest shall be allowed or paid by the Government on the amount of any such refund or credit.

(h) *Refund or credit if claim therefor disallowed prior to February 25, 1944.* Section 602 (c) (2) of the Revenue Act of 1943 provides that, even though refund or credit, with respect to the tax (including penalty and interest collected with respect thereto, if any), based on credit for contributions, would be considered erroneous under section 3774 (b) of the Internal Revenue Code (in case of a claim for refund) or under section 3775 (b) of the Internal Revenue Code (in case of a claim for credit) by reason of the disallowance by the Commissioner of the claim for such refund or credit and the failure of the claimant to bring suit for the recovery of the tax prior to the expiration of the statutory period of limitation for bringing suit therefor, the Commissioner may nevertheless allow such refund or credit if (1) the claim therefor was filed prior to the expiration of the statutory period of limitation for filing the claim, (2) such claim was disallowed prior to February 25, 1944, and (3) such refund or credit is otherwise allowable under section 1601 of the Federal Unemployment Tax Act or section 602 of the Revenue Act of 1943. The allowance of any such refund or credit shall be subject to the provisions of this section of these regulations. No interest shall be allowed or paid by the Government on the amount of any such refund or credit.

(i) *Refund, credit, or abatement if liability compromised prior to February 25, 1944.* Section 602 (c) (3) of the Revenue Act of 1943 provides that, notwithstanding the acceptance of an offer in compromise prior to February 25, 1944, with respect to the tax (or penalty or interest in connection therewith), the Commissioner may nevertheless allow any refund, credit, or abatement with respect to such tax (including penalty and interest collected with respect thereto, if any), based on credit for contributions, if such refund, credit, or abatement is otherwise allowable under section 1601 of the Federal Unemployment Tax Act or section 602 of the Revenue Act of 1943. In such case the amount of the refund, credit, or abatement shall be determined as though an offer in compromise had not been accepted, except that any amount paid by the taxpayer under the compromise agreement shall be treated as a payment on account of the tax (including penalty and interest in connection therewith, if any). The allowance of any such refund, credit, or abatement shall be subject to the provisions of this section of these regulations. No interest shall be allowed or paid by the Government on the amount of any such refund or credit.

(j) *Refund, credit, or abatement based on credit allowable under section 701 of the Revenue Act of 1941 barred.* On and after February 25, 1944, no refund, credit, or abatement of the tax (including penalty and interest collected with respect thereto, if any) for the taxable year 1940 shall be allowed based on any credit allowable under section 701 of the Revenue Act of 1941.

(Paragraph A: Secs. 902 and 908 of the Social Security Act (49 Stat. 639, 643; 42 U.S.C., 1102, 1108); sec. 902 (b), (c), (d), and (h) of the Social Security Act Amendments of 1939 (53 Stat. 1399; 42 U.S.C., 1102, note); and sec. 602 of the Revenue Act of 1943 (Pub. Law 235—78th Cong.). Paragraphs B and C: Sec. 1601 of the Internal Revenue Code, as amended by sec. 609 of the Social Security Act Amendments of 1939 (53 Stat. 1387; 26 U.S.C., 1601) and by sec. 601 of the Revenue Act of 1943 (Pub. Law 235—78th Cong.); sec. 1609 of the Internal Revenue Code (53 Stat. 188; 26 U.S.C., 1609); and section 602 of the Revenue Act of 1943 (Pub. Law 235—78th Cong.).)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: June 28, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-9566; Filed, June 29, 1944; 4:47 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 187]

PART 801—GENERAL REGULATIONS

REFUNDS OF SUBSIDY PAYMENTS UPON EXPORTATION OF CERTAIN COMMODITIES

Part 801 General Regulations is hereby amended by adding thereto § 801.16 as follows:

§ 801.16 *Refunds of subsidy payments.* (a) No person may export any of the types or varieties of dry edible beans, processed prunes or processed raisins described in paragraph (d) of this section (Schedule A) to any destination other than Canada unless:

(1) There has been refunded to Commodity Credit Corporation any subsidy payment made by Commodity Credit Corporation on such commodities in the amount with respect to each variety, grade and size specified in paragraph (d) of this section, and

(2) There is presented to the Collector of Customs at the port of exit, with the individual export license or release certificate authorizing the exportation of such commodities, a Certificate of Subsidy Clearance issued by Commodity Credit Corporation which shall indicate the fact that the exporter has met the requirement specified in sub-paragraph (1) in regard to refunds of subsidy payments to Commodity Credit Corporation with respect to the commodities authorized for export under such license or release certificate, or that such refund is not required for the particular shipment.

(b) Application for Certificate of Subsidy Clearance relating to the commodities set forth in paragraph (d) of this section shall be submitted to Commodity Credit Corporation on 1943 CCC Export Form 1, or in such other manner as may be prescribed by Commodity Credit Corporation. If a refund of subsidy payment is required, the application to Commodity Credit Corporation shall be accompanied by a certified check for the refund, payable to the Commodity Credit Corporation.

(c) Such Certificate of Subsidy Clearance shall be issued by the Commodity Credit Corporation and shall be substantially in the following form:

CERTIFICATE OF SUBSIDY CLEARANCE

Bureau of Customs
Treasury Department Certificate No._____

This certifies that_____ has met all requirements of the Foreign Economic Administration in regard to refunds of subsidy payments to Commodity Credit Corporation with respect to the following-described merchandise authorized for export under license (release certificate) No. _____

COMMODITY CREDIT CORPORATION,
By _____
_____
(Title)

Date_____

(d) *Schedule A.* Schedule of refunds to be made by exporters of dry edible beans[1], processed prunes, and processed raisins.

DRY EDIBLE BEANS—1943 CROP

	Refund per cwt.	
	US #1 US #2	USCHP US Ex #1
Pea or Medium White	$0.70	$0.70
Great Northern	.70	.60
Small White	.70	.60
Flat Small White	.70	.60
Pinto	.60	
Pink	.50	.40
Cranberry (Western)	.15	.05
Cranberry (other than Western)	.60	.60
Red Kidney	1.20	1.20
Baby Lima	.80	.70
Small Red	.70	.60

[1] Applicable only to grades USCHP, US Extra #1, US #1, and US #2.

PROCESSED RAISINS—1943 CROP

Type and variety of standard quality raisins	Refund per ton
Choice Natural Thompson Seedless	$53.95
2 Crown Choice Seeded Muscats	75.13
3 Crown Loose Muscats	65.93
Choice Sultana	55.79
Golden Bleached, Grade B, Extra Choice Color, Thompson Seedless	54.03

PROCESSED PRUNES [1]—1943 CROP

CALIFORNIA THREE DISTRICT

Grade size group	Packed point	Refund per ton
15/20	20	$49.54
18/24	24	49.55
20/30	29	49.57
30/40	39	49.14
40/50	49	49.16
50/60	59	49.18
60/70	69	49.20
70/80	79	49.22
80/90	89	49.24
90/100	99	49.26
100/120	119	49.30

CALIFORNIA OUTSIDE DISTRICT AND NORTHWEST FRENCH

15/20	20	$49.54
18/24	24	49.56
20/30	29	49.57
30/40	39	49.15
40/50	49	49.17
50/60	59	49.20
60/70	69	49.21
70/80	79	49.23
80/90	89	49.25
90/100	99	49.26
100/120	119	49.30

NORTHWEST ITALIAN

15/20	20	$54.85
18/24	24	54.80
20/30	29	54.72
30/40	39	57.07
40/50	49	56.77
50/60	59	56.46
60/70	69	56.17
70/80	79	55.87
80/90	89	55.57
90/100	99	55.29
100/120	119	54.75

[1] The refund for prunes having a packed point falling between any two packed points shown in this schedule will be shown for higher of such packed points.
Example—the refund for California Three District prunes, with a packed point of 37 will be the refund for prunes with a packed point of 39, or $49.14 per ton.

This amendment shall become effective July 5, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380; 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: June 22, 1944.

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

[F. R. Doc. 44-9504; Filed, June 29, 1944; 10:31 a. m.]

[Amdt. 183]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended by adding to the list of commodities, their respective Department of Commerce numbers and designated General License Group the following:

Commodity	Department of Commerce No.	General license group
Iron and steel manufactures miscellaneous:		
Sprocket and other power transmission chains not identified as machine parts (report sprocket and other power transmission chains identified specifically as machine parts under the appropriate Schedule B number for the parts)	6191.00	None
Scientific and professional instruments, apparatus, and supplies:		
Precious metals for dentistry (Report silver alloys and amalgams in 9155.90)	9153.00	None

This amendment shall become effective July 5, 1944.

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

Dated: June 24, 1944.

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

[F. R. Doc. 44-9505; Filed, June 29, 1944; 10:31 a. m.]

[Amdt. 189]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

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

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

Commodity and Department of Commerce No.	*General license group*
Clocks and Watches:	
Time-recording devices and parts (include time clocks, time stamps, headway recorders, program, bell-ring and other clock operated time recording devices), 9591.98	-----
Time-recording devices and parts for assembly, 9591.98	None
Repair parts, 9591.98	K
Grains and Preparations:	
Oatmeal, groats and rolled oats, in bulk, 1043.00	K
Oatmeal, groats and rolled oats, in packages (cases or cartons), 1044.00	K
Industrial Machinery:	
Laundry and dry-cleaning equipment and parts, other than power driven machines for commercial laundries (include hand washing machines and wringers), 7738.00	-----
Laundry and dry-cleaning equipment and parts for assembly, other than power driven machines for commercial laundries, 7738.00	None
Repair parts, 7738.00	K
Iron and steel manufactures—Miscellaneous:	
Iron and steel manufactures, other (include bottle openers, hand bottle cappers, sheet steel ware, steel stamping), 6209.98	-----
Repair parts for scales and balances other than automatic scales and precision and laboratory balances and weights, 6209.98	K
Other iron and steel manufactures (include assembly parts for scales and balances other than automatic scales, precision and laboratory balances and weights), 6209.98	None
Office appliances:	
Accounting, bookkeeping, and calculating machine parts, 7761.00	-----
Parts for assembly, 7761.00	None
Parts for repair, 7761.00	K
Addressing machines and parts, equipment, accessories and supplies (including embossing machines and plates of fiber or metal), 7762.98	-----
Addressing machines (including embossing machinery for plates) equipment, accessories, supplies and parts for assembly, 7762.98	None
Repair parts, 7762.98	K
Cash register parts, 7767.00	-----
Parts for assembly, 7767.00	None
Repair parts, 7767.00	K
Duplicating machines, parts and supplies, 7763.00	-----
Duplicating machines, supplies, and parts for assembly, 7763.00	None
Repair parts, 7763.00	K
Printing blanks, include addressograph blanks, 7762.05	K
Typewriter parts, 7775.00	-----
Parts for assembly, 7775.00	None
Repair parts, 7775.00	K
Office supplies, miscellaneous:	
Fountain pen parts, except pen points (include holders and nib assemblies and parts), 9312.00	-----
Nib assemblies with nibs of gold, 9312.00	None
Other fountain pen parts, 9312.00	K
Textile products:	
Neckties, cravats, mufflers, and scarfs of all fiber (include silk) 3928.00	-----
Of silk, 3928.00	None
Of all other fibers, 3923.00	K
Vegetables and preparations:	
Dehydrated vegetables, 1259.03	-----
Soups and soup mixtures, dehydrated, 1259.03	K&V
Other dehydrated vegetables, 1259.03	None
Onions, fresh, 1208.00	K

Shipments of the commodity "Nib assemblies with nibs of gold" which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous

general license provisions. This amendment shall be effective June 29, 1944, except with respect to "Nib assemblies with nibs of gold" as to which this amendment shall become effective July 5, 1944.

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

Dated: June 30, 1944.

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

[F. R. Doc. 44-9574; Filed, June 30, 1944; 10:26 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

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

PART 3270—CONTAINERS

[Limitation Order L-337]

FIBRE SHIPPING DRUM

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the material to make fibre drums 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.

§ 3270.76 *Limitation Order L-337*—(a) *Definitions.* For the purpose of this order:

(1) "Packer" means any person who uses fibre drums for commercially packing any product.

(2) "Fibre drums" means any new cylindrical shipping container in breakdown or set-up form which (i) is of the types known in the container industry as "fibre drums" and "fibre pails", (ii) is made with a body of paperboard and ends of paperboard, steel (30 gauge or heavier), wood or any combination thereof, (iii) has a capacity of one gallon or more and (iv) is of the types which, upon conforming with any applicable Consolidated Freight Classification rule [1] and Interstate Commerce Commission regulation,[2] are acceptable for shipment without covering containers. This does not include cylindrical containers, of similar construction, known in the container industry as "cans" or "tubes", but does include fibre drums which are rejects or seconds.

Restrictions

(b) *Restrictions on packing.* No packer shall pack or ship any product in a fibre drum other than those listed in Schedules A and B.

(c) *Restrictions on manufacture, sale or delivery.* No person shall manufacture, sell or deliver any fibre drums which he knows or has reason to believe will be accepted or used in violation of the terms of this order.

(d) *Restrictions on inner containers.* No packer shall accept delivery of or use any fibre drums for packing or shipping products already packaged in an inner container. This restriction does not apply to primary protective packing used as a protection for food products such as a cellophane pouch or vegetable parchment.

(e) *Export restrictions.* No person shall export any empty fibre drums outside of the forty-eight states and the District of Columbia unless specifically authorized by the Foreign Economic Administration. The application for authorization shall be made by letter to the Foreign Economic Administration setting forth the product to be packed and all other pertinent facts.

(f) *Quota restrictions.* (1) No packer shall, during any calendar year, accept delivery of or use for packing any product listed in Schedule B more fibre drums than his quota for that product as shown in the Schedule. A packer's quota for any calendar year shall be the designated percentage of the quantity of a product which he packed in fibre drums in 1943.

(2) The quota restrictions of this paragraph shall become effective July 1, 1944. A packer's quota for the second half of 1944 shall be computed as follows: He takes the quantity of the product that he packed in fibre drums in the corresponding period of 1943 and multiplies this by the designated quota percentage for that product.

(g) *Inventory restrictions.* No packer shall, at any time, accept delivery of fibre drums which will increase his total inventory of that type or size of drum to more than his requirements for the following sixty day period.

Authorizations

(h) *Authorizations.* The War Production Board may authorize persons to pack products, other than those listed in the Schedules, in fibre drums. Application for such authorization shall be made by letter to the War Production Board and such applications will be considered only on the basis of the essential need for, and the supply of, new fibre drums, and the availability of used drums or substitute containers.

General Exceptions

(i) *Fibre drums for certain Government Agencies.* The restrictions of this order shall not apply (1) to the manufacture of fibre drums manufactured to meet the packaging specifications of, and for delivery to or for the account of, the government agencies listed below or (2) to the purchase, acceptance, use, or export of fibre drums by those agencies: The Army, Navy, Maritime Commission, United States Post Office, Federal Reserve System, United States Treasury Department (only for Lend-Lease requirements and for coin, currency, and securities requirements), War Shipping Administration, United Nations Rehabilitation and Relief Administration, or any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

Miscellaneous Provisions

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C. Ref.: L-337.

(k) *Reports.* Any person affected by this order shall file such reports and questionaires as the War Production Board may request from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(l) *Appeals.* Appeals from this order shall be filed by addressing a letter to the War Production Board, Containers Division, Washington 25, D. C. Ref.: L-337.

The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

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

(n) *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, materials under priority control and may be deprived of priorities assistance.

Issued this 29th day of June 1944.

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

SCHEDULE A

I. *Chemical products:*
1. Abrasives — finishing compounds — graphite—optical emery.
2. Adhesives.
3. Chemicals, others:
Acetates (solid)
Acids (bulk solids)
Activated charcoal (activated carbon)
Alcohols (bulk solids)
Aluminum salts and powders
Bisulfites
Botannical essential oils
Calcined chemicals
Catalysts
Chlorinated compounds
Copper salts or oxides
Detergents—synthetic organic
Detergents—alkaline, limited to those containing silicate and/or free caustic
Disinfectants
Drugs — biologicals, pharmaceuticals and medicinals
Dry dyes
Embalming compounds
Enzyme products
Explosives
Fluorides
Insecticides and fungicides

[1] Consolidated Freight Classification No. 15, General Rule 41.

[2] Freight Tariff No. 4 (I. C. C. No. 4) Specifications 21A, 21B.

I. *Chemical products*—Continued.
8. Chemicals, others—Continued.
Intermediates
Metal flux
Metal polishes
Metallic soaps
Natural gums and waxes
Peroxygen compounds
Photographic chemicals
Pigments and colors (dry)
Pitch and tar
Plasticizers & glycols
Printing inks
Reagent chemicals
Rubber chemicals and accelerators
Salts—C. P. & U. S. P.—only
Silver salts
Synthetic resins and moulding compounds
Synthetic rubber
Textile auxiliaries
Thermoplastics
Vitamins
Dangerous chemicals for shipment in compliance with Interstate Commerce Commission regulations where a fibre drum is a permitted package.

II. *Foods:*
1. Foods (No size limitation):
Baking powder
Butter, fruit and peanut only
Cocoa
Cheese
Dehydrated fruits and vegetables
Dry malt
Dried brewers yeast
Flavoring and food colors
Frozen eggs
Frozen foods
Gelatin and dessert powders
Hydrolized vegetable protein
Jams, jellies and preserves
Meat cures and seasonings
Mince meat
Monesodium glutamate
Pectin
Powdered milk, dried whole
Spices
2. Foods (Size limitation—5 Gallons or over):
Cake mixers
Cold pack and fountain fruits
Fondants
Food extenders
Ice cream mix powder
Icings
Lard
Malted milk powder
Mold inhibitors
Pie fillings
Powdered eggs
Powdered milk, dried skim
Prepared flours
Shortening
Stabilizers
Syrups (including molasses)
Toppings

III. *Petroleum products* (Except lubricating greases as defined in M-201):
Asphalt
Petrolatum
Waxes

IV. *Miscellaneous:*
Aviation spheres
Cellophane
Cement—refractory
Clay—refractory and pigment
Cloth—sensitized
Dental supplies
Film—X-ray and commercial
Foundry facings
Glass rods and fuses (for direct military)
Grinding wheels
Insulating material wire and cable
Optical lenses—glass and quartz
Paper-drafting
Protective containers for bottles of blood plasma
Soap

Other products:
Lubricating greases (as defined in Order M-201)---------- 50

SCHEDULE B

	Quota limitation—percent of 1943
Other products—Continued.	
Paints, oil, oil or resin emulsion or oleo, resinous type including but not limited to white lead in oil colors in oil and oilstain--------	40
Paints, paste, water type, except resin or oil emulsion type (the vehicle of this type of product shall contain at least 5% of water)----	100

[F. R. Doc. 44-9568; Filed, June 29, 1944; 4:38 p. m.]

PART 3270—CONTAINERS

[Conservation Order M-313, Revocation]

FIBRE DRUMS

Section 3270.3 (Conservation Order M-313) is hereby revoked. It is being superseded by Limitation Order L-337, which will be issued simultaneously with this revocation. This revocation does not affect any liability incurred under the order.

Issued this 29th day of June 1944.

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

[F. R. Doc. 44-9562; Filed, June 29, 1944; 4:30 p. m.]

PART 3284—BUILDING MATERIALS

[General Limitation Order L-277, as Amended June 29, 1944]

ELECTRICAL WIRING DEVICES AND HEATER CORD SETS

§ 3284.31 *General Limitation Order L-277*—(a) *Definitions of "electrical wiring device and replacement heater cord set."* (1) "Electrical wiring device" means any unit of an electric circuit which does not consume electrical energy, but is used for the purpose of switching, tapping, or connecting such circuit. The term includes, but is not limited to the following:

(i) Sockets and lampholders of all types and component parts thereof;

(ii) Switches, such as: tumbler, push, rotary, snap, pull, door, pendant, cord, canopy, appliance switches; and component parts thereof;

(iii) Receptacles, such as: weatherproof, watertight, non-watertight, motor base, polarized, locking, electric range, pilot light recptacles; and component parts thereof;

(iv) Caps, plugs, connectors and taps, such as: weatherproof, watertight, non-watertight, polarized, locking and electric range plugs, current taps, attachment plugs and component parts of such caps, plugs, connectors and taps;

(v) Rosettes, adapters; and component parts thereof.

(2) "Electrical wiring devices" shall not include lighting fixtures, portable lamps, flashlights, fuses, fuse cutouts, lugs, mechanical wire connectors, knife blade switches, fluorescent starter switches, relays, push buttons, automatic control equipment, circuit breakers, cord sets, or any unit of an electric circuit designed and constructed to connect, convey or control electrical energy in excess of 60 amperes or 600 volts.

(3) "Replacement heater cord set" means any heater cord set not produced for original use in the manufacture or assembly of any new electrical appliance. "Heater cord set" means any assembly of insulated wire, an attachment plug and an appliance plug or terminals which is used to connect an electrical appliance to a source of electrical current.

(b) *Definition of "manufacturer".* "Manufacturer" means any person who produces, processes, or assembles electrical wiring devices, component parts, or heater cord sets.

(c) *Restrictions on manufacture of heater cord sets.* (1) On and after July 5, 1944 no person shall manufacture or assemble replacement heater cord sets except pursuant to an authorization issued by the War Production Board on Form GA-1850. The amount authorized will be based on the manufacturer's 1940 total production of such sets, available facilities including manpower required, and the availability of controlled materials to meet such production.

(2) All heater cord sets shall be six feet in length. The conductors shall be size No. 16 or No. 18 American Wire Gauge and shall be either type HC, type HPD, type HSJ, or the equivalent insulated copper wire. The wire shall test three thousand or more cycles in flexure.

NOTE: Paragraph (d), formerly (c), redesignated June 29, 1944.

(d) *Restrictions on sale and delivery of electrical wiring devices.* No manufacturer may ship, transfer, sell or otherwise dispose of an electrical wiring device except on an order bearing a preference rating of AA-5 or higher.

(e) *Restrictions on sale and delivery of replacement heater cord sets.* On or after July 5, 1944, no manufacturer may ship, transfer, sell or otherwise dispose of replacement heater cord sets except on an order bearing a preference rating of AA-5 or higher.

NOTE: Paragraphs (f), (g), (h) and (i), formerly (d), (e), (f) and (g), redesignated June 29, 1944.

(f) *Violations and false statements.* Any person who wilfully violates any provisions 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.

(g) *Appeals.* Any appeal from the provisions of this order shall 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.

(h) *Applicability of regulations.* This order and all transactions affected by

it are subject to all present and future regulations of the War Production Board.

(i) *Communications.* Reports and other communications concerning this order shall be addressed to: War Production Board, Building Materials Division, Washington, 25, D. C., Ref: L–277.

Issued this 29th day of June 1944.

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

[F. R. Doc. 44–9563; Filed, June 29, 1944; 4:30 p. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L–65, as Amended June 29, 1944]

ELECTRICAL APPLIANCES

§ 3291.311 *General Limitation Order L–65—(a) Definitions.* For the purposes of this order:

(1) "Electrical appliances" means only those appliances listed on Schedule A of this order which have as functional parts, electrical heating units (of any wattage), or which are powered by an electrical vibrator or electrical fractional horsepower motor.

(2) "Heating unit" means any electric heating unit designed primarily for use in an electrical appliance or in a domestic type electric range.

(3) "Electrical resistance material" means material in the form of ribbon or wire to be incorporated in heating units, in which either nickel or chromium or both, are used to create electrical resistance for the development of heat.

(4) "Manufacturer" means any person engaged in the business of manufacturing or assembling any heating units, electrical appliances or parts for such appliances, including a person who assembles parts of an electrical appliance for sale in knock-down form.

(5) "Distributor" means any person engaged in the business of transferring heating units, electrical appliances or parts for such appliances to his retail outlets or to other dealers.

(6) "Dealer" means any person engaged in the business of transferring or repairing heating units, electrical appliances or parts for such appliances to or for ultimate consumers.

Any person who acts in more than the single capacity of manufacturer, distributor or dealer as defined in paragraphs (a) (4), (a) (5) and (a) (6) of this order shall for the purposes of this order be deemed a manufacturer, distributor or dealer, depending upon the capacity in which he acts in each specific transaction.

(7) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(8) "Repair or replacement part" means any heating unit for a domestic electric range or any heating unit or other part (except cord sets) for an electrical appliance when such heating unit or part is not produced for use in the manufacture or assembly of any new electrical appliance or new domestic electric range. This order does not control the production or delivery of cord sets produced or delivered for use as repair or replacement parts. Such cord sets are controlled by Limitation Order L–277.

(9) "Current-carrying parts" include only the following parts: Heating units, thermostats and temperature controls, relays, lead-in and connection wires, switches, terminals, fuses, receptacles and parts of motors which conduct electric current, but shall not include cord sets.

(b) *General restrictions on production.* (1) On and after June 17, 1943, no manufacturer shall produce any new electrical appliance (or parts therefor) other than repair or replacement parts, except:

(i) The following new electrical appliances (or parts therefor) may be produced in fulfillment of preferred orders: Coffee makers, flat irons, air heaters, water heaters, and commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers.

(ii) During the period beginning June 17, 1943, and ending September 30, 1943, inclusive, and during each three months period thereafter, a manufacturer may produce for other than preferred orders as specified in paragraph (b) (1) (i) above, no more units of any of the following types of new electrical appliance (or parts therefor) than 10% of the number of units of that particular electrical appliance (or parts therefor) produced by him during 1940: Commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers; *Provided,* that no manufacturer shall produce any units of any type of new electrical appliance (or parts therefor) listed in this paragraph (ii) if such production will result in an accumulation of inventory of that particular type of new electrical appliance (or parts therefor) greater than 15% of the number of units of that particular electrical appliance (or parts therefor) produced by him during 1940.

(2) On and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of any new electrical appliances, or parts therefor (whether or not in fulfillment of preferred orders) specified in paragraph (b) (1) of this order, except for such minimum amounts as are necessary for the conduction of electric current or essential to the proper functioning of parts.

(c) *Restrictions on transfer of new electrical appliances.* On and after June 17, 1943, no manufacturer shall transfer the physical possession of or title to any new electrical appliance manufactured after that date, except

(1) In fulfillment of preferred orders.

(2) Pursuant to specific authorization of the War Production Board on Form WPB–1319 pursuant to an application filed on said Form. Form WPB–1319 should be filed with the nearest field office of the War Production Board for all orders except for export, and with the Foreign Economic Administration, Washington 25, D. C. for export orders.

(d) *Repair or replacement parts.* (1) Except in fulfillment of preferred orders, on and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of any repair or replacement parts, other than the specific parts listed on the following table, or any part thereof:

NOTE: "Flatirons" and "Water heaters" deleted June 29, 1944.

Type of equipment	*Repair or replacement parts for which copper or copper base alloys are permitted*
Air heaters	Current-carrying parts.
Commercial permanent wave equipment and commercial hair driers.	Current-carrying parts, other than copper or copper base alloy disposable grids for permanent wave equipment.
Commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers.	Current-carrying parts and motor bearings where the use of other material is impracticable.
Heating units for domestic electric ranges	Current-carrying parts.
Hotplates and disc stoves	Current-carrying parts.
Roasters	Current-carrying parts.

(2) On and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of repair and replacement parts in fulfillment of preferred orders, except for such minimum amounts necessary for the conduction of electric current or essential to the proper functioning of parts.

(3) [Deleted June 29, 1944.]

(4) On and after June 17, 1943, no manufacturer shall produce any repair or replacement parts if he has, or as a result of such production will have, more parts of such type in his inventory than the number of parts of such type which he sold during the preceding six calendar months.

(5) Except in fulfillment of preferred orders, on and after June 17, 1943, no manufacturer or distributor shall transfer any repair or replacement parts unless a similar used part has been delivered to him in exchange therefor, or unless he has been informed that a similar used part is being held or will be secured by the dealer or distributor to whom the new part is being transferred, or has been disposed of in accordance with this paragraph. The used parts shall be held subject to disposition at the direction of the manufacturer or distributor who transferred the new part. If no such direction is given within 60 days, the person holding the used part shall promptly dispose of it through regular scrap channels.

(e) *Restriction on use or transfer of electrical resistance material.* On and after June 17, 1943, no manufacturer shall use in the production of heating units or transfer for any purpose whatsoever, any electrical resistance material except pursuant to specific authorization of the War Production Board on Form WPB–1319. Application on that form should be filed with the War Production Board, Washington 25, D. C., Ref.: L–65.

(1) [Deleted Feb. 19, 1944]

(2) [Deleted Feb. 19, 1944]

(f) *Inventory restrictions.* No manufacturer shall accumulate for use in the manufacture of electrical appliances, heating units, or repair or replacement parts, any inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production as permitted by this order.

(g) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of electrical appliances, heating units, or repair or replacement parts to a greater extent than the limits imposed by this order, the provisions of such other order shall govern unless otherwise specified therein.

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

(i) *Reports.* Every manufacturer affected by this order shall execute and file Form WPB–1600 (formerly PD–655) with the War Production Board, Washington 25, D. C., Ref.: L–65, on or before the 10th day following the close of each calendar month.

(j) *Appeals.* Any appeal from the provisions of this order should be made on Form WPB–1477 (formerly PD–500).

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

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L–65.

Issued this 29th day of June 1944.

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

SCHEDULE A

NOTE: "Flat Irons" and "Water Heaters" deleted June 29, 1944.

The following is the list of electrical appliances specified in paragraph (a) (1) of this order:

Air Heaters (except as covered by L–107 and L–158)
Aquarium Heaters
Baking Ovens
Barbecue Machines
Biscuit and Muffin Bakers
Blankets
Bottle Warmers
*Bread Slicers (except as covered by L–83)
Bread Toasters (except as covered by L–182)
Broilers
Casseroles
Chafing Dishes
Choppers, food and meat
Cigar and Cigarette Lighters
Clothes Driers
Coffee Makers
Coffee Mills
Coffee Roasters
Commercial Cooking and Food and Plate Warming Equipment
Corn Poppers
Curling Irons
*Dishwashing Equipment (domestic)
Double Boilers
Doughnut Cookers
Dry Shavers
Egg Boilers
Face and Hand Driers
Fan Type Heaters (except as covered by L–107 and L–158)
Faucet Heaters
Fly Screens and Traps
Fireplaces
Food Choppers and Slicers
Food Conveyance Equipment
Food Cooking Equipment
Food Grinders
*Food Mixers
*Food Preparation Machinery
Food Servers
Fry Kettles
Griddles
Grills
Hair Clippers
Hair Driers
Heating Pads
Hedge Clippers
Hotplates and Disc Stoves
Ice Cream Freezers, Domestic
**Immersion Heaters
*Juice Extractors
Knife Sharpeners and Grinders
Massage Vibrators
*Meat, Fish and Bone Cutters
Neckwear and Trousers Pressers
Ovens (except as covered by L–182)
Peanut Roasters
Percolators
Permanent Wave Equipment
Popcorn Machinery
Portable Air Heaters
Pyrographic Pencils
Radiant Heaters
Ranges, Commercial (except as covered by L–182)
Roasters
Roasting Ovens
Sandwich Toasters
Soup Cookers
Steak and Meat Tenderizing Equipment
Steam Tables
**Steamers
Stock Pots
**Strip Heaters
Table Stoves
Tea Kettles
**Unit Heaters
Urns
Vibrators
**Vane Heaters
Waffle Irons

*Only those using a fractional horsepower motor.

** Except for industrial applications.

[F. R. Doc. 44–9564; Filed, June 29, 1944; 4:30 p. m.]

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

[Priorities Reg. 1, as Amended June 30, 1944]

Sec.

§ 944.1 *Purpose and scope of this regulation; definitions.* This regulation states the basic rules of the War Production Board which apply to all business transactions unless they are covered by more specific regulations or orders of the War Production Board which are inconsistent with this regulation. It includes transactions which are not subject to priority control in any other way than by this regulation. The following definitions apply for purposes of this regulation and any other regulation or order of the War Production Board, unless otherwise indicated.

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

(b) "Defense order" means:

(1) Any contract or purchase order for material to be delivered to, or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company.

(For status of Panama Canal and Coast Guard in general see Interpretation 1 e.)

(2) Any contract or purchase order placed by any agency of the United States Government for material to be delivered under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) Any contract or purchase order for material which is to be ultimately delivered to the government of any country whose defense the President deems

vital to the defense of the United States pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(c) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

§ 944.1a *Certain defense orders rated AA–5.* Every defense order placed after March 18, 1944, for any material which has not been specifically assigned a higher preference rating is hereby assigned a rating of AA–5.

§ 944.1b *Specific authorizations rated AA–5.* When a War Production Board order or regulation with respect to a particular material requires specific authorization for the placing of a purchase order or for delivery or acceptance of delivery, every purchase order for delivery of that material which is specifically authorized pursuant to the order is rated AA–5 unless it is otherwise assigned a higher rating. This does not apply to materials for which ratings may not be used (such as those on List A of Priorities Regulation 3), or materials for which only certain specified ratings may be used (such as those on Schedule A of M–328).

§ 944.2 *Rules for acceptance and rejection of rated orders.* Every order bearing a preference rating must be accepted and filled regardless of existing contracts and orders except in the following cases:

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery on equal or higher rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the War Production Board has directed him to fill for that material or for a product which he makes out of it.

(b) A person must not accept a rated order (except an AAA) for delivery on a date which can be met only by using material which was specifically produced for delivery on another rated order, and which is completed or is in production and scheduled for completion within 15 days.

(c) If a person, when receiving a rated order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a low rated order just because he expects to receive conflicting higher rated orders in the future, nor because he would for any reason prefer to have higher ratings.

(d) If a person receives a rated order which is not required by § 944.8 to bear a specific delivery date and which he cannot fill promptly, he must accept it as long as he expects to be able to fill it within a reasonable time, unless he makes a consistent practice of not carrying a backlog and rejecting orders which cannot be promptly filled. He may treat different classes of customers differently in this respect, but only if there is a reasonable basis for the distinction. For example, he may make a regular practice of rejecting unfillable orders from all retailers but holding for backlog orders from all industrial customers.

(e) A rated order need not be (but may be) accepted in the following cases, but there must be no discrimination in such case against rated orders, or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. (When a person who has a rating asks a supplier to quote his regularly established prices and terms of sale or payment, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and knows that he will not do so if he receives it.)

(For status of OPA ceiling prices under this section see Interpretation 2. For rule covering types of sales and types of purchasers see Interpretation 3.)

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years, except on "special sales" as permitted on Priorities Regulation 13. If he has, but the rated order would take more than the excess over his own needs, he may not reject the rated order unless filling it would interfere with equal or higher rated orders already on hand, or orders which the War Production Board has directed him to fill, for the material or for a product which he makes out of it.

(4) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(f) Any person who fails or refuses to accept an order bearing a preference rating shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(For types of contracts which must be deferred see Interpretation 1b. For rule as to use of facilities of controlled materials producers see Interpretation 4.)

(g) Some orders of the War Production Board provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order of the War Production Board. In addition, the War Production Board may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this § 944.2, except that he may insist upon compliance with regularly established prices and terms of payment.

§ 944.3 *Report to War Production Board of improperly rejected orders.* When a rated order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the War Production Board, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

§ 944.4 *Assignment of preference ratings.* Preference ratings may be assigned to contracts, orders or deliveries by means of preference rating certificates, or by rules, regulations or orders of the War Production Board assigning ratings to particular orders or deliveries or to specified classes of orders or deliveries. Such ratings may be assigned to accepted contracts or orders, and also to orders which have not been placed or accepted at the time the rating is applied for. Ratings are also assigned by certain governmental agencies, authorized by the War Production Board, to their own purchase orders or contracts. In some cases the War Production Board will raise or lower ratings already assigned and in that event the rules of Priorities Regulation 12 (§ 944.33) apply. Specific orders may also be issued as to particular deliveries or as to the use of particular facilities, without assigning ratings thereto.

§ 944.4a *Cancellation of preference ratings.* If a preference rating which has been assigned to a named individual is revoked, he must immediately, in the case of each order to which he has applied the rating, either cancel the order or inform his supplier that it is no longer to be treated as rated. If a regulation or order of the War Production Board which assigns a rating to a class or group of persons without naming them individually is revoked after March 18, 1944, they may not apply the rating to orders placed after the revocation. Orders to which they have already applied the rating for delivery within three months after the revocation remain validly rated, but, in the case of each order which they have placed for delivery after three months from that date, they must either cancel the order or withdraw the rating. If any person receives notice from his customer that the customer's order is no longer rated or that the customer's order is cancelled, he must immediately withdraw any extensions of the rating which he has made to orders placed by him. The War Production Board may specify different rules for the treatment of outstanding ratings at the time it revokes them.

(For the rules about transferring preference ratings when contracts are assigned, see Interpretation 5.)

§ 944.5 *Sequence of preference ratings.* Preference ratings in order of precedence are: AAA, AA–1, AA–2, AA–2X, AA–3, etc.; A–1–a, A–1–b, etc.; A–2, A–3, etc.; B–1, B–2, etc. The letter "X" after a numeral indicates that such rating is inferior to the rating of the same numeral and superior to the rating of the next numeral. (For example, AA–2X is inferior to AA–2 and superior to AA–3.) The War Production Board, after March 18, 1944, will not assign ratings below AA–5 but any such ratings which were assigned before that date may be applied or extended.

§ 944.6 *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any order, or as to whether a particular order is a defense order, the matter is to be referred to the War Production Board for determination, with a statement of all pertinent facts.

§ 944.7 *Sequence of filling rated orders.* (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date (determined as explained in § 944.8). If this is not possible for any reason, he must give precedence to higher over lower rated orders and to all rated over unrated orders. However, material specifically produced for a rated order may not be used to fill a higher rater order (except AAA) subsequently received if the material is completed or is in production and scheduled for completion within 15 days. A low rated order bearing an earlier delivery or performance date must be filled before a higher rated order bearing a later delivery or performance date if it is possible to fill both of them on the required dates.

(b) As between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. As between conflicting orders received with the same preference rating on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(c) If a rated order or the rating applicable to an order is cancelled when the supplier has material in production to fill it; he need not immediately stop to put other rated orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated order on hand. He may not, however, delay putting other rated orders into production for more than 15 days. Special rules regarding controlled materials are given in paragraph (c) (4) of CMP Regulation 2 and Interpretation 2 of that regulation.

(See Interpretation 1 c.)

§ 944.8 *Delivery or performance dates.* (a) Every rated order placed after March 18, 1944, must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an unrated order. The words "immediately" or "as soon as possible", or other words to that effect, are not sufficient for this purpose. There are four exceptions to this rule, where a rated order need not bear a required delivery or performance date as long as it is understood that delivery or performance is required as soon as practicable or customary: (1) Orders for maintenance, repair or operating supplies as identified by the symbol MRO or otherwise; (2) orders placed with or by persons who normally take physical delivery of the item ordered to hold it in stock for resale; (3) orders for not more than $100; (4) orders rated AAA.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to § 944.7, shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(c) If, after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, owing to the receipt of higher rated orders or for other reasons, he must promptly notify the customer, telling him approximately when he expects to be able to fill the order.

§ 944.9 *Report to War Production Board of improper delay of orders.* When delivery or performance of a rated order is unreasonably or improperly delayed, the customer may file a report of the relevant facts with the War Production Board, which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

§ 944.10 *Effect of other regulations and orders.* Specific allocations or other directions of the War Production Board for delivery of material or the use of facilities must be complied with regardless of ratings, unless otherwise specified. If restrictions under two or more regulations or orders of the War Production Board apply to the same subject matter, the most restrictive controls unless otherwise expressly provided. Defense orders or other rated orders are not exempt from restrictions on the amount of materials that may be made or delivered unless expressly so stated.

§ 944.11 *Material to be used for purposes for which priorities assistance granted.* (a) Any person who obtains material with priorities assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a preference rating, allocation, specific direction, CMP allotment, or any other action of the War Production Board. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The foregoing restriction does not apply to scrap normally generated in the fabrication of material, but the use and disposition of certain forms of scrap are restricted by certain other regulations and orders of the War Production Board.

(b) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priorities assistance was given (for example, when the priorities assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or purchase order is cancelled), its use or disposition shall be restricted as follows:

(1) If the holder does not regularly sell similar materials or products in the course of his business, he may sell or transfer it only as provided in Priorities Regulation 13 (§ 944.34). Also, he may use it for any purpose for which he has the necessary preference rating and if he satisfies any other conditions which would be necessary in order to buy it for use by him from someone else under that regulation;

(2) The holder may use or dispose of the material or product to fill, in accordance with this regulation, a contract or purchase order bearing a preference rating of AA–5 or higher (or a rating as high as that with which the material was obtained, if it was obtained with a rating lower than AA–5), unless either the filling of the contract or purchase order or the fabrication of the material or product to fill that type of contract or purchase order is prohibited by an order or regulation of the War Production Board.

(3) The holder may use it to fill his own needs (such as meeting his requirements for maintenance, repair or operating supplies) if he has been authorized to obtain similar materials or products for that purpose by applying or extending a preference rating of AA–5 or higher (or a rating as high as that with which the material was obtained if he obtained it with a rating lower than AA–5), *Provided*, That use of the same for that purpose is not prohibited by an order or regulation of the War Production Board;

(4) It may be redelivered to the person from whom it was obtained, if he is willing to accept redelivery; or it may be delivered to the manufacturer, if he is willing to accept it;

(5) It may be used or disposed of as scrap, unless the use or disposition is prohibited by other regulations or orders of the War Production Board; or

(6) It may be used or disposed of in any other manner specifically authorized in writing by the War Production Board. Field offices of the Board will advise persons making inquiry of the method of obtaining authorization.

(c) In any event, if a material or product is a controlled material or a Class A product obtained pursuant to an allotment under CMP Regulation 1, the holder may use or dispose of it in accordance with paragraph (u) of that regulation.

§ 944.12 *Intra-company deliveries.* When any rule, regulation or order of the War Production Board prohibits or restricts deliveries of any material by any person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(For rule as to effect of inventory and small order provisions on separate operating units of same company see Interpretation 8.)

§ 944.13 *Scope of regulations and orders.* All regulations and orders of the War Production Board (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of War Production Board orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided.

(For application of WPB regulations and orders to liquidation sales see Interpretation 1d.)

§ 944.13a *Defense against claims for damages.* No persons shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any rule, regulation or order of the War Production Board, notwithstanding that any such rule, regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

§ 944.14 *Inventory restriction.* Unless specifically authorized by the War Production Board, no person shall knowingly make delivery of any material whatever, and no person shall accept delivery thereof if the inventory of such material of the person accepting delivery, in the same or other forms, is, or will by virtue of such acceptance become, in excess of the practicable minimum working inventory reasonably necessary to meet deliveries of the products of the person accepting delivery, on the basis of his current method and rate of operation. Unless specifically authorized by the War Production Board, no person shall process, fabricate, alloy or otherwise alter the shape or form of any material if his inventory of such material in its processed, fabricated, alloyed or otherwise altered shape or form is, or will by virtue of such operation become, in excess of a practicable minimum working inventory thereof. The term "practicable minimum working inventory" is to be strictly construed. The mere fact that the rate of turnover has increased or that materials are difficult to obtain does not justify maintaining inventories above the minimum with which operations can be continued. In the calculation of the practicable minimum working inventory of any person who imports material, either directly or through an agent, deliveries of such imported material to such person may be excluded.

§ 944.14a *Restriction on delivery.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the War Production Board.

(For application of this section to seasonal industries see Interpretation 1a, and to minimum sale quantities and production runs see Interpretation 7.)

§ 944.15 *Records.* Each person participating in any transaction to which any rule, regulation or order of the War Production Board applies shall keep and preserve for a period of not less than two years accurate and complete records of his inventories of the material to which such rule, regulation or order relates and of the details of all transactions in such materials. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of defense orders and all other rated orders either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by War Production Board officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions, he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Photographic copies of records may be kept. See Interpretation 6.)

§ 944.16 *Audit and inspection.* All records required to be kept by this regulation or by any rule, regulation or order of the War Production Board shall, upon request, be submitted to audit and inspection by its duly authorized representatives.

§ 944.17 *Reports.* Every person shall execute and file with the War Production Board such reports and questionnaires as it shall from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 944.18 *Violations.* Any person who violates any provision of this regulation or any other rule, regulation or order of the War Production Board, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the War Production Board, and any person who obtains a delivery, an allocation of material or facilities, or a preference rating by means of a material and wilful, false or misleading statement, may be prohibited by the War Production Board from making or obtaining further deliveries of material or using facilities under priority or allocation control and may be deprived of further priorities assistance. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. Sec. 80), or under the Second War Powers Act (Public No. 507, 77th Congress, March 27, 1942).

§ 944.19 *Appeals for relief in exceptional cases.* Any person who considers that compliance by himself or another with a rule or regulation or order of the War Production Board would work an exceptional and unreasonable hardship on him may appeal for relief. The rules for the filing and handling of appeals are given in Priorities Regulation 16.

§ 944.20 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the War Production Board shall, as soon as practicable, notify each of his regular customers of

the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

Issued this 30th day of June 1944.

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

INTERPRETATION 1A

INVENTORIES IN SEASONAL INDUSTRIES

The question has been raised, in connection with various seasonal industries, whether a company which is engaged in such an industry and which normally stocks up inventory in advance of the season, is forbidden by the foregoing regulation from doing so.

The prohibition against accepting delivery of inventory "in excess of the practicable minimum working inventory reasonably necessary to meet deliveries of the products of the person accepting delivery, on the basis of his current method and rate of operation," does not prevent the acceptance of delivery by such person of his requirements of the inventory in question provided, (a) that such person is not guilty of hoarding, and (b) that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements. (Issued Mar. 18, 1944.)

INTERPRETATION 1B

TYPES OF EXISTING CONTRACTS WHICH MUST BE DEFERRED

Section 944.2 of Priorities Regulation 1, as amended, makes compulsory the acceptance and filling of rated orders for any material "regardless of existing contracts and orders". The "existing contracts" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced. Preference ratings are applicable to facilities as well as materials.

Examples of such "existing contracts" which must be subordinated to higher rated orders are (1) arrangements whereby a producer, regularly engaged in producing a given product for sale to others, leases a portion of his plant, or the whole of it for a relatively short period, as a going concern to one of his customers and operation is continued under the producer's management and with the producer's regular personnel; and (2) arrangements whereby such a producer, in lieu of buying raw materials and selling the product, accepts raw materials belonging to a customer for processing pursuant to a toll agreement or similar undertaking. If the deliveries to be made to such customer carry a preference rating, the sequence of deliveries as compared with deliveries to other persons placing orders with the producer is to be determined as provided in § 944.7 of Priorities Regulation No. 1. (Issued Mar. 18, 1944.)

INTERPRETATION 1C

SEQUENCE OF DELIVERIES AND PRODUCTION FOR RATED ORDERS

The provisions of § 944.7 (b) of Priorities Regulation No. 1, as amended, with respect to the sequence of deliveries bearing the same preference rating, are applicable only in cases where different deliveries bearing the same preference rating cannot be made on schedule. If material supply and available facilities permit deliveries bearing the same rating to be made on schedule, Regulation No. 1 does not have any particular effect on the sequence of production for such deliveries. Where it is necessary to choose between deliveries bearing the same preference ratings, delivery to the customer from whom the order was first received with the rating is to be preferred and production schedules must be adjusted accordingly. For example, suppose a rated order is received from one customer in January for August delivery and another order bearing the same rating is received from a second customer in June calling for July delivery. If both deliveries cannot be made on schedule, the second customer is not permitted to get the material away from the first customer. The producer must defer production on the second order to the extent necessary to make delivery on the first order on the August delivery date. If, on the other hand, both deliveries can be made on schedule, it is not necessary to produce or make delivery on the first customer's order ahead of that of the second. (Issued Mar. 18, 1944.)

INTERPRETATION 1D

APPLICATION OF ORDERS AND REGULATIONS TO SALES BY AUCTIONEERS, RECEIVERS, TRUSTEES, ETC.

The impression has arisen that orders and regulations of the War Production Board which restrict the sale, transfer or delivery of materials, products or equipment, need not be observed in the case of sales made by auctioneers, receivers, trustees in bankruptcy, and other cases where the assets of a business are being liquidated. This impression is erroneous.

All orders and regulations of the War Production Board which control the sale, transfer or delivery of any material, product or equipment, apply to sales made by any person, whether for his own account or for the account of others, and all restrictions upon accepting delivery apply to acceptance of delivery at any type of sale, except as otherwise provided in Priorities Regulation No. 13 with respect to "special sales" or as otherwise provided in any other applicable regulation or order. Any sale made in violation of any order or regulation or any delivery accepted in violation of any order or regulation, subjects parties to all penalties provided by law, including liability for prosecution under Title III of the Second War Powers Act, which specifies penalties up to $10,000 or imprisonment for one year or both. (Issued Mar. 18, 1944.)

INTERPRETATION 1E

ARMY INCLUDES PANAMA CANAL—NAVY INCLUDES COAST GUARD

(a) Section 944.1 (b) defines "defense order" to mean, among other things, any contract or purchase order for material or equipment to be delivered to or for the accounts of the Army or Navy of the United States, the Panama Canal or the Coast Guard. At the present time the Panama Canal is part of the Army and the Coast Guard is part of the Navy. Some question has arisen as to whether the specific enumeration in Priorities Regulation No. 1 of the Panama Canal and the Coast Guard means that they do not fall within general references to the Army and Navy in other regulations and orders of the War Production Board. In particular, inquiries have been made as to whether exemptive provisions in limitation and conservation orders in favor of the Army and Navy also provide exemptions for the Panama Canal and the Coast Guard when the latter are not specifically mentioned.

An exemptive or other provision applicable to the Army also applies to the Panama Canal, and a provision applicable to the Navy to the Coast Guard, unless the provision expressly states otherwise.

(b) Question has also been raised as to the status of the Office of Strategic Services under § 944.1 (b) and similar general references to the Army and Navy in other regulations and orders of the War Production Board.

The operations of the Office of Strategic Services are under the direction and supervision of the Joint Chiefs of Staff. Therefore, any provision in a regulation or order of the War Production Board which applies to both the Army and the Navy (but not a provision which applies to the Army alone or to the Navy alone) also covers the Office of Strategic Services. (Issued Mar. 18, 1944)

INTERPRETATION 2

REGULARLY ESTABLISHED PRICES AND OPA CEILING PRICES

An order bearing a preference rating may not be rejected on the ground that the price is below the regularly established price, if the purchaser offers the OPA ceiling price.

Section 944.2 of Priorities Regulation 1 makes the acceptance of rated orders mandatory except in the several situations specified in the section. The only exception dealing with price is contained in paragraph (e) (1) which states that a rated order need not be accepted "if the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment".

"Regularly established prices" cannot be higher than OPA ceiling prices. They may, however, be lower. (Issued Mar. 18, 1944.)

INTERPRETATION 3

REJECTION OF RATED ORDERS FOR FAILURE TO MEET ESTABLISHED PRICES AND TERMS

(a) Section 944.2 of Priorities Regulation 1 states that every order bearing a preference rating must be accepted and filled with certain exceptions listed in the section. One exception is where a buyer does not "meet regularly established prices and terms of sale or payment". This exception applies to a seller who receives a rated order for quantities which are less than the minimum which he regularly sells. For example, a manufacturer who has been selling only in carload lots may reject a rated order for a less than carload lot.

This exception applies similarly to a person who regularly sells only in multiples of a specified quantity and receives a rated order for a number which is not a multiple of that quantity. For example, a manufacturer who regularly sells his product only in standard shipping packages containing one dozen receives a rated order for 40. He may fill the whole order or he may fill it to the extent of 36 and reject it for 4.

A further problem arises when a manufacturer receives such an order with split ratings. For example, suppose the manufacturer who sells his product only in standard shipping packages of a dozen receives an order for 30 rated AA–4 and 20 rated AA–5. In such a case the general rule is that amounts in excess of a multiple of the standard shipping package ordered at higher ratings may be included with amounts ordered at lower ratings if the manufacturer wishes to adhere to his standard shipping package and not fill the order as received. He may then, in the case supposed, treat the order as one for 24 items rated AA–4 and 24 rated AA–5 and reject it for 2 of the items. Of course, he may fill the order as placed if he prefers to do so; but, if he does not he must fill it as illustrated above.

(b) The exception also applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels.

(c) It should be noted that paragraph (e) of § 944.2 in which the above exception appears includes the requirement that "there must be no discrimination in such case against rated orders, or between rated orders of different customers." This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders

from other customers. However, if a manufacturer or wholesaler has an exclusive distributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly. (Issued Mar. 18, 1944.)

INTERPRETATION 4

ACCEPTANCE OF RATED ORDERS FOR USE OF FACILITIES BY CONTROLLED MATERIALS PRODUCERS

Section 944.2 of Priorities Regulation No. 1 provides for the compulsory acceptance of defense and other preference rated orders for the use of facilities, and § 944.7 provides for the sequence of deliveries on such orders. With respect to all such orders placed with a producer of controlled materials, the provisions of these sections are applicable only to the extent that they do not interfere with the acceptance, production, and delivery of orders which he is permitted to fill under paragraph (t) (3) of CMP Regulation No. 1. (Issued Mar. 18, 1944.)

INTERPRETATION 5

EFFECT OF ASSIGNMENT OF A RATED ORDER OR CONTRACT ON SEQUENCE OF DELIVERY

When a rated contract is assigned, the rating remains applicable to the contract as assigned if, but only if, the assignee uses the material covered by the contract for substantially the same purpose for which the rated contract was placed.

Examples. (1) The Navy places a rated order with A and A extends the rating to B. Later the Navy and A cancel the contract and the Navy enters into a new contract with C for delivery of the same product at the same time and applies the same rating to it. A assigns to C his contract with B. The rating which A had extended to B remains valid as of the time it was extended by A, and B must honor it in making delivery to C.

(2) A steel mill places an order for a repair part rated AA-1 under CMP Regulation No. 5. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a AA-1 rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The War Production Board assigns a rating on a PD-1A certificate to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer. The rating does not apply to the delivery to the second producer since it was assigned by the War Production Board only for the purpose of filling a specific need shown by the first textile producer. (Issued July 24, 1943.)

INTERPRETATION 6

MICROFILM RECORDS

Records required to be kept by § 944.15 of Priorities Regulation No. 1 or by any other order or regulation of the War Production Board may be kept in the form of microfilm or other photographic copies instead of the originals. (Issued Aug. 14, 1943.)

INTERPRETATION 7, AS AMENDED APR. 14, 1944

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

(a) *Applicable provisions of the regulations.* Section 944.14 of Priorities Regulation No. 1 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory reasonably necessary" for him to make his own deliveries. A similar provision in paragraph (b) (2) of Priorities Regulation No. 3 says that a customer who is applying a rating for which no specific quantities have been authorized may use it only to get the "minimum required amounts".

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation No. 1 or his "minimum required amounts" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive (and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells, as explained in Interpretation 3 of Priorities Regulation No. 1. This means that if he regularly sells not less than a certain minimum production run, he does not have to accept orders which either total less than the run or which call for individual deliveries of less than the run.

(c) *Relief in exceptional cases.* If the conditions stated in paragraph (b) above cannot be satisfied but the customer wants to order or accept delivery of more than his actual needs at the time of delivery, he should apply to the Redistribution Division of the War Production Board for permission, stating the facts and why it is not practicable to satisfy the conditions of paragraph (b).

(d) *Special provisions for controlled materials and Class A products.* This interpretation does not apply to deliveries of controlled materials under the Controlled Materials Plan. Rules regarding deliveries of controlled materials are given in CMP Regulation No. 2, and additional rules for Class A products are explained in Interpretation 9 to CMP Regulation No. 1.

(e) *Specific limits on ratings may not be exceeded.* This interpretation does not apply to the use of a rating where a specific quantity is stated in the instrument assigning the rating. If a person is assigned a rating for a specific amount of material, he may not use it to get more. If he finds that he can only get the material in larger quantities, he should apply for a modification of the rating.

(f) *No effect on contractual rights.* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified times in specified amounts. For example, if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months, this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b). (Issued Apr. 14, 1944.)

INTERPRETATION 8

EFFECT OF INVENTORY AND SMALL ORDER PROVISIONS ON SEPARATE OPERATING UNITS OF THE SAME COMPANY

(a) If an individual plant, branch store, division or other operating unit normally keeps separate inventory from the rest of the corporation or firm, inventory restrictions in WPB orders and regulations apply to it separately. Thus, although another unit may have exceeded an inventory limit, this does not prevent a unit which has not exceeded it from acquiring additional inventory within the limit.

(b) Likewise, if an order of the War Production Board provides an exemption for small purchases, an operating unit which normally buys separately need not consider purchases made by other units in determining whether it comes within the exemption.

(c) It may happen that the same operating unit will be treated separately for purposes of inventory restrictions but not for purposes of small order exemptions. For example, if a distributor purchases centrally for direct shipment to several outlets which keep separate inventories, the outlets are treated separately for purposes of inventory restrictions but the central purchasing agency must include all its purchases in determining whether a transaction comes within a small order exemption.

(d) This interpretation applies only in cases where a contrary rule is not expressly stated in the applicable War Production Board order or regulation. Also it only applies where the regular business practice of the unit in question is to keep a separate inventory or to buy separately. It does not apply if the regular practice has been changed just for the purpose of coming within this interpretation. (Issued Nov. 22, 1944)

INTERPRETATION 9: Revoked Mar. 18, 1944.

[F. R. Doc. 44-9589: Filed, June 30, 1944; 11:46 a. m.]

PART 1001—TIN

[General Preference Order M-43, as Amended June 30, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin 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:

§ 1001.1 *General Preference Order M-43*—(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) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to January 10, 1944, or pursuant to a contract supported by an allotment symbol or a preference rating. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the use of tin in the production of any item or article, the limitations of such other order shall be observed.

(c) *Definitions.* For the purposes of this order:

(1) "Tin" means and includes both pig tin and secondary tin.

(2) "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, small bars, and ingots) produced from ores, residues or scrap.

(3) "Secondary tin" means any material (except tin plate and terne plate as those terms are defined in Supplementary Order M-21-e) which contains less than 98% but not less than 1.5% by weight of the element tin.

(4) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any way, but does not include the processing of tin ore, concentrates, residues or scrap into metallic tin.

(5) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with, or available for the use of such person.

(6) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) "Base period" means the corresponding calendar quarter of 1940.

(8) "Distributor" means any person regularly engaged in the business of buying and selling tin, and includes warehousemen and jobbers.

(d) *General restrictions on use of tin.* (1) No product or article or part thereof shall be manufactured of pig tin if it is possible to use secondary tin for such purpose.

(2) No tin in any form shall be used in the manufacture of any item or in any process appearing on List A of this order; nor shall tin be used for any purpose except to manufacture the items or for the purposes listed in Schedule I, II, III or IV of this order, and then, only within the limitations and restrictions specified in Schedule I, II, III or IV with respect to such item or purpose.

(e) *Restrictions on the use of certain tin products.* Except with the specific permission in writing of the War Production Board granted pursuant to appeal under paragraph (k) no person shall use any of the tin-bearing products on List B of this order in the manufacture or treating of any other product or article; *Provided*, That when any such tin-bearing product is listed in Schedule I, II, III or IV it may be used for the purposes for which it is permitted to be manufactured as specified in Schedule I, II, III or IV.

(f) *Restrictions on deliveries.* (1) No person shall deliver or accept delivery of pig tin without the specific authorization in writing of the War Production Board; *Provided, however*, That in the absence of a contrary direction by the War Production Board, pig tin may be delivered without specific authorization:

(i) To the Metals Reserve Company or to any other corporation organized under section 5(d) of the Reconstruction Finance Corporation Act as amended (15 U. S. C., sec. 606 (b)), or to any duly authorized agent of any such corporation.

(ii) By any distributor in lots of three long tons or less up to but not exceeding a total of five long tons to any one customer in the same calendar month; *Provided*, That the aggregate of such deliveries which any person may receive from all distributors pursuant to the authority of this paragraph shall in no event exceed five long tons in any calendar month; and provided further, that any person seeking such a delivery shall, at the time of placing his purchase order, file with the distributor a statement substantially in the following form, signed manually or as provided in Priorities Regulation No. 7 by an official duly authorized for such purpose:

The undersigned hereby certifies:

(a) That no allocation of pig tin has been made to the undersigned by the War Production Board during the calendar month in which delivery of the pig tin covered by the accompanying purchase order is specified;

(b) That such pig tin if delivered will not cause the undersigned's total receipts of pig tin from all distributors during the same calendar month pursuant to the authorization of paragraph (f) of General Preference Order M-43, as amended, to exceed five long tons; and

(c) That such pig tin will not be used or disposed of by the undersigned in violation of any order or regulation of the War Production Board.

_____
(Name of purchaser)

By_____
(Duly authorized official)

(2) On or before the 10th day of each calendar month, each distributor shall report to the War Production Board in such form and detail as said Board may from time to time prescribe, (subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942) his transactions in all pig tin during the previous month.

(g) *Allocations.* The War Production Board will from time to time allocate the supply of pig tin, including all pig tin released by the Metals Reserve Company, and issue specific directions as to the source, destination, and the amount of pig tin to be delivered or acquired. The War Production Board may also specifically direct the purposes and end products for which any person may convert, process or fabricate pig tin allocated to him.

(h) *Applications for, and reports of pig tin.* Application for allocations of pig tin or for specific authorization to accept delivery thereof under paragraph (f) shall be made to the War Production Board not later than the 20th day of the month next preceding the month in which delivery is desired, on Form WPB-412 or such other form as the War Production Board may from time to time prescribe. Any person who on the first day of a calendar month has in his possession or under his control two long tons or more of pig tin or who used during the preceding calendar month, 3,000 pounds or more of pig tin, shall, not later than the 20th day of such month, report to the War Production Board on Form WPB-412 in accordance with the instructions accompanying such form, regardless of whether or not he seeks an allocation of pig tin or specific authorization to accept delivery thereof during the next succeeding month.

(i) *Prohibitions against sales or deliveries with knowledge of intended misuse.* Notwithstanding the authorization by the War Production Board of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe such statement to be false, and any such statement shall constitute on the part of the person making the same, a representation to the War Production Board within the meaning of section 35 (A) of the United States Criminal Code, 18 U. S. C. Sec. 80.

(j) *Limitation on inventories.* No person shall receive delivery of tin, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this order. In the absence of special permission to acquire or hold a greater supply of pig tin, forty-five days' inventory of such tin shall, for the purpose of this order, be deemed a practicable working inventory for any person except a manufacturer of tin plate as tin plate is defined in Supplementary Order M-21-e, as from time to time amended. Application for such special permission shall be made by letter to the War Production Board setting forth fully the facts upon which the applicant relies.

(k) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds of the appeal. Appeals, reports and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Tin and Lead Division, Washington 25, D. C., reference: M-43.

(l) *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 30th day of June 1944.

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

LIST A

Pursuant to the foregoing order, the use of tin in any form, including semi-finished and finished products, in the manufacture of the items and for the purposes listed below is prohibited:

1. Advertising specialties.

2. Art objects.
3. Automobile body solder, or any similar material commonly used as a filler or smoother for automobile or truck bodies or fenders except as permitted in Schedule II, paragraph (8) (a).
4. Band and other musical instruments (except as permitted in Schedule I under the item "pipe organs", paragraph 11).
5. Britannia metal, pewter metal or other similar tin bearing alloy.
6. Broom wire.
7. Buckles.
8. Buttons.
9. Chimes and bells.
10. Emblems and insignia.
11. Fasteners: eyelets, spiral binders, office and industrial staples, book match clips, paper clips, slide fasteners, dress hooks.
12. Foil (except as permitted in Schedule I under the item "foil", paragraph 4).
13. Zinc galvanizing.
14. Household furnishings and equipment.
15. Jewelry.
16. Kitchen equipment (including cutlery and tableware), except as permitted in Schedule I, paragraphs 6 and 15.
17. Novelties, souvenirs and trophies.
18. Ornaments and ornamental fittings
19. Plating or coating for decorative purposes.
20. Powder (decorative).
21. Refrigerator trays and shelves.
22. Seals and labels.
23. Slot, game and vending machines.
24. Coated paper.
25. Tin oxide and other tin chemicals (except as permitted in Schedule I, paragraph 18).
26. Toys and games.

LIST B

The following tin-bearing products shall not be used in the manufacture or treating of any other products except in accordance with the provisions of paragraph (e) of the foregoing order:

1. Automobile body solder or any similar material containing tin, commonly used as a filler or smoother for automobile or truck bodies or fenders.
2. Tin oxide and other tin chemicals (except as permitted in Schedule I, paragraph 18).
3. Solder containing more than 30% tin by weight.
4. Babbitt metal or similar alloys used as babbitt containing more than 12% by weight of tin.
5. Britannia metal, pewter metal or other similar tin-bearing alloy.
6. Foil containing more than 1% tin by weight.
7. Copper-base alloy containing more than 2% tin by weight.

SCHEDULES

Pursuant to the foregoing order, tin may be used only in the production of the items and for the purposes set forth in these Schedules, subject to any limitations, restrictions or conditions specified with respect to any such items or purpose and then, only to the extent that substitution of either a less critical material or one of lesser tin content is impracticable.

The conditions, restrictions and limitations set forth in these Schedules with respect to any listed item or purpose shall apply to the manufacture of "Implements of War" produced for the Army or Navy of the United States, U. S. Maritime Commission or the War Shipping Administration, except where the use of tin in the grade and to the extent employed is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the same are being produced.

SCHEDULE I—MISCELLANEOUS

1. *Detonators and blasting caps (including electric blasting caps).* This item includes all necessary parts and accessories but is limited to detonators and blasting caps which are to be used in mining, quarrying, or oil drilling operations. Necessary materials to be incorporated in such detonators or blasting caps shall be exempt from the limitations, conditions and restrictions specified in this schedule with respect to any such material.

2. *Tin plate, terne plate, and terne metal.* Tin plate, terne plate and terne metal, as respectively defined in Supplementary Order M-21-e, as from time to time amended, may be manufactured as permitted under the provisions of said supplementary order. Terne metal, however, may be manufactured from secondary tin only.

3. *Collapsible tubes.* The use of tin in the manufacture of collapsible tubes is permitted subject to the limitations and restrictions of Conservation Order M-115, as amended from time to time.

4. *Foil.* In the manufacture of foil the tin content shall be limited as follows, according to the purposes for which it is to be used:

(i) Electrotypers' foil—not more than 16% tin by weight.

(ii) Dental foil—not more than 30% tin by weight.

(iii) Foil to be used in condensers—not more than 4½% tin by weight.

(iv) Soft babbit foil for the preparation of industrial metallic packing—not more than 1.5% tin by weight.

(v) Foil to be used in aircraft magnetos—not more than 50% tin by weight.

The quantity of tin which any person may use in the manufacture of foil during any calendar quarter shall be limited to 25% of the quantity used by him in the manufacture of foil during the base period.

5. *Dairy equipment.* Tin may be used to coat fluid milk shipping containers which are manufactured within the restrictions and in accordance with the provisions of Conservation Order M-200. Tin may be used to manufacture dairy equipment other than such fluid milk shipping containers, but the total quantity used by any person in the manufacture of such other dairy equipment during any calendar quarter, shall be limited to the quantity used by him for such purposes during the base period. Any dairy equipment may be retinned, *Provided only,* That the amount of tin which any retinner may use during any calendar quarter, for the retinning of dairy equipment, shall be limited to 150% of the quantity used by him for such purposes during the base period.

6. *Kitchen, galley and mess equipment* for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Forest Service of the United States Department of Agriculture. Tin may be used to coat the foregoing equipment excluding flat ware, to the extent required by the applicable specifications of the service or agency to which such equipment is to be delivered.

7. *Wire—Coating.* Tin or tin alloys may be prepared and used for coating wire only as follows and then, only when specified:

(a) *For copper wire.* There shall be no limitation upon the tin content of the coating alloy when the copper wire to be coated therewith is of a size of .0320" nominal diameter or finer. If the wire to be coated is of size larger than .0320" nominal diameter, the tin content of the coating alloy shall be limited to 12% tin by weight.

(b) *For steel wire.* (i) To be used as armature binding wire.

(ii) To be used in the manufacture of equipment for the production of textiles.

(iii) To be used in the packaging or marking of meat where the wire comes into actual contact with the meat.

(iv) In the liquor finishing process of fine steel bright wire.

8. *Foundry chaplets—Coating.* Alloys containing not more than 5% of tin by weight may be manufactured and used for coating foundry chaplets. Tin in no other form may be used for such coating, except as permitted under Supplementary Order M-21-e, as amended.

9. *Printing plates and type metal* for use by the printing, publishing and related service industries. Secondary tin only may be used in the manufacture of such plates and type metal. The quantity of secondary tin which any person may use in the manufacture of such plates and type metal during any calendar quarter, shall be limited to 75% of the quantity of tin used by him for such purposes during the base period.

10. *Dental amalgam alloys.* Tin may be used in the manufacture of dental amalgam alloys but the tin content of any such alloy shall be limited to 30% tin by weight.

11. *Pipe organs for religious and educational institutions.* Tin may be used only in the repair and maintenance of such organs and only where and to the extent that the substitution of a less critical material is impossible.

12. *Bolster metal* for use in the manufacture of cutlery and surgical instruments for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration. The tin content of such bolster metal shall not exceed 10% by weight and shall be derived from secondary tin only.

13. *Fusible alloys and dry pipe valve seat rings.* Tin may be used in the manufacture of fusible alloys and dry pipe valve seat rings to the extent required to meet performance specifications with respect to the operation of the product in which such alloy is to be contained.

14. *Lead-base alloys for coating sheet, tube or wire.* Lead-base alloys containing tin may be manufactured and used to coat steel sheet, steel tubes or steel wire provided the tin content of any such alloy does not exceed 2.5% by weight and is not derived from pig tin.

15. *Equipment for preparing and handling food.* In addition to the purposes specified in item (5) of this schedule with respect to dairy products, tin may be used in the manufacture or repair of the following types of equipment, but only to the extent herein indicated:

(i) To coat or to retin articles of equipment used in the processing or handling of meat in the meat-packing industry, to the extent that any such articles come into actual contact with meat. The equipment intended to be covered by this provision includes, but is not limited to: bacon combs, hangers, metal molds, shovels, forks and scoops for handling sausage and cooking utensils.

(ii) To coat or retin equipment used in the processing or cooking of any food by institutions or by industrial or commercial establishments, but only such equipment as actually comes into contact with food.

16. Tin pipe and sheet tin for lining for use in the repair or maintenance of beverage dispensing units and parts thereof. Tin pipe and sheet tin may be manufactured only for use in the repair or maintenance of beverage dispensing units and parts thereof, provided that any customer for whom such pipe or sheet tin is manufactured shall return to the manufacturer a quantity of used pipe or scrap tin equal in tin content to that of the new pipe or sheet tin delivered to him.

17. *Descaling of metal castings.* Tin may be used in descaling of metal castings to the extent specifically authorized by the War

Production Board upon application made to it by letter.

18. *Tin and tin chemicals.* Pig tin may be reprocessed for use as a reagent and in the manufacture of tin chemicals for use as reagents, for medicinal purposes and also for use in the electrolytic plating process, where tin plating is permitted.

SCHEDULE II—SOLDERS

In the manufacture of solder the tin content by weight shall be limited as follows, according to the purpose for which the solder is to be used: *Provided, however,* That no manufacturer of solder, or wholesale distributor of solder, shall deliver any solder to any user, and no user shall accept delivery of any solder, from any manufacturer of solder, or wholesale distributor of solder, unless the user shall have furnished the manufacturer or wholesale distributor with the following certificate.

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that the tin contained in the material covered by this order shall be used solely for the purpose listed in schedule ____ section ____ of General Preference Order M-43, or is to be incorporated in an "Implement of War" and the tin content of the material has been definitely specified.

1. Manufacture of all cellular type radiators—solder per radiator shall average not more than 21% tin by weight.

2. Manufacture of all fin and tube type radiators for military and civilian use—solder per radiator shall average not more than 32% tin by weight.

3. Solder containing not more than 50% tin by weight may be used for the following:

(a) Ammunition box liners.

4. Solder containing not more than 40% tin by weight may be used for the following:

(a) Manufacture and repair of all galvanized iron or zinc tanks.

(b) Installation and repair of water service pipes connecting the piping of a structure with the outside water main.

5. Solder containing not more than 35% tin by weight may be used for the following:

(a) All radiator repair, but only in the form of solid or cored wire solder not to exceed $\frac{3}{32}$" in diameter.

(b) Manufacture and repair of any type of indicating, recording, measuring or controlling instruments and their associate control valves.

(c) Manufacture and repair of dairy ware and dairy equipment where solder comes in contact with products.

(d) Manufacture, assembly and repair of galvanized iron items (except tanks) where the assembly is done with a "soldering iron."

(e) Manufacture, maintenance and repair of electric motors, generators, armatures, radio and radar equipment and electrical appliances.

(f) Manufacture of electrical fuses.

(g) Manufacture of gas meters. (For the repair of gas meters in accordance with Supplementary Order M-43-b—not more than 38% tin by weight.)

(h) Wiping lead sheathed cable joints or lead pipe joints.

(i) Manufacture or repair of lap and top combs, and other equipment used in the textile industry.

(j) Manufacture of foundry patterns and for soldering patterns to the gates.

(k) Manufacture and repair of the following dairy and egg processing equipment: cheese vats, clarifiers, separators, coolers, heaters and preheaters, dehydrators, fillers, filters, fore-warmers, hot wells, homogenizers and high pressure sanitary pumps, pasteurizers, sanitary centrifugal and positive pumps, vacuum pans and sanitary pipe lines in connection with soldering on sanitary ferrules and fittings.

(l) Manufacture and repair of tanks (except galvanized and zinc tanks).

6. Solder containing not more than 21% tin by weight may be used for the following:

(a) Sealing of milk cans. (Solder used for this purpose is commonly referred to as "tipping solder".)

(b) Soldering side seams of the all-seam-soldered can until August 31, 1944 and after August 31, 1944, a maximum of 5% tin by weight shall be used.

7. Solder containing not more than 5% tin by weight may be used for the following:

(a) Manufacture of cans made with either lock or lap side seam or with a combination of lock and lap side seam, except for the manufacture of the all-seam-soldered can.

8. Solder containing not more than 3% tin by weight may be used for the following:

(a) Repair of automobile bodies and fenders—solder to be derived from secondary sources only.

9. Solder containing not more than 30% tin by weight may be used for the following:

(a) All other uses not covered above and then, only to the extent that substitution of either a less critical material or one of lesser tin content is impracticable.

The total quantity of tin, which any person may use in the manufacture of solder during any calendar quarter, shall be limited to 40% of the quantity used by him in the manufacture of solder during the base period. The tin content of all solder used in the manufacture of "Implements of War", where required by specifications, is wholly exempt from this quota restriction.

SCHEDULE III—BABBITT

In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purpose for which it is to be used: *Provided, however,* That no manufacturer of babbitt or wholesale distributor of babbitt, shall deliver any babbitt, containing more than 12% tin by weight, to any user, and no user shall accept delivery of any babbitt from any manufacturer of babbitt, or wholesale distributor of babbitt, unless the user shall have furnished the manufacturer or wholesale distributor with the following certificate.

The undersigned purchaser certifies, subject to the penalties of section 25 (A) of the United States Criminal Code, to the seller and to the War Production Board that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule _____ section ____ of General Preference Order M-43, or is to be incorporated in an "Implement of War" and the tin content of the material has been definitely specified.

1. Repair, maintenance or replacement in existing diesel engines, turbines, locomotive connecting rod or coupling rod bearings, and irrigation water pumping engines and equipment—not more than 90% tin by weight.

2. Manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives and for lining aluminum crossheads—no restriction.

3. Repair, maintenance or replacement in an industrial engine, compressor, or pump being used by operator engaged in the petroleum industry: *Provided,* In any such case, that any priorities assistance required for such repair, maintenance or replacement is obtained in accordance with Preference Rating Order P-98-b, as amended—not more than 90% tin by weight.

4. Repair, maintenance or replacement in vessels or shipping facilities pursuant to a preference rating duly established or assigned by the United States Maritime Commission—not more than 90% tin by weight.

5. Manufacture, repair, maintenance or replacement of connecting rod and main engine bearings for trucks and tractors, and for passenger carriers having a seating capacity of not less than 11 persons as defined in Limitation Order L-158—not more than 90% tin by weight.

6. For all other purposes—not more than 12% tin by weight and only secondary tin shall be used.

The total quantity of tin which any person may use in the manufacture of babbitt metal, or other similar alloys used as babbitt, during any calendar quarter, shall be limited to 40% of the quantity used by him in the manufacture of babbitt during the base period. The tin content of all babbitt used in the manufacture of "Implements of War", where required by specifications, is wholly exempt from this quota restriction.

SCHEDULE IV—BRASS AND BRONZE

A. CAST ALLOYS

(1) Restrictions on new uses of copper-base alloy foundry products. The restrictions of this sub-paragraph are in addition to those contained elsewhere in this order and in other orders and regulations of the War Production Board. No person shall use for any purpose in manufacture, any copper-base alloy foundry product, either rough or finished, containing more than 74% copper or 2% tin, unless one or more of the following conditions is satisfied:

(i) He was lawfully using copper base alloy for the particular purpose some time during the last six months of 1943;

(ii) A War Production Board order or regulation specifically allows an alloy with a higher copper or tin content;

(iii) The specifications of the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration, applicable to the contract, sub-contract or purchase order call for an alloy with a higher copper or tin content; or

(iv) He has been specifically authorized in writing by the War Production Board to use an alloy with a higher copper or tin content. (Applications for specific authorization under this sub-paragraph to use copper-base alloy foundry products containing more than 74% copper or 2% tin, where such use would otherwise be in violation of the restrictions stated above, should be made by letter in duplicate addressed to the Copper Division of the War Production Board, Washington 25, D. C., Ref: M-9-c. A provision similar to this paragraph (1) appears in Order M-9-c and one application is sufficient under both Orders M-9-c and M-43.)

(2) *General restrictions.* In any case where the tin content of brass or bronze foundry products used by a person is not restricted by the provisions of paragraph (1) of this Schedule IV, the tin content of the brass and bronze foundry products which he uses shall be limited as follows, according to the purpose for which such products are used:

(a) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings or step bearings—not more than 12% tin by weight.

(b) For the manufacture of heavy, slow cooling castings (such as, for example, steel mill screw-down nuts) where the performance characteristics require that the alpha-delta eutectoid must be retained—not more than 18% tin by weight.

(c) For the manufacture of piston rings for airbrake equipment—not more than 21.5% tin by weight.

(d) For the manufacture of piston rings for locomotives—not more than 20% tin by weight.

(e) For all other purposes, a maximum tin content of 9% tin by weight, unless the lead content of the alloy is equal to, or greater than, the tin content, and in such event, not to exceed 12% tin by weight.

B. WROUGHT ALLOYS

(3) *Restrictions on new uses of wrought copper-base alloy products.* The restrictions of this sub-paragraph are in addition to those contained elsewhere in this order and in other orders and regulations of the War Production Board. No person shall use for any purpose in manufacture, any wrought copper-base alloy product, containing more than 2% tin, unless one or more of the following conditions is satisfied:

(i) He was lawfully using copper-base alloy for the particular purpose some time during the last six months of 1943;

(ii) A War Production Board order or regulation specifically allows an alloy with a higher tin content;

(iii) The specifications of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, applicable to the contract, subcontract or purchase order call for an alloy with a higher tin content; or

(iv) He has been specifically authorized in writing by the War Production Board to use an alloy with a higher tin content. (Applications for specific authorization under this sub-paragraph to use wrought copper-base alloy products containing more than 2% tin, where such use would otherwise be in violation of the restrictions stated above, should be made by letter in duplicate addressed to the Tin and Lead Division of the War Production Board, Washington 25, D. C., Ref: M-43.)

(4) *General restrictions.* In any case where the tin content of wrought brass or bronze products used by a person is not restricted by the provisions of paragraph (3) of this Schedule IV, the tin content of the wrought brass and bronze products which he uses shall be limited as follows, according to the purpose for which such products are used:

(i) For the manufacture of thermostatic discs or diaphragms, bronze welding rods, fourdrinier warp wire or rifle nuts in air hammers—not more than 9% tin by weight.

(ii) For all other purposes—not more than 5.8% tin by weight.

[F. D. Doc. 44-9595; Filed, June 30, 1944; 11:47 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 9A, Direction 1 as Amended June 30, 1944]

COPPER TUBING FOR DISTRIBUTORS OF AUTOMOTIVE, HEATING AND REFRIGERATION REPAIR PARTS

The following amended direction is issued pursuant to CMP Regulation 9A:

(a) *What this direction does.* This direction tells distributors of automotive equipment, heating equipment (gas or oil burning), and refrigeration equipment how to get copper tubing to sell to repairmen for use in repairing such equipment.

(b) *What distributors can buy copper tubing under this direction.* Distributors of refrigeration equipment, distributors of gas or oil burner equipment, and distributors of automotive equipment who were in business on August 1, 1943 and who sold copper tubing for refrigeration, gas or oil burner or automotive repair purposes in 1941 may buy copper tubing under this direction. Warehouses who are authorized to replace brass mill stocks providing they file Form WPB-3007 may not obtain copper tubing under this direction.

(c) *How distributors get copper tubing.* A distributor of the kind covered in paragraph (b) may order for delivery in any calendar quarter up to 6000 pounds of copper tubing. He may endorse his orders for this tubing with the CMP allotment number V-3 and the CMP Regulation No. 7 certification. An order bearing this endorsement signed manually, or in the way as described in Priorities Regulation No. 7 is an authorized controlled material order under all CMP Regulations. A distributor who had more than one distribution point on August 1, 1943 may order up to 6000 pounds of copper tubing in each calendar quarter for delivery to each distribution point.

(d) *How a distributor may apply for additional tubing.* A distributor who needs more copper tubing than this direction allows, or who is not permitted under this direction to buy copper tubing for sale for repair purposes may apply by letter to the nearest War Production Board Field Office for authorization to buy the tubing he needs, stating how much copper tubing he needs for resale and why he needs that amount. If he needs more than a total of 12,000 pounds a quarter, he should apply to the Copper Division, War Production Board, Washington 25, D. C., stating how much copper tubing he needs and why he needs that amount.

(e) *Persons to whom distributors may sell copper tubing.* (1) A distributor may sell copper tubing bought under this direction only on an order placed under paragraph (c) of CMP Regulation No. 9A by (i) a refrigeration repairman, (ii) an automotive repairman and (iii) a gas or oil burner repairman. In the latter case only copper tubing of a type suitable for use for repair of functional parts of gas burning and oil burning heating equipment (excluding piping system connected with such equipment) may be sold.

(2) A distributor may sell not more than 2,000 pounds of copper tubing under this direction in one calendar quarter to fill orders placed with him by other distributors. A distributor buying from another distributor for the purpose of reselling to repairmen must so indicate when placing his orders.

No distributor may buy more copper tubing under this direction (whether from other distributors as permitted in this paragraph or from brass mill warehouses or producers) than he is permitted to buy under paragraphs (c) and (d). The fact that a distributor sells to another distributor does not increase the amount of tubing he is permitted to buy.

(f) *Restrictions on inventory.* A distributor may not accept deliveries of copper tubing ordered under this direction if his inventory of copper tubing already is, or will be, on accepting a delivery, more than a thirty-day's supply. However, if the supply of copper tubing which he has on hand is less than the permitted amount, he may accept delivery of the smallest commercial amount of that item of copper tubing which his distributor normally sells even if that will increase his supply beyond the amount specified.

(g) *Compliance with WPB orders and regulations.* Distributors operating under this direction must observe the restrictions of all applicable WPB orders and regulations. Attention is called to the provisions of M-9-c and M-9-c-4 which restrict the use of copper.

NOTE: This reporting requirement passed by Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 30th day of June 1944.

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

[F. R. Doc. 44-9590; Filed, June 30, 1944; 11:46 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 9A, Direction 4]

USE OF V-3 ALLOTMENT SYMBOL TO GET COPPER OR COPPER BASE ALLOY PIPE AND TUBING

The following direction is issued pursuant to CMP Regulation 9A:

(a) No repairman may use the V-3 allotment symbol assigned by this regulation to get from a brass mill or brass mill warehouse any copper or copper base alloy pipe or tubing unless it comes within the following descriptions:

(1) Seamless copper tubing soft in coils or in straight lengths of an O. D., gauge and type commonly sold as automotive tubing;

(2) Seamless copper tubing soft in coils in gauges .032" and .035" and of an O. D. and type commonly sold as refrigeration tubing;

(3) Seamless copper tubing soft in coils ½" or ⅜" O. D., x .049" gauge for oil burner service.

(b) Orders bearing the V-3 allotment symbol for any copper or copper base alloy pipe or tubing other than the three types described above may not be accepted or filled by any brass mill or brass mill warehouse.

(c) The term "brass mill warehouse", as used in this direction, means any warehouse which is authorized to replace deliveries from stock under the provisions of letter BM-36 (WPBI-505-Brass Mill Warehouse Replacement Orders) of July 23, 1943.

Issued this 30th day of June 1944.

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

[F. R. Doc. 44-9591; Filed, June 30, 1944; 11:46 a. m.]

PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS; SIMPLIFICATION

[Limitation Order L-272, Schedule III, as Amended June 30, 1944]

PYROMETERS AND RESISTANCE THERMOMETERS

§ 3207.4 *Schedule III to Limitation Order L-272*—(a) *Definitions.* (1) "Pyrometer" includes millivoltmeter and potentiometer pyrometers and means any galvanometer type or null current automatically balanced type of potential measuring instrument which measures thermocouple voltage, is calibrated in degrees temperature, and has a scale length of not less than 4½ inches; exclusive, however, of precision type pyrometers manufactured and designed for laboratory use, or for use on watercraft other than pleasure craft.

(2) "Resistance thermometer" means any galvanometer type or null current automatically balanced type resistance measuring instrument which measures variations in resistance, is calibrated in degrees temperature and has a scale length of not less than 4½ inches; exclusive, however, of precision type resistance thermometers manufactured and designed for laboratory use, or for use on watercraft other than pleasure craft.

(b) *Operation of Schedule III.* The exemption provisions of paragraph (c) (1) (i) of Limitation Order L-272 shall not apply to this schedule.

(c) *Specifications.* (1) The following features, attachments and devices shall be eliminated:

(i) Special scale designs.

(ii) Special size cases and special finishes.

(iii) Cases having special design external wiring or conduit connection, either as to type or location of connections.

(iv) Internally mounted, manually operated thermoccuple selector switches.

(v) External protection cases.

(vi) Special attachments or housing to adapt to explosion resistant service.

(vii) Special nameplates.

(viii) Legend plates.

(ix) Locks on control setters.

(x) Handles on non-portable instruments.

(xi) Connecting lugs with thermocouple leads for pyrometers having an internal resistance of one hundred ohms and above.

(2) Only one size chart for each style or type (strip or round) shall be furnished, size to be at producer's option.

NOTE: Subparagraph (3), formerly (4), redesignated and former subparagraph (3) revoked June 30, 1944.

(3) No instrument lock and keys shall be furnished except where same are a part of producer's standard manufacturing design and practice.

Issued this 30th day of June 1944.

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

[F. R. Doc. 44-9594; Filed, June 30, 1944; 11:46 a. m.]

PART 3270—CONTAINERS

[Supplemental Order L-232-a, as Amended June 30, 1944]

WOODEN SHIPPING CONTAINERS FOR ORANGES AND GRAPEFRUIT

§ 3270.58 *Supplemental Order L-232-a*—(a) *Purpose.* The purpose of this supplemental order is to restrict the use of wooden shipping containers by permitting only a specified percentage of oranges and grapefruit to be shipped in them with the intent that the balance will be shipped in bags or otherwise than in wooden shipping containers.

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

(1) "Wooden shipping container" means any new or used shipping container made wholly or partially of wood.

(2) "Seasonal year" shall mean the period from November 1, 1943 to October 31, 1944, and the quarters of the seasonal year shall be each succeeding three month period beginning November 1, 1943.

(c) *Restrictions.* (1) No person making shipments of oranges and grapefruit originating in the areas listed below shall commercially pack or ship in wooden shipping containers in any quarter of the seasonal year a greater proportion of the total volume of his shipments of oranges and grapefruit (not including shipments for canning, juice or other processing) than the following:

	Percent
Shippers making shipments originating in Texas	85
Shippers making shipments originating in California and Arizona	96

(2) However, this restriction shall not apply to any person who commercially packs or ships oranges or grapefruit originating in California or Arizona provided he restricts his packing and shipping of those fruits in new wooden shipping containers in the quarters beginning with May 1, 1944 and August 1, 1944, to 92% of the total volume of his shipments of oranges and grapefruits during each quarter (not including shipments for canning, juice or other processing).

(3) Any person shipping less than his quota of oranges and grapefruit in wooden shipping containers in any quarter may increase his quota of shipments in wooden shipping containers in the following quarters by the amount of the difference between his quota and what he actually shipped in the preceding quarters.

(4) This restriction shall not apply to any shipper who ships less than one carload of oranges and grapefruit, or its equivalent, in any quarter.

(5) Shippers located in the Florida area have not been included in the restrictions provided for by this order because the Florida Citrus Commission is placing and administering quota restrictions to the end that not more than 90% of the total shipments in the seasonal year of oranges and grapefruit from Florida shall be in wooden shipping containers.

NOTE: Subparagraphs (3) through (5), formerly (2) through (4), redesignated June 30, 1944.

(6) Transportation of the fruit from the field to the packing sheds or from the field or packing sheds to trucks or freight cars for bulk shipment is not "shipping" for the purpose of paragraphs (c) (1) and (2).

(d) *Transfer of quotas.* Any shipper who does not ship his permitted amount of oranges and grapefruit in wooden shipping containers may transfer his unused quota to another shipper in the same area.

(e) *Miscellaneous provisions*—(1) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provision appealed from and stating fully the grounds of appeal.

(2) *Records.* All persons affected by this order shall keep for at least two years records concerning the shipments of oranges and grapefruit in wooden shipping containers and shipments by other means, and also records concerning the transfer of quotas, including the names and addresses of parties involved and the amount transferred, and shall make reports on same, if required.

(3) *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 accepting further deliveries of, or making deliveries in wooden shipping containers.

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

(5) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: L-232-a.

Issued this 30th day of June 1944.

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

[F. R. Doc. 44-9593; Filed, June 30, 1944; 11:46 a. m.]

PART 3270—CONTAINERS

[Preference Rating Order P-146, Direction 1 As Amended June 30, 1944]

USE OF PREFERENCE RATINGS FOR U. S. NAVY DELIVERIES

The following amended direction issued pursuant to Preference Rating Order P-146:

(a) Notwithstanding the contrary provisions of Order P-146, any person may use a preference rating of AA-1 to get fibre shipping containers for the following items which are to be delivered directly to the Navy of the United States on orders placed before October 1, 1944 calling for delivery before November 1, 1944:

(1) Clothing, hats, gloves, and all other outer wear and undergarments or apparel, if made in whole or in part of leather or textile yarn, staple fibre or fabrics;

(2) Footwear, rationed and unrationed;

(3) Bedding.

(b) The preference rating to be used to obtain fibre shipping containers for the items listed in paragraph (a) of this direction for any purpose other than that stated above shall remain the same as set forth in the schedule attached to the order.

(c) The cetrification accompanying such an order shall refer to "Direction 1" instead of "paragraph ____."

Issued this 30th day of June 1944.

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

[F. R. Doc. 44-9588; Filed, June 30, 1944; 11:45 a. m.]

PART 3270—CONTAINERS

[Limitation Order L–232, as Amended June 30, 1944]

WOODEN SHIPPING CONTAINERS

§ 3270.56 *Limitation Order L–232*—(a) *Definitions.* For the purposes of this order:

(1) "Wooden shipping container" means any new shipping container made wholly or partially of wood which is used for the shipment and delivery of commodities. The term does include any used container to which new parts have been added to replace 3 or more faces of the container. The term does not include trunks, luggage, military locker boxes, field picking boxes, or boxes consisting of more than 50% of corrugated or solid fibre (by area). It shall not include a container, made by a container user for his own use from waste material referred to as edgings, trim and offall and excluded from the definition of lumber in Order L–335, or from second-hand lumber, *Provided*, It is not made in a box factory or wood-working establishment which sells its product to other users. Second-hand lumber is lumber which has been previously used, as in building construction, or as dunnage in bracing, blocking, or shoring, or in construction of shipping containers.

(2) [Deleted June 30, 1944.]

General Restrictions

(b) *Restrictions*—(1) *Manufacture, sale or delivery of containers.* No person shall manufacture, sell or deliver any wooden shipping containers or parts which he knows or has reason to believe will be used or accepted in violation of any provision of this order.

(2) *Manufacture and assembly of containers.* No person shall commercially manufacture or assemble any wooden shipping container for the purposes described in the several tables of Schedule A, which does not meet the specifications contained in those tables. The restrictions of this paragraph shall not apply to barrels, drums, kegs, kits or pails.

(3) *Manufacture of container parts.* No person shall commercially manufacture any wooden parts designed for any wooden shipping container described in the several tables of Schedule A which, when assembled, will not conform with the specifications of those tables. The restrictions of this paragraph shall not apply to barrels, drums, kegs, kits or pails.

(4) *Coloring.* No manufacturer, dealer in, or commercial user of wooden shipping containers or parts shall dye, stain, or otherwise color containers or parts which are described in Schedule A. The restrictions of this paragraph shall not apply to barrels, drums, kegs, kits or pails.

(5) *Printing.* All stamping, printing and labeling, unless otherwise required by law, shall be placed on only one outside surface of any wooden shipping container covered by the several tables of Schedule A of this order, whether it be an end, a side, bottom, top or cover. The restrictions of this paragraph (b) (5) shall not apply to barrels, drums, kegs, kits or pails or to paper, labels or markings which only:

(i) State the capacity of the container in terms of whole or fractional pints, quarts, pecks, or bushels; or

(ii) in the case of baskets and hampers are identifying markings provided for in regulations of the Secretary of Agriculture issued under the United States Standard Container Act of 1928; or

(iii) are designed for the purpose of encouraging salvage and reuse of the container, provided the label or printing does not include the name, brand, trade-mark or other reference to any person, firm, partnership or corporation.

Restrictions on Packing and Shipping

(c) *Restrictions*—(1) *Commodities for which wooden shipping containers are forbidden.* No person shall commercially pack or ship in wooden shipping containers any of the commodities listed in Table I of Schedule B. This shall not, however, restrict the shipment of any commodity listed which has already been packed on the date it was included in this table or the shipment of any listed commodity in wooden shipping containers which were in the shipper's inventory or in transit to him on the date it was included in this table, but only for a period of sixty days thereafter.

(2) *Quota restriction on packing.* Packers of a commodity listed in Table II of Schedule B, are restricted in the quantity of that commodity which they may pack in wooden shipping containers in each calendar quarter to a percentage of the quantity that they packed in wooden shipping containers in the same quarter of the base period. The percentage and base period for each commodity are shown in the table.

(d) [Deleted June 30, 1944.]

(e) [Deleted June 30, 1944.]

Miscellaneous

(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 appeal.

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

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington 25, D. C., Ref.: L–232.

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

Issued this 30th day of June 1944.

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

SCHEDULE A—SPECIFICATIONS FOR WOODEN SHIPPING CONTAINERS

TABLE I—HAMPERS, BASKETS, BERRY CUPS FOR FRESH FRUITS AND VEGETABLES

(a) Specifications for the types and dry capacities of permitted hampers, baskets, and berry cups are as follows:

Type—(1)	*Dry capacity* (2)
1. Hampers	½, ⅝, 1 bu.
2. Round stave baskets	½, 1 bu.
3. Splint baskets	8, 12, 16, 24, 32 qts.
4. Climax baskets	4, 12 qts.
5. Till baskets	1, 2, 3, 4 qts.
6. Berry cup	½, 1 pt., 1 qt.

(b) *Exceptions.* The restrictions of paragraphs (b) (2), (3), (4) and (5) of this order and of paragraph (a) of this table shall not apply to:

(1) The manufacture or assembly of wooden shipping containers referred to in this Table by any person from wooden parts cut to size by him before March 4, 1943, provided such manufacture or assembly is completed by August 31, 1943;

(2) The assembly of wooden shipping containers referred to in this table by any person from cut-to-size wooden parts bought and received by him before April 1, 1943, provided such assembly is completed by August 31, 1943.

(c) *Exemption for banana hampers.* The restrictions of this Table I shall not apply to hampers used for the shipment of bananas.

NOTE: Paragraph (d), formerly (c), redesignated June 30, 1944.

(d) "Hamper", "round stave basket", and "splint basket" have the same meanings as in rules and regulations [1] of The Secretary of Agriculture issued under the United States Standard Container Act of 1928.[2] "Climax basket", "till basket", and "berry cup" mean baskets and containers of the type subject to rules and regulations [3] of The Secretary of Agriculture issued under the United States Standard Container Act of 1916,[4] as amended.[5]

[Paragraph (d) formerly (c) redesignated June 30, 1944]

[1] U. S. Department of Agriculture Service and Regulatory Announcements No. 116, as amended.

[2] 45 Stat. 685; 15 U.S.C. 257.

[3] U. S. Department of Agriculture Service and Regulatory Announcements No. 104, revised.

[4] 39 Stat. 673; 15 U.S.C. 251.

[5] 45 Stat. 930; 15 U.S.C. 251.

TABLE II—WOODEN SHIPPING CONTAINERS FOR FRESH FRUIT AND VEGETABLES

NOTE: Items 26a, 26b, 26c added June 30, 1944.

Usual name (1)	Inside depth (inches) (2)	Inside width (inches) (3)	Inside length (inches) (4)
1. Apple box	10½ [1]	11½	18.
2. Apple box	11	12½	16.
3. Apple box	11	13	17.
4. Apricot lug	4⅝	12½	16.
5. Artichoke box	9¾	11	20⅝.
6. Asparagus crate	10½	9 to 9½ top, 11 bottom	17⅜₁₆ or 18
7. Asparagus crate	12⅞	9¼ top, 10½ bottom	17¼.
8. Asparagus crate	11	9¾ top, 12 bottom	16¼.
9. Avocado box	4½	13½	16.
10. Berry crate	2¾	16½	21½.
11. Berry crate	2⅜₁₆	13½	18.
12. Berry crate	3½ or 3⅞	13½	18.
13. Berry crate	9 or 9½	9	18.
14. Berry crate	7½	11	22.
15. Berry crate	9	11	22.
16. Berry crate	11	11	21¼ to 22.
17. Bushel crate	12	12	15.
18. Cantaloupe pony crate	11	11	22.
19. Cantaloupe standard crate	12	12	22.
20. Cantaloupe jumbo crate	13	13	22.
21. Cauliflower crate	8½	18	21⅝ to 22.
22. Cauliflower crate	12⅞	14½	23.
23. Celery crate	20	11	20⅝.
24. Celery crate	9¾	16	19¼ to 20.
24a. Celery crate	10	16	22.
25. Celery crate	5⅞	18	12⅛.
26. Celery crate	8	8	12⅜.
26a. Celery crates	12	18	14.
26b. Celery crates	20	10	22.
26c. Celery crates	5¼	10½	17.
*27. Cherry, apricot, prune lug	3¾	11½	14.
*28. Cherry, apricot, prune lug	3¾	10½	14.
*29. Cherry, apricot, prune lug	3¾	10½	15.
30. Cranberry box	9¼	10½	15.
31. Cranberry box	9½	11	13⅛₁₆.
31a. Date box	2⅞	13½	16.
32. Fig box	1⅞	11	16.
*33. Fruit box	3	11½	16.
*34 Fruit box	4	11½	16.
*35. Fruit box	4½	11½	16.
*36. Fruit box	5 [3]	11½	16.
*37. Four-basket crate	4¼	16	16.
*38. Four-basket crate	4½	16	16.
*39. Four-basket crate	4¾	16	16.
*40. Four-basket crate	5 [3]	16	16.
41. Honey dew standard crate	6¾	16	22.
42. Honey dew jumbo crate	7¾	16	22.
43. Lemon box	9⅞	13	25.
44. Lettuce crate	13¾	17½	21⅝ to 22.
45. Lime box	6	12	12.
*46. Lug box	5¾	13½	16.
*47. Lug box	4¾	13½	16.
*48. Lug box	3¾	13½	16.
49. Melon crate	6¾	12	22.
50. Melon crate	7¾	14	22.
51. Orange and grapefruit box	11½	11½	24.
52. Orange and grapefruit box	12	12	24.
53. Half orange and grapefruit box	9½	9½	19.
54. Pear box	8½	11½	18.
55. Half pear box	5½	11½	18.
*56. Pear lug	6½	13½	20⅝.
57. Pepper crate	13⅜	11	22.
58. Produce box (1 bushel)	7⅛₁₆ [2]	17½	17⅛.
59. Produce box (½ bushel)	7⅛₁₆ [2]	12⅜	12⅜.
60. Pineapple crate	10½	12	33.
61. Rhubarb box	9	11¼	24⅝.
62. Rhubarb box	3⅛₁₆	11½	24⅝.
63. Sweetpotato crate	12⅞₁₆	12¼ top 13¼ bottom	15 top. 16 bottom
64. Sweetpotato crate	12	12	16¾.
65. Vegetable crate	13	17½	21⅝ to 22.
66. Vegetable crate	9	13	21⅝ to 22.
67. Vegetable crate	8	12	22.
68. Vegetable crate	7½	15 or 15½	18¾.

[1] The inside depth of this box may be increased up to 11½", either by the addition of cleats of any thickness or by the use of a solid end.

[2] The inside depth of this box may be increased up to 7 11/16" by the addition of cleats of any thickness or by the use of a solid end.

[3] The inside depth of this box may be increased up to 5½" by the addition of cleats of any thickness or by the use of a solid end.

*Wherever an asterisk appears, cleats may be used for such items, as provided for in paragraph (c) of the text of Table II.

(a) The designation in column (1) of Table II is merely for identification and shall not be construed as restricting usage. 'Inside width' and 'Inside depth' of the container are the width and length, respectively, of the end pieces or end frames, exclusive of any cleats. 'Inside length' of the container shall be its outside length minus the combined thickness of both ends and of the center piece (if any).

(b) An optional variation of up to ⅛" under or up to ¼" over the specified inside lengths is allowed. A tolerance of up to ⅛", plus or minus, in the specified inside depths and inside width is allowed for shrinkage and manufacture.

(c) No cleats may be so used as to increase inside dimensions except where an asterisk appears in Column (1) of Table II or where, and as, specified in any footnote after that table. Where an asterisk appears in Column (1) of Table II, one or more cleats of ¼", ⅜", ½", ⅝", 11/16", or ¾" thickness may be attached to the top of each end piece, or end frame, provided such cleat or cleats do not increase the inside dimensions of the container by more than the specified thickness of the cleat or cleats.

(d) *Exceptions.* (1) The restrictions of paragraphs (b) (2), (3), (4) and (5) of this order and of this Table II shall not apply to:

(i) The manufacture or assembly of wooden shipping containers by any person from wooden parts cut to size by him before March 4, 1943; provided, such manufacture or assembly is completed by August 31, 1943;

(ii) The assembly of wooden shipping containers by any person from cut-to-size wooden parts bought and received by him before April 1, 1943; provided, such assembly is completed by August 31, 1943;

(2) The restrictions of this Table II shall not apply to the manufacture or assembly of wooden shipping containers, or the manufacture of wooden parts for wooden shipping containers, to be delivered:

(i) To or for the account of the Army, the Navy, the Coast Guard, the Maritime Commission, the War Shipping Administration, or the Department of Agriculture (for Lend-Lease purposes), provided, the government agency's specifications require wooden shipping containers which do not comply with Table II.

(ii) To any person for use in packing fresh fruits or vegetables for delivery to or for the account of such government agencies; provided, the government agency's specifications require wooden shipping containers which do not comply with Table II; and provided further, such person furnishes the container or container-parts supplier with a written certification in substantially the following form, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7;

"This is to certify that specifications of orders received by the undersigned from (designate government agency) require wooden containers not conforming with Order L–232. The material ordered herewith is for that purpose only.

Company_____
By_____
Title_____ Date_____"

Such certification shall constitute a representation to the supplier and to the War Production Board as to the truth of the facts stated therein. The supplier may rely upon such representation unless he has knowledge or reason to believe that it is not true.

TABLE III—WOODEN SHIPPING CONTAINERS FOR DRESSED CHICKENS & TURKEYS

Chicken boxes (approximate weight) (1)	Inside length (inches) (2)	Inside width (inches) (3)	Inside depth (inches) (4)
101. 36 lbs	18	14	7¼
102. 42 lbs	19	14½	7½
103. 48 lbs	20	15½	7⅞
104. 54 lbs	21	16½	7¾
105. 60 lbs	22	17	8
106. 72 lbs	24	18	8½
TURKEY BOXES			
111. Small	28	24	6¾
112. Large	32	28	7¾
113. Very large	31	19	8
114. West Coast	30	22	8½

(a) *Exceptions.* The restrictions of paragraph (b) (2), (3), (4) and (5) of this order and of this Table III shall not apply to:

(1) The manufacture or assembly of wooden chicken and turkey boxes by any person from wooden parts cut to size by him before July 30, 1943, provided such manufacture or assembly is completed by September 30, 1943;

(2) The assembly of wooden chicken and turkey boxes by any person from cut-to-size wooden parts bought and received by him before August 15, 1943, provided such assembly is completed by September 30, 1943.

SCHEDULE B—RESTRICTIONS IN USE OF WOODEN SHIPPING CONTAINERS

TABLE I—COMMODITIES WHICH MAY NOT BE SHIPPED IN WOODEN SHIPPING CONTAINERS

NOTE: Item 110 amended June 30, 1944.

(a) The restrictions of this Table I shall not apply to (1) shipments to or for the account of the Army or Navy of the United States, or shipments to military exchanges (as defined in Priorities Regulation No. 17) located outside the 48 states, the District of Columbia and Canada, (2) shipments to be delivered ultimately outside the 48 states of the United States, the District of Columbia and Canada, (3) shipments of stores for shipboard use on ocean-going vessels, (4) shipments in wooden barrels, kegs, drums, kits or pails, except in the case of soda ash, bicarbonate of soda, and salt.

(b) Whenever the letter "b" appears after a commodity in this list, the restriction applies to this commodity only when packaged in glass, textile, metal or paper.

(c) Soda ash and bicarbonate of soda were included in Table I on July 23, 1943 and all the other commodities were added on October 25, 1943.

(d) The headings used in this table are only for the purpose of separating the items into groups of similar commodities.

Building Materials

1. Asphalt roofing (rolls or shingles), siding and tiles
2. Brick, except fire and glass
3. Cement [b]
4. Cork (except pipe covering and slabs)
5. Mineral wool, except slabs, blocks, batts and insulation (formed, metal encased)
6. Plaster, cement lime, gypsum (this does not include dental, orthopedic and industrial mold grades)
7. Roof coatings and cements [b]
8. Steel sash and windows

Foods (Fresh Vegetables Are Listed as Items 38–43 and Animal Foods, Item 101)

9. Bakery goods, except in multiple trip returnable containers
10. Baking powder
11. Candy or confectionery
12. Canned and glassed foods or food products
13. Cereals, prepared
14. Chocolate
15. Cocoa
16. Coffee
17. Condiments [b]
18. Corn starch [b]
19. Dessert powders
20. Flours, prepared products
21. Food seasoning, coloring and related products [b]
22. Fruit and vegetable juices [b]
23. Gelatins [b]
24. Horseradish products [b]
25. Ice cream cones
26. Macaroni [b]
27. Mayonnaise and salad dressing [b]
28. Noodles [b]
29. Nuts, edible
30. Peanut butter and peanuts [b]
31. Popcorn
32. Potato chips
33. Rice
34. Salt
35. Spaghetti [b]
36. Spices (except mustard flour, ground cloves, ground mace and ground nutmeg)
37. Tea

Fresh Vegetables

38. Cabbage
39. Corn, green
40. Onions, dry
41. Potatoes, white
42. Rutabagas
43. Turnips, root

Glass Products

44. Jars, home canning
45. Ornaments and decorations

Hardware

46. Buckets and pails (wood or metal)
47. Handles, wooden, for hand tools
48. Wash tubs, wood or metal

Horticultural Items

49. Flowers, flower seeds, and flower plants
50. Shrubs, ornamental or cuttings
51. Trees, ornamental or cuttings

Leather Products

52. Belting butts
53. Bridles
54. Harnesses
55. Horse collars
56. Novelties
57. Pocketbooks
58. Saddles
59. Suitcases
60. Traveling bags—all kinds
61. Trunks
62. Whips and crops

Paper Products

63. Advertising displays—counter, window or floor
64. Albums
65. Announcements
66. Calendars
67. Catalogues
68. Greeting cards
69. Illustrated post cards
70. Magazines, including house organs
71. Novelties
72. Posters
73. Punch boards

Textiles (Except Clothing)

74. Awnings
75. Blankets
76. Comforters
77. Mattresses
78. Rope, string and twine
79. Tents

Miscellaneous

80. Adhesives or cements, household
81. Appliances, electric, domestic (except stoves, refrigerators, washing machines and mangles)
82. Art supplies
83. Ash trays
84. Baskets
85. Bed springs
86. Beverages, carbonated, malt or alcoholic and concentrates, except in multiple trip returnable containers.
87. Bicarbonate of soda
88. Brushes and brooms
89. [Deleted Jan. 3, 1944]
90. Candles, except for religious purposes
91. Ceramics, ornamental
92. Charcoal, except activated carbon
93. Cigars and cigarettes
94. Combs
95. Cosmetics
96. Dentifrices
97. Depilatories
98. Dry cleaning preparations, household
99. Electric light bulbs
100. Fertilizers
101. Food, animal and pet
102. [Deleted Jan. 3, 1944]
103. Hair, dressing and dyes, shampoos and tonics
104. Hats, millinery
105. Heels and soles, footwear
106. Hose, rubber and fabric except wire imbedded
107. Jewelry
108. Mops
109. Ornaments, made of glass, plastic, pottery, china, metal, wood, paper or leather
110. Paint and paint products [b]
111. Peat moss
112. Pens and pencils
113. Perfumes and toiletries
114. Polishes [b]
115. Scouring and cleaning compounds and detergents (does not include liquid acidic materials shipped in carboys with a capacity of 5 gallons or more).
116. Shoes
117. Soap [b]
118. Soda ash
119. Sporting goods
120. Starch [b]
121. Tobacco [b]
122. Toys and games
123. Varnishes [b]
124. Waxes [b]

TABLE II—COMMODITIES WHOSE PACKING AND SHIPPING IN WOODEN SHIPPING CONTAINERS IS RESTRICTED

NOTE: Items 1 through 9 deleted June 30, 1944.

Miscellaneous Products

Commodity: Quota based on 1942 calendar year (percent).	
10. Animal proprietary drug remedies	65
11. Books	80
12. Carpets	80
13. China and glassware (except vitrified for commercial use)	80
14. Clothing, except shoes	80
15. Glass tableware and glass kitchen articles	80
16. Hooks and eyes, slide and snap fasteners, buckles, buttons, and miscellaneous metal apparel bindings	80
16a. Leather, restricted to goat, kid, cabretta and kangaroo and limited to processed hides, skins and splits which have not been incorporated into any product	70
16b. Leather, all other, limited to processed hides, skins and splits which have not been incorporated into any product	50
17. Linoleum	80
18. Musical instruments	80
19. Pottery products, household (except ornamental)	80
20. Printing and publishing products, except those listed elsewhere	80
21. Rugs	80
22. Tile (floor, wall, facing, glazed or unglazed)	80

NOTE: Notes 1 and 2 deleted June 30, 1944.

NOTE 3. The base period and quota period quantities of a commodity shall be determined by weight, volume or count of that commodity packed for shipment or shipped in wooden shipping containers, or by the board footage content of the wooden shipping containers required. The same measure shall be used in both the base period and quota period quantities for any commodity.

NOTE 4. *Exceptions.* No person shall be bound by quota restrictions contained in paragraph (c) (2) applicable to any commodity during any calendar year or seasonal year, whichever is specified, during which he neither packs nor ships more than one carload or 30,000 pounds of that commodity, whichever is the lesser.

[F. R. Doc. 44-9599; Filed, June 30, 1944; 11:47 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-166 as Amended June 30, 1944]

FLAGS

§ 3290.84 *General Preference Order M-166*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable reg-

ulations of the War Production Board, as amended from time to time, except as otherwise provided herein.

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

(1) "Flag" means a piece of cloth used as an emblem, whether it be in the form of a banner, bunting, burgee, color, guidon, valance, half-fan, net banner, pennant, pull-down, rosette (or full-fan), standard, or in any other form.

(2) "Flag manufacturer" means any person manufacturing flags on a commercial scale, whether or not he also manufactures some other product or products.

(3) "Converter" means any person who purchases greige goods for conversion into fabrics meeting the requirements of any flag manufacturer.

(4) "Military order" means an order placed by the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Veterans Administration, the American Red Cross or the Treasury Department.

(c) *Certain flags given preference in manufacturing; limitation on size of flags.* (1) All flag manufacturers must treat orders for the following types of flags as if rated AA-5 unless they are actually rated higher:

(i) *Official flags.* Flags of any country, flags of any department or agency of the Federal Government (including the military services and all subdivisions) or flags the use of which is authorized by any of them, flags of any State or municipal government, and flags to be delivered under a military order, as defined above.

(ii) *Religious flags.* The officially adopted flag of any religious denomination or sect.

(iii) *Signal flags.* Code flags, semaphore flags, or flags indicating danger or distress.

(iv) *Service flags.* Flags showing that a person or persons are serving in the armed forces of the United States.

(2) No flag manufacturer shall put into process any material for the manufacture of any flag having an area of more than 150 square feet, except as required by a military order or as permitted under paragraph (g) below.

(d) *Assignment of preference rating.* (1) A preference rating of AA-5 is hereby assigned to purchase orders by flag manufacturers for the following materials (either gray, bleached, dyed or printed) to be incorporated into the types of flags mentioned in paragraph (c) (1) above:

(i) Cotton mercerized bunting manufactured in accordance with the then current issue of Federal Specification CCC-B-791 type A and B;
(ii) Class A sheeting, Class B sheeting;
(iii) Print cloth of less than 80 sley;
(iv) Single filling flat duck;
(v) Broadcloth 36" 80 x 60 single ply;
(vi) Rayon fabric: 39" wide. 110 x 60 construction plain weave made with 150 denier viscose or acetate bright rayon yarn in the warp and filling.
(vii) Rayon fabric: 40" wide. 120 x 68 construction plain weave made with 120 denier warp and 150 denier filling acetate bright rayon yarn.
(viii) Rayon fabric: 48" in the reed. 100 ends in the reed, 72 picks, plain weave. 75 denier viscose or cupprammonium rayon warp crepe with 55/57 turns warped 2 ends S twist, 2 ends Z twist. 75 denier viscose or cupprammonium rayon filling with natural twist.
(ix) Rayon fabric: 52" wide. 225 x 76 or 80 construction plain weave made with 2 thread 40 denier cupprammonium 14/16 turns warp. 100 denier cupprammonium 12 turns filling.
(x) Rayon fabric: 39" wide. 140 x 64 construction satin standard finish made with 100 denier bright viscose warp. 150 denier bright viscose filling.
(xi) Pro rata widths to the above-mentioned weights and constructions.
(xii) Cotton sewing thread.

(2) Such preference rating shall be applied and extended in accordance with Priorities Regulation 3 and General Conservation Order M-328, except that converters may extend ratings only to obtain material which is required to fill a specific order on their books and may not extend ratings to replace inventories.

(3) The preference rating heretofore assigned to converters by this order is hereby revoked. Any materials obtained by converters through the use of such rating may be sold only on orders carrying an AA-5 or higher rating placed by flag manufacturers.

(e) *Quantity restrictions.* No flag manufacturer shall in any 12 months' period beginning July 1 of any year use in the manufacture of flags a greater quantity of fabrics than he used during the period July 1, 1942 to July 1, 1943.

(f) *Inventory restrictions.* No flag manufacturer or converter shall accept delivery of any materials for flag production, or cause any materials to be accepted on his behalf, if his inventory of raw materials and materials in process will then exceed the quantity to be used by him within 60 days. For this purpose greige goods delivered to flag manufacturers who do their own converting may be considered separately from finished goods, and greige goods may be accepted by such flag manufacturers if they will be converted into finished goods within 60 days.

This inventory restriction is in addition to that contained in § 944.14 of Priorities Regulation 1.

(g) *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.

(h) *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 the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference M-166.

NOTE: Paragraph (i), formerly (j), redesignated and former paragraph (i) revoked June 30, 1944.

(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.

Issued this 30th day of June 1944.

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

[F. R. Doc. 44-9597; Filed, June 30, 1944; 11:47 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-150, as Amended June 30, 1944]

AROMATIC SOLVENTS

Section 3293.171 *Conservation Order M-150* 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 aromatic solvents 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:

§ 3293.171 *Conservation Order M-150*—(a) *Definitions.* For the purposes of this order:

(1) "Aromatic solvents" means Class A solvents and Class B solvents as defined herein.

(2) "Class A solvents" means xylene range solvents or alternate blended solvents or naphthas containing more than 30 per cent by volume of aromatic hydrocarbons, regardless of source, as determined by the analytical procedure described in "Approximate Analysis of Hydrocarbon Thinners" published in the Scientific Section Circular No. 568 of the National Paint, Varnish and Lacquer Association, November, 1938, pages 381 and 388, and having an A. S. T. M. initial boiling point of 185° F. (85° C.) or higher, a 50% distillation point lower than 330° F. (165.5° C.), and a dry point not in excess of 365° F. (185° C.). The term shall include solvents containing some combined or commercially inextractable benzene or toluene when such are inherently present in fractionated distillates. The term does not include benzene as defined in Order M-300, Schedule 22, toluene as defined in M-300, Schedule 21, or xylene as defined in M-300, Schedule 23, or solvents of the toluene range, which are defined below as "Class B solvents".

(3) "Class B solvents" means toluene range solvents from petroleum or coal tar origin having a distillation range of 200° F. to 285° F. (93° C. to 140° C.), and containing more than 30 per cent by volume of aromatic hydrocarbon, as determined by the analytical procedure de-

scribed in paragraph (a) (2) above. The term does not include benzene as defined in Order M–300, Schedule 22, toluene as defined in M–300, Schedule 21, or xylene as defined in M–300, Schedule 23, or solvents containing xylene which are defined as Class A solvents.

(4) "Civilian order" means any purchase order which is not a military order.

(5) "Military order" means any purchase order for a product to be delivered to, or to be used on, or incorporated in, material or equipment delivered or to be delivered to the United States Army, Navy, Marine Corps, Coast Guard, Maritime Commission, the War Shipping Administration or to or for the account of any foreign country under the Act of March 11, 1941 (Lend-Lease Act).

(6) "Manufacturer" means any person who makes products containing aromatic solvents or who has such products made for him under toll agreement.

(b) *Limitation on use of aromatic solvents.* On and after July 1, 1944, the use of aromatic solvents shall be limited in the following manner:

(1) *Class A solvents.* Any person may use Class A solvents for any purpose except that no manufacturer may use Class A solvents for the production of the following products which are to be sold on civilian orders, or which are to be used on or incorporated in other products to be sold on civilian orders:

Dry cleaning fluid (except spotting fluid and soap).

Printing press and type washes.

Paint, varnish or lacquer remover.

Coatings for any of the end uses shown on Schedule A.

(2) *Class B solvents.* No manufacturer may use any Class B solvents except for the production or processing of products shown on Schedule B.

(c) *Suppliers' notification to customers.* No person who produces aromatic solvents or who purchases aromatic solvents for re-sale shall deliver aromatic solvents unless he notifies his customers whether the aromatic solvents are Class A or Class B solvents (whichever is the case) as defined in Order M–150. This notification may be made by a statement on the invoice or by any other written communication.

(d) *Changes in Schedules A and B.* The War Production Board may from time to time make whatever changes it may deem necessary in the end uses listed on Schedule A or in the products and the end uses listed on Schedule B.

(e) *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 for the appeal.

(f) *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.

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

(h) *Communications to War Production Board.* All communications concerning this order, unless otherwise directed, shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–150.

Issued this 30th day of June 1944.

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

SCHEDULE A—CLASS A SOLVENTS

Class A solvents may not be used for the production of coatings which are to be sold on civilian orders, or coatings which are to be used on or incorporated in other products to be sold on civilian orders, for any of the following end uses:

Code [1]	Prohibited uses
0341	Railroad freight cars, maintenance
0344	Railroad refrigerator cars, exterior, maintenance
0360	Automobiles, excluding parts
0362	Trailers & carts (maintenance)
0365	Motorcycles & bicycles (maintenance)
0366	Skis
0369	Road signs
0370	Highway markings
0552	Agricultural equipment (including farm tractors) motorized, maintenance
0554	Agricultural equipment, horsedrawn, maintenance
0709	Umbrella fabrics
0730	Oilcloth—except floor oilcloth (such as table and shelf oilcloth)
0731	Enamelled oilcloth or silk oilcloth
0732	Floor oil cloth (Linolemum)
0734	Wall covering
0739	Window hollands (shade cloth)
0740	Display cloth
0741	Shower curtains
0746	Printed textiles
0748	Novelty case cloth
0750	Luggage and kits
0751	Handbags (except frames and handles)
0752	Belts
1201	Bedsteads and bunks
1202	Trunks and foot lockers
1206	Venetian blinds
1207	Mirrors and picture frames
1208	Wood furniture—except bedsteads and bunks
1209	Metal furniture—except bedsteads and bunks
1210	Store fixtures—wood
1211	Store fixtures—metal
1212	Prefabricated partitions and shelving—wood
1213	Prefabricated partitions and shelving—metal
1214	Industrial and factory furniture, i. e. bins, lockers, tables, stools, etc.
1401	Prefabricated wall board.
1402	Prefabricated flooring.
1403	Weather stripping.
1405	Heating insulation.

[1] Code symbols refer to the symbols appearing in the "Primary Products and End Use List" (WPBI–217) prepared by the Protective Coatings Section, Chemicals Bureau, War Production Board.

SCHEDULE B—CLASS B SOLVENTS

Class B solvents may only be used for the production or processing of the following products:

1. Coatings for aircraft including instruments and parts.
2. Barrage balloon fabric.
3. Synthetic rubber.
4. Interior coatings for cans and metal closures and interior liners for metal closures where such cans and closures are to be used for the packaging of foods, drugs and pharmaceuticals.
5. Lacquers, saturants and fillers for cable, and impregnating varnishes for coils and wound apparatus.
6. Bonded mica for insulation purposes.
7. Vinyl coatings (on military orders only) where spray application is required.
8. Specification coatings (on military orders only) where the specification states that the use of Class B solvents is required.
9. Brake lining, clutch facing, and coated abrasives.
10. Any product for any end use (on military orders only) provided that not more than an aggregate quantity of 55 gallons of Class B solvents is used by any manufacturer in any calendar month for all such end uses.

[F. R. Doc. 9596; Filed, June 30, 1944; 11:47 a. m.]

PART 3293—CHEMICALS

[Limitation Order M–353 as Amended June 30, 1944]

WHITE PIGMENTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of white pigments 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:

§ 3293.546 *Limitation Order M–353*—(a) *Definitions.* (1) "White pigments" means titanium dioxide and zinc sulfide as defined herein.

(2) "Titanium dioxide" means any pigment containing more than 12 per cent titanium dioxide whether alone or admixed with or precipitated on inerts, extenders, or opaque pigments.

(3) "Zinc sulfide" means any pigment containing more than 12% zinc sulfide whether alone or admixed with, or precipitated on, inerts, extenders or opaque pigments. The term includes all the commercial grades of lithopone, but does not include luminescent pigments containing zinc sulfide.

(4) "Military order" means any purchase order for white pigments which is to be used in the manufacture of products delivered or to be delivered to, or to be used on, or incorporated in, material or equipment delivered or to be delivered to, the United States Army, Navy, Marine Corps, Coast Guard, Maritime Commission or the War Shipping Administration, or to or for the account of any foreign country under the Act of March 11, 1941 (Lend-Lease Act).

NOTE: Subparagraphs (2) and (4), formerly (1) and (2), redesignated June 30, 1944.

(b) *Inapplicability of certain preference ratings.* No person shall give any effect to any preference ratings below AA–2 on any purchase order for white pigments, unless the person placing such purchase order furnishes a certificate in substantially the following form signed by a duly authorized official, either manually or as provided by Priorities Regulation No. 7:

The undersigned hereby certifies to the War Production Board and to _____ [insert name and address of supplier] that he is familiar with the provisions of Order No. M–353 and that his purchase order, dated _____, for white pigments is a military order as defined in Order M–353.

_____
(Name of purchaser)

By _____
(Signature and title of duly authorized official)

Orders rated below AA–2, not accompanied by the certificate, may be filled as unrated orders to the extent permitted by Priorities Regulation No. 1. The certificate need not be filed with the War Production Board. Any person receiving it may rely upon it in filling orders unless he knows or has reason to believe that it is false. The standard certification described in Priorities Regulation No. 7 may not be used instead.

(c) *Special directives.* The War Production Board may at any time issue special directives to any person respecting the production or delivery of white pigments, notwithstanding the other provisions of this order.

NOTE: Paragraphs (d), (e) and (f), formerly (e), (f) and (g) redesignated June 30, 1944.

(d) *Applicability of regulations.* Except as provided in paragraph (b) above, this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(e) *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) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–353.

Issued this 30th day of June 1944.

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

[F. R. Doc. 44–9598; Filed, June 30, 1944; 11:47 a. m.]

PART 3302—SERVICE EQUIPMENT

[General Limitation Order L–91, as Amended June 30, 1944]

COMMERCIAL LAUNDRY EQUIPMENT, COMMERCIAL DRY CLEANING EQUIPMENT, AND TAILORS' PRESSING EQUIPMENT

§ 3302.16 *General Limitation Order L–91*—(a) *What this order does.* This order restricts the production and distribution of certain kinds of laundry equipment, dry cleaning equipment, and tailors' pressing equipment. This equipment is divided into two groups. The order restricts both production and distribution of the first group. Production of equipment in the second group is restricted, but distribution is not.

(b) *What equipment is in the first group.* The first group consists of the following kinds of laundry, dry cleaning and tailors' pressing equipment:

Blocking machines, garment
Boards, ironing
Boards, pressing
Boards, pressing, velvet and nap
Boards, shirt folding
Boards, steam
Boards, steam spotting
Cabinets, deodorizing, drying or sterilizing
Conveyors, bag (wet wash)
Conveyors, "go back"
Conveyors, shirt
Dry cleaning units, naphtha
Dry rooms, conveyor
Dryers, garment, hot air
Dryers, hosiery and sock
Dye machines
Extractors (including mechanical unloading)
Forms, collar
Forms, hosiery and sock
Forms, overall
Forms, sleeve
Forms, trouser
Filters, solvent, for drycleaning
Finishers, garment
Finishers, sleeve
Fluffers, handkerchief
Folding machines, automatic
Ironers, collar
Ironers, flatwork
Ironers, handkerchief
Ironer attachments:
  Canopies
  Feeding devices
Irons, puff
Listing machines
Marking machines
Presses
Shakers, flatwork
Shapers, sleeve
Shapers, trouser
Spreaders, flatwork
Stackers, flatwork, automatic
Stackers, handkerchief, automatic
Starch cookers
Starching and extracting machines
Starching machines
Steamers, garment
Steamers, velvet
Stills, vacuum, for drycleaning
Stretchers, trouser
Tables, marking
Tumblers
Washers (except glove)

(c) *What equipment is in the second group.* The second group consists of the following kinds of laundry, dry cleaning, and tailors' pressing equipment:

NOTE: "Puffers, steam" deleted June 30, 1944.

Boards, spotting, except steam
Collar shapers
Collar tippers
Cuff cleaners
Dampeners, cloth
Dampeners, collar and seam
Dryers, blanket and curtain
Dryers, rug
Dryers, windwhip
Dry cleaning units, synthetic
Dry rooms, sectional
Dye kettles
Feather sanitizing machines
Fluting machines
Forms, glove
Fur cleaning equipment
Glazers, fur
Glove cleaning machines
Hangers, revolving shirt
Hatters' equipment
Holders, bag
Holders, net
Irons, rotary
Ironers, edger
Ironers, hat crown
Ironers, ruffle
Ironer attachments:
  String mark eliminators
Napping machines (carding machines for blanket finishing)
Rug cleaning machines (stationary)
Sand bags, hat
Seam cleaners
Shirt envelope machines
Sterilizers, feather
Stretchers, blanket and curtain
Stretchers, dress
Tables, steam
Tubs, scrub
Tubs, starch
Tubs, stationary laundry
Washers, glove

(d) *Production of both groups is restricted.* A person may produce the equipment listed in paragraph (b) and (c) only to the extent authorized by this order or by written instructions from the War Production Board.

(e) *Production is permitted to fill U. S. Army and Navy orders.* A person may produce equipment if he builds it according to United States Army or Navy specifications in order to fill a specific United States Army or Navy order. This includes orders placed by prime contractors or subcontractors of the Army or Navy for equipment which will eventually be delivered to the Army or Navy and will be installed under Army or Navy supervision.

(f) *Production of equipment in first group is permitted to fill approved orders.* A person may produce equipment listed in paragraph (b) to fill orders approved for delivery under paragraph (k), and in addition to maintain an inventory of new equipment listed in paragraph (b) worth up to 5 per cent of the total value of new equipment listed in paragraph (b) which he billed to his customers during the calendar years 1939, 1940 and 1941. His total billings during that period and the value of his current inventory are to be calculated at his established prices f. o. b. shipping point. Production of equipment listed in paragraph (b) which was specifically authorized by the War Production Board, through the granting of appeals or otherwise, before May 22, 1944, may take place after that date only to the extent permitted by this paragraph.

In approving orders, and in processing applications for priorities assistance on Form CMP–4B, the War Production Board will be guided by the policy that the total production of the entire industry must not exceed the approved War Production Board program for the equipment listed in paragraph (b), and that the production in any one plant, or labor requirements therefor, must not interfere with war production in that plant or in any other plant located in the same area.

(g) *Production of equipment in second group is permitted to fill certain kinds of approved orders.* A person may assemble equipment listed in paragraph (c) to fill a specific order approved for delivery under paragraph (k), by assembling the equipment from parts completely fabricated before July 1, 1942. He may not make any parts for this purpose. Also, a person may produce equipment listed in paragraph (c) to fill a specific order approved for delivery under paragraph (k) for any of the following persons:

(1) The armed forces and maritime agencies of any foreign government friendly to the United States.

(2) The United States Maritime Commission.

(3) The War Shipping Administration.

(4) Privately owned ordnance plants.

(h) *Production of repair parts is permitted.* A person may make parts to use or sell for repairing, rebuilding or maintaining equipment.

(i) *Delivery of new equipment in first group is restricted.* A person may deliver new equipment listed in paragraph (b) only in those cases specified in the following paragraphs. There is no restriction on the delivery of secondhand equipment, including rebuilt equipment listed in paragraph (b). The delivery of both new and secondhand equipment listed in paragraph (c) is unrestricted.

(j) *Delivery to the United States Army and Navy is permitted.* A person may deliver new equipment listed in paragraph (b) to the United States Army or the United States Navy. A person may also deliver this equipment to a prime contractor or subcontractor of the Army or Navy, if the equipment will eventually be delivered to the Army or Navy and will be installed under Army or Navy supervision.

(k) *Approved deliveries are permitted.* A person may deliver new equipment listed in paragraph (b) to anyone whose order has been approved for delivery on Form WPB–924, issued before July 1, 1944, or a Form WPB–1319, or a Form GA–1456.

Form GA–1456 will be used to approve delivery to persons who request such approval when applying for authority to begin construction, and for priority assistance in obtaining materials for construction. Orders approved for delivery on Form GA–1456 should be accompanied by the following certification (in addition to the certification in Priorities Regulation 7):

Delivery approved on Form GA–1456.

Those who want to get their orders approved when construction is not involved should send an application to the War Production Board, Service Equipment Division, Washington 25, D. C.: Ref. L–91. Applications submitted before June 1, 1944, should be on Form WPB–924. Applications submitted after that date should be on Form WPB–1319. If the War Production Board approves an order for delivery on either of those forms, the approved form must be given to the person making the delivery before the equipment may be delivered. Moreover, if the form is not given to this person within thirty days after the date of official approval, the War Production Board's permission to deliver the equipment automatically expires.

(l) *Deliveries for resale are permitted.* A person may deliver new equipment listed in paragraph (b) to anyone who needs the equipment to fill an order or part of an order approved for delivery under paragraph (k). A person may also deliver this equipment to anyone who is acquiring the equipment only for resale within the United States (48 States and the District of Columbia). In the latter case the person delivering the equipment must continue to count it as part of his inventory under paragraph (f) until the equipment is redelivered to the United States Army, the United States Navy, or a person whose order has been approved for delivery under paragraph (k).

(m) *Use of equipment by manufacturers or dealers is restricted.* No person who produces equipment for sale or acquires new equipment listed in paragraph (b) for resale may put that equipment into use, unless the War Production Board gives him written permission to do so.

(n) *Emergency repair loans are sometimes permitted.* The War Production Board will consider written or telegraphic requests for permission to lend equipment listed in paragraph (b) to someone whose own equipment is undergoing emergency repairs. If the War Production Board gives permission in writing, a person may deliver equipment to another person for use while the latter's equipment is being repaired. When the repairs are finished, the borrowed equipment must be returned to the person who lent it. Equipment listed in paragraph (b) is still considered new equipment even though it has been used for repair loans of the sort contemplated by this paragraph, and is still subject to the restrictions of paragraph (i) after it has been returned to the person who lent it.

(o) *Use of metal parts for rebuilding equipment is restricted.* A person may use metal parts, including cast iron, for rebuilding equipment listed in paragraph (b) or paragraph (c) only to the following extent:

A person rebuilding equipment for the United States Army, the United States Navy, the United States Maritime Commission, or the War Shipping Administration, may use metal parts to the extent necessary to meet their specifications.

A person may also use metal parts in rebuilding a piece of equipment if their total weight will be less than 40 per cent of the total weight of the piece of equipment rebuilt, after the job is finished. A person may use additional metal parts for rebuilding a piece of equipment to the extent specifically authorized by the War Production Board in writing.

(p) *Reports on Form WPB–923 are required monthly.* Before the fifteenth of each month every person in the business of producing equipment listed in paragraph (b) or (c), and every person in the business of selling new equipment listed in paragraph (b) must send to the War Production Board a report on Form WPB–923. This reporting requirement has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Miscellaneous reports.* Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, each person affected by this order must execute and file with the War Production Board whatever reports, information, and answers to questionnaires the War Production Board from time to time requests.

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

(s) *Violations.* Any person who wilfully violates any provisions 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.

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

(u) *Communications to War Production Board.* All reports required by this order, and all communications concerning its provisions should be addressed to: War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L–91.

Issued this 30th day of June 1944.

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

INTERPRETATION 1

LAUNDRY, DRY CLEANING AND TAILORS' PRESSES

General Limitation Order L–91 restricts the production and distribution of certain kinds of laundry equipment, dry cleaning equipment, and tailors' pressing equipment. The first group of such equipment listed in paragraph (b) includes "presses". All presses of the types commonly known as laundry, dry cleaning or tailors' presses are controlled by Order L–91, including those produced or delivered for purposes other than laundering, dry cleaning or tailoring. For example, all pants top presses, pants leg presses, off pressing machines with bucks 38 inches long or longer, and 38 inch to 45 inch utility presses, are restricted by Order L–91 regardless of whether they are being produced and delivered to dry cleaning plants or to clothing

manufacturers. On the other hand, Order L–91 is inapplicable to the following types of presses, since they are not commonly known as laundry, dry cleaning, or tailors' presses:

Back and blade presses.
Canvas front presses.
Coat front presses.
Collar presses.
Double bosom presses of the type used by shirt manufacturers.
Edge presses.
Fuse ply presses of the type used by shirt manufacturers.
Knit goods presses.
Off pressing machines, except those with bucks 38 inches long or longer.
Pocket presses.
Seam opening and under pressing presses.
Shoulder presses.
Side and back presses.
Sleeve and shrinking presses.
Vest presses.
Vest back presses.
Vest front presses.
Vest, neck and shoulder presses.

(Issued May 22, 1944.)

[F. R. Doc. 44–9592; Filed, June 30, 1944; 11:46 a. m.]

Chapter XI—Office of Price Administration

Part 1499—Commodities and Services

[Order 75 Under 18 (c)]

ILLINOIS LUMBER MFG. CO.

Order No. 75 under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, it is ordered:

§ 1499.1532 *Adjustment of maximum prices for specified prefabricated non-dwelling farm buildings and accessories sold in Illinois by the Illinois Lumber Manufacturing Company and dealers.* (a) On and after June 30, 1944, the maximum prices established by § 1499.3 (b) (1) of the General Maximum Price Regulation for sales within the State of Illinois by the Illinois Lumber Manufacturing Company of Cairo, Illinois, to dealers of the prefabricated non-dwelling farm buildings and accessories listed in Table I are adjusted as indicated in that table.

(b) On and after June 30, 1944, the maximum prices established by § 1499.3 (b) (1) of the General Maximum Price Regulation for sales within the State of Illinois by the Illinois Lumber Manufacturing Company to consumers of the prefabricated non-dwelling farm buildings and accessories listed in Table II are adjusted as indicated in that table.

(c) On and after June 30, 1944, any dealer purchasing the prefabricated non-dwelling farm buildings and accessories listed in Table I from the Illinois Lumber Manufacturing Company for purpose of resale to consumers within the State of Illinois may increase his maximum prices in effect on the effective date of this order by an amount not in excess of the actual increased dollars-and-cents cost incurred by him by reason of the increase in maximum prices permitted the Illinois Lumber Manufacturing Company by this order.

(d) Customary terms, discounts and allowances, as well as the zone boundaries, at least as great as those in effect in March 1942 shall be continued without change by all sellers subject to this order.

(e) This Order No. 75 may be amended or revoked by the Price Administrator at any time.

This Order No. 75 (§ 1499.1532) shall become effective June 30, 1944.

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

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

TABLE I—MAXIMUM PRICES FOR SALES BY ILLINOIS LUMBER MANUFACTURING COMPANY TO DEALERS

Buildings and accessories	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
6′ x 7½′ Victory Sow House—Plywood	$20.56	$29.31	$22.06	$30.81	$22.56	$31.31	$23.06	$31.81
10′ x 10′ Brooder House—Lumber	73.28	81.18	77.79	85.69	78.33	86.23	79.59	87.49
10′ x 10′ Brooder House—Plywood	67.41	71.82	71.57	75.98	72.07	76.48	73.24	77.65
10′ x 4′ Intermediate Section Brooder House—Lumber	10.55	26.83	12.17	28.45	12.73	29.01	13.25	29.53
10′ x 4′ Intermediate Section Brooder House—Plywood	10.11	23.93	11.10	24.92	11.44	25.26	11.76	25.58

TABLE II—MAXIMUM PRICES FOR SALES BY ILLINOIS LUMBER MANUFACTURING COMPANY TO CONSUMERS

Buildings and accessories	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
6′ x 7½′ Victory Sow House—Plywood	$27.41	$37.81	$28.91	$39.31	$29.41	$39.81	$29.91	$40.31
10′ x 10′ Brooder House—Lumber	97.70	105.60	102.21	110.11	102.75	110.65	104.01	111.91
10′ x 10′ Brooder House—Plywood	89.88	94.29	94.04	98.45	94.54	98.95	95.71	100.12
10′ x 4′ Intermediate Section Brooder House—Lumber	14.07	33.31	15.69	34.93	16.25	35.49	16.77	36.01
10′ x 4′ Intermediate Section Brooder House—Plywood	13.48	30.94	14.47	31.93	14.81	32.27	15.13	32.59

Notes to Tables I and II:
(1) Maximum price f. o. b. Cairo, Illinois, established by § 1499.3 (b) (1) of the G. M. P. R.
(2) Adjusted maximum price f. o. b. Cairo, Illinois.
(3) Maximum price delivered in Zone A, established by § 1499.3 (b) (1) of the G. M. P. R.
(4) Adjusted maximum price delivered in Zone A.
(5) Maximum price delivered in Zone B, established by § 1499.3 (b) (1) of the G. M. P. R.
(6) Adjusted maximum price delivered in Zone B.
(7) Maximum price delivered in Zone C, established by § 1499.3 (b) (1) of the G. M. P. R.
(8) Adjusted maximum price delivered in Zone C.

[F. R. Doc. 44–9532; Filed, June 29, 1944; 11:46 a. m.]

[Order 76 Under 18 (c)]

Part 1499—Commodities and Services

ILLINOIS LUMBER MFG. CO.

Order No. 76 under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, it is ordered:

§ 1499.1533 *Adjustment of maximum prices for specified prefabricated non-dwelling farm buildings and accessories sold in Illinois by the Illinois Lumber Manufacturing Company and dealers.* (a) On and after June 30, 1944, the maximum prices for sales by the Illinois Lumber Manufacturing Company of Cairo, Illinois, to dealers within the State of Illinois of the prefabricated non-dwelling farm buildings and accessories listed below are adjusted as follows:

Buildings and accessories	Adjusted maximum prices			
	F. o. b. Cairo, Ill.	Delivered Zone A	Delivered Zone B	Delivered Zone C
6′x7½′ Victory Sow House—Lumber	$29.31	$31.11	$31.71	$32.31
12′ x 12′ Brooder House—Lumber	101.08	106.98	107.68	109.33
12′ x 16′ Brooder House—Lumber	135.62	141.47	145.07	147.37
12′ x 4′ Intermediate Section Brooder House—Lumber	34.53	36.69	37.44	38.14

(b) On and after June 30, 1944, the maximum prices for sales by the Illinois Lumber Manufacturing Company to consumers within the State of Illinois of the prefabricated non-dwelling farm buildings and accessories listed below are adjusted as follows:

Buildings and accessories	Adjusted maximum prices			
	F. o. b. Cairo, Ill.	Delivered Zone A	Delivered Zone B	Delivered Zone C
6′x7½′ Victory Sow House—Lumber	$37.81	$39.61	$40.21	$40.81
12′ x 12′ Brooder House—Lumber	131.08	136.98	137.98	139.33
12′ x 16′ Brooder House—Lumber	170.12	175.97	179.57	181.87
12′ x 4′ Intermediate Section Brooder House—Lumber	41.15	43.31	44.06	44.76

(c) On and after June 30, 1944, any dealer purchasing the prefabricated non-dwelling farm buildings and accessories listed in (a) and (b) above from the Illinois Lumber Manufacturing Company for purpose of resale within the State of Illinois may increase his maximum prices in effect on the effective date of this order by an amount not in excess of the actual increased dollars-and-cents cost incurred by such dealer by reason of the increase in maximum prices permitted the Illinois Lumber Manufacturing Company by this order.

(d) Customary terms, discounts and allowances as well as the zone boundaries at least as great as those in effect in March 1942 shall be continued by all sellers subject to this order.

(c) The existing maximum prices for all prefabricated non-dwelling farm buildings and accessories not specifically adjusted by this order shall remain in effect without change for all sellers subject to this order.

(f) This Order No. 76 may be revoked or amended by the Price Administrator at any time.

This Order No. 76 (§ 1499.1533) shall become effective June 30, 1944.

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

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9531; Filed, June 29, 1944; 11:45 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 150,[1] Amdt. 8]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

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

Revised Maximum Price Regulation 150 is amended in the following respects:

Section 6 (a) (1) is amended to read as follows:

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

Variety	Milled rice	Undermilled rice	Brown rice	Converted milled rice (when sold to the United States Government or any o its agencies
Rexoro	$8.25	$7.40	$6.75	$9.05
Nira	8.25	7.40	6.75	8.65
Fortuna	7.50	6.80	6.20	8.15
Edith	7.00	6.50	6.00	8.10
Prelude	7.00	6.50	6.00	8.10
Calady	6.65	6.10	5.85	7.90
Blue Rose	6.50	6.10	5.85	8.15
Ark Rose	6.50	6.10	5.85	8.15
Southern Pearl	6.50	6.10	5.85	8.15
California Pearl	6.50	6.10	5.85	7.75
Lady Wright	6.50	6.10	5.75	8.00
Zenith	6.50	6.10	5.85	8.15
Early Prolific	6.20	5.70	5.40	7.60
Any other variety	6.20	5.70	5.40	7.60

When converted milled rice is sold to any person other than the United States Government or any of its agencies the maximum price shall be the maximum price for milled rice.

This amendment shall become effective June 29, 1944.
Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9547; Filed, June 29, 1944; 3:01 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5, Amdt. 72]

FOOD RATIONING FOR INSTITUTIONAL USERS

Correction

The FEDERAL REGISTER serial number for the above-entitled document appearing on page 7260 of the issue for Friday, June 30, 1944, should read "F. R. Doc. 44-9519".

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

[1] 8 F.R. 4788, 10758, 12873, 14076, 15322; 9 F.R. 3347, 3649, 3425, 5726, 6564.

PART 1388—DEFENSE-RENTAL AREA

[Rent Reg. for Hotels and Rooming Houses [1] Amdt. 24]

MYRTLE BEACH, S. C.

Item 280a is added to Schedule A of the Rent Regulation for Hotels and Rooming Houses to read as follows:

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(208a) Myrtle Beach	South Carolina	In the County of Horry, the Townships of Conway, Dogwood Neck, and Socastee.	July 1, 1943	July 1, 1944	Aug. 15, 1944

This amendment shall become effective July 1, 1944.
Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9550; Filed, June 29, 1944; 3:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Housing,[2] Amdt. 28]

MYRTLE BEACH, S. C.

Item 280a is added to Schedule A of the Rent Regulation for Housing to read as follows:

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(280a) Myrtle Beach	South Carolina	In the County of Horry, the Townships of Conway, Dogwood Neck, and Socastee.	July 1, 1943	July 1, 1944	Aug. 15, 1944

This amendment shall become effective July 1, 1944.
Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9549; Filed, June 29, 1944; 3:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Hotels and Rooming Houses,[3] Amdt. 20]

DESIGNATION OF AREAS AND RENT DECLARATIONS RELATING TO SUCH AREAS

In § 1388.1341 of Designation and Rent Declaration 31, item 35 is amended and item 95 is added to read as follows:

(35) South Carolina	South Carolina	That portion of the State of South Carolina not designated prior to October, 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Colleton and Florence and in the county of Horry, the townships of Conway, Dogwood Neck, and Socastee.
(95) Myrtle Beach	South Carolina	In the county of Horry, the townships of Conway, Dogwood Neck, and Socastee.

[1] 9 F.R. 2164, 3231, 3421, 4194, 4541.

[2] 8 F.R. 14663, 14815, 15585, 16032, 16208, 16427, 17297; 9 F.R. 206, 972, 2176, 2289, 3231, 3422, 4028, 4541, 5807, 5915, 6359, 6569, 6819.

[3] 7 F.R. 7942, 8 F.R. 122, 1229, 1749, 4779, 5738, 5739, 10730, 12099, 12624, 13920, 14012, 14687, 15581, 16209, 9 F.R. 972, 3232, 4541, 5823, 5915.

This amendment shall become effective July 1, 1944.

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9548; Filed, June 29, 1944; 3:01 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 425,[1] Amdt. 6]

FRESH FRUITS, VEGETABLES AND BERRIES FOR PROCESSING

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 section 3, the item "Cherries, red sour (including Morello cherries) ___ 8½" is deleted.

This amendment shall become effective June 29, 1944.

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

Approved: June 27, 1944.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 44-9525; Filed, June 29, 1944; 11:44 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 425,[1] Amdt. 7]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

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

Section 4 is amended to read as follows:

SEC. 4. *Maximum prices for certain berries sold for processing.* The prices in the following table are maximum prices for sales of the listed fresh berries to processors, delivered to the buyers' customary receiving point. They apply only to sales of berries produced in the counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, Skamania, and all counties west thereof in the state of Washington, and the counties of Hood River, Clackamas, Marion, Linn, Lane and all counties west thereof in the state of Oregon.

Variety:	*Cents per pound*
Strawberries (Ettersburg) stemmed	17
Strawberries (other) stemmed	15
Red Raspberries	15
Black Raspberries	13
Youngberries	12
Boysenberries	12
Loganberries	12
Blackberries	12
Gooseberries	8

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

[1] 8 F.R. 9303, 9879, 12632, 12952, 14154, 15674, 16293.

This amendment shall become effective June 29, 1944.

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

Approved:

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 44-9526; Filed, June 29, 1944; 11:44 a. m.]

PART 1304—IRON AND STEEL SCRAP

[MPR 4]

IRON AND STEEL SCRAP

Revised Price Schedule No. 4[1] is redesigned Maximum Price Regulation 4 and is revised and amended to read as set forth herein. A statement of the considerations involved in the issuance of this Maximum Price Regulation 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

MPR 4—IRON AND STEEL SCRAP

ARTICLE I—SCOPE OF THE REGULATION

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

[1] 8 F.R. 1952, 2431, 11251, 7264, 16786; 9 F.R. 1718, 4599.

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Prohibitions against dealing in iron and steel scrap at prices above the maximum.* On and after the 5th day of July, 1944 regardless of any other contract or other obligation:

No person shall sell or deliver iron or steel scrap to a consumer of scrap or his broker at prices higher than the maximum prices established by this regulation:

No consumer of scrap or his broker shall buy or receive iron or steel scrap at prices higher than the maximum prices so established by this regulation:

No person shall charge or pay a fee for the service of preparing iron or steel scrap in excess of the maximum preparation charges established by this regulation:

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

SEC. 2. *Geographical application.* This regulation shall apply to all sales, deliveries, and preparation of iron or steel scrap in the forty-eight states of the United States and the District of Columbia.

ARTICLE II—MAXIMUM PRICES

SEC. 3. *Basing point prices for steel scrap of dealer and industrial origin—* (a) *Basing point prices from which maximum shipping point and maximum delivered prices are computed.* (1) Basing point prices for the base grade, No. 1 heavy melting steel, Grade 1:

Basing point:	*Price per gross ton*
Alabama City, Ala	$17.00
Ashland, Ky	19.50
Atlanta, Ga	17.00
Bethlehem, Pa	18.25
Birmingham, Ala	17.00
Brackenridge, Pa	20.00
Buffalo, N. Y	19.25
Butler, Pa	20.00
Canton, Ohio	20.00
Chicago, Ill	18.75
Cincinnati, Ohio	19.50
Claymont, Del	18.75
Cleveland, Ohio	19.50
Coatesville, Pa	18.75
Conshohocken, Pa	18.75
Detroit, Mich	17.85
Duluth, Minn	18.00
Harrisburg, Pa	18.75
Johnstown, Pa	20.00
Kokomo, Ind	18.25
Los Angeles, Calif	17.00
Middletown, Ohio	19.50
Midland, Pa	20.00
Minnequa, Colo	16.50
Monessen, Pa	20.00
Phoenixville, Pa	18.75
Pittsburg, Calif	17.00
Pittsburgh, Pa	20.00
Portsmouth, Ohio	19.50
St. Louis, Mo	17.50
San Francisco, Calif	17.00
Seattle, Wash	14.50

Basing point:	*Price per gross ton*
Sharon, Pa	$20.00
Sparrows Point, Md	18.75
Steubenville, Ohio	20.00
Warren, Ohio	20.00
Weirton, W. Va	20.00
Youngstown, Ohio	20.00

(2) Differentials per gross ton above or below the price of Grade 1 (No. 1 heavy melting steel) for other grades of steel scrap.

OPEN HEARTH AND BLAST FURNACE GRADES

Grades	*Differentials*
2. No. 2 Heavy Melting Steel	Base
3. No. 1 Busheling	Base
4. No. 1 Bundles	Base
5. No. 2 Bundles	Base
6. No. 3 Bundles	−2.00
7. Machine Shop Turnings	−5.00
7(a). Bundled Machine Shop Turnings	Base
8. Mill Scale	−8.00
9. Mixed Borings and Turnings	−5.00
10. Shoveling Turnings	−3.00
11. No. 2 Busheling	−2.50
12. Cast Iron Borings	−4.00

ELECTRIC FURNACE AND FOUNDRY GRADES

13. Billet, Bloom and Forge Crops	+5.00
14. Bar Crops and Plate Scrap	+2.50
15. Cast Steel	+2.50
16. Punchings and Plate Scrap	+2.50
17. Electric Furnace Bundles	+1.00
18. Cut Structural and Plate Scrap 3' and under	+1.50
19. Cut Structural and Plate Scrap 2' and under	+2.00
20. Cut Structural and Plate Scrap 1' and under	+2.50
21. Briquetted Cast Iron Borings	Base
22. Two Foot Foundry Steel	+1.50
23. One Foot Foundry Steel	+2.00
24. Springs and Crankshafts	+1.00
25. Alloy Free Turnings	−2.00
26. Heavy Turnings	− .50

SPECIAL GRADES

27. Briquetted Turnings	Base
28. No. 1 Chemical Borings	−1.00
29. No. 2 Chemical Borings	−2.00
30. Tin Can Bundles	−4.00
31. Welding Rod Butts	−3.50
32. Wrought Iron	+6.50
33. Shafting	+7.00

(b) *Restrictions on use.* (1) The premiums established for electric furnace and foundry grades apply for use by electric furnace, acid open-hearth or foundry users. No basic open-hearth or blast furnace consumer may pay a price in excess of the price for the corresponding basic open-hearth or blast furnace grade for any of these grades unless allocated to such consumer by the War Production Board.

(2) The prices established for Grade 13 (billet, bloom and forge crops), Grade 25 (alloy free turnings) and Grade 26 (heavy turnings) may be charged only when shipped to a consumer directly from an industrial producer of such grades; otherwise the maximum price for such grades shall not exceed the price established for the corresponding grade of basic open hearth and blast furnace scrap.

(3) The prices established for Grade 28 (No. 1 chemical borings) and Grade 29 (No. 2 chemical borings) may be charged only when such grades are sold for use for chemical or annealing purposes; otherwise the maximum prices for such grades shall not exceed the price established for Grade 12 (cast iron borings).

(4) The price established for Grade 32 (wrought iron) may be charged only when sold to a producer of wrought iron; otherwise the maximum price for such grade shall not exceed the prices established for the corresponding grades of basic open hearth or blast furnace scrap.

(c) *Special pricing provisions.* (1) Sellers of Grade 28 (No. 1 chemical borings) and Grade 29 (No. 2 chemical borings) may make an extra charge of 75 cents per gross ton for loading in box cars or covering gondolas with a weather-resistant covering.

(2) Non-ferrous smelters may pay an extra charge of $1.50 per gross ton for preparing Grade 2 (No. 2 heavy melting steel) to a length of two feet or less, and a width of 15 inches or less.

(3) The maximum price of pit scrap, ladle scrap, salamander scrap, skulls, skimmings or scrap recovered from slag dumps and prepared to charging box size, shall be computed by deducting from the price of No. 1 heavy melting steel of dealer and industrial origin, the following amounts:

Where the iron content is 85% and over	$2.00
Where the iron content is 75% and over	4.00
Where the iron content is less than 75%	8.00

(4) The maximum price of iron or steel grindings or mill cinders, with the exception of those cast iron grindings with an iron content of 85 per cent and over and when sold for chemical use, shall be $4.00 per gross ton at any shipping point. Cast iron grindings with an iron content of 85 per cent and over shall not be subject to this regulation when sold for chemical use.

(5) Detinned or tin coated scrap sold for use in copper precipitation shall not be subject to this regulation.

SEC. 4. *Maximum shipping point prices for steel scrap of dealer and industrial origin.* (a) For shipping points located within a basing point named in section 3 of this regulation, the maximum shipping point price for any grade of steel scrap shall be the price established at such basing point, minus the applicable switching charge deduction set forth in section 5.

(b) For shipping points located outside the basing points named in section 3, the maximum shipping point price of any grade of steel scrap shall be the price established for the scrap at the most favorable basing point, minus the lowest established charge for transporting scrap from the shipping point to such basing point by rail or water carrier, or combination thereof. (The most favorable basing point is the basing point named in section 3 which will yield the highest shipping point price.) Where water rates are involved in the computation, a flat charge of 75¢ per gross ton for dock charges must be deducted in computing the shipping point price, except however, that at Memphis, Tennessee, the deduction shall be 50¢ per gross ton; at Great Lakes ports, $1.00 per gross ton; and at New England ports, $1.25 per gross ton.

(c) For shipping points located outside the basing points named in section 3, where water rates are used in computing shipping point prices, the f. a. s. vessel price shall apply f. o. b. cars for all shipping points located within the switching district of the city from which the water rate is applicable. Where the shipping point is located outside such switching district, the lowest established charge for transporting scrap by rail from the shipping point to the f. a. s. vessel point must be deducted from the f. a. s. vessel price. If no such established charge exists, then water rates may not be used in computing shipping point prices at such shipping points.

(d) The maximum shipping point price for No. 1 heavy melting steel (with differentials established in section 3 for all other grades) at all shipping points in New York City (or Brooklyn, New York) shall be $15.33 per gross ton.

(e) Maximum shipping point prices at all shipping points in the State of New Jersey shall be computed by the use of all rail transportation charges: Except that maximum shipping point prices at all shipping points in Hudson and Bergen Counties shall be computed from the Bethlehem, Pennsylvania, basing point.

(f) The maximum shipping point price for No. 1 heavy melting steel (with differentials established in section 3 for all other grades) need not fall below $14.00 per gross ton.

SEC. 5. *Switching charge deductions.* The switching charges to be deducted from the basing point price of dealer and industrial scrap as set forth in section 3, or the basing point price of non-operating railroad scrap, as set forth in section 7, in order to determine the maximum shipping point prices for such scrap originating in basing points, are as follows:

(a) Basing point:	*Cents per gross ton*
1. Alabama City, Alabama	26
2. Ashland, Kentucky	28
3. Atlanta, Georgia	32
4. Bethlehem, Pennsylvania	53
5. Birmingham, Alabama	32
6. Brackenridge, Pennsylvania	55
7. Buffalo, New York	36
8. Butler, Pennsylvania	23
9. Canton, Ohio	23
10. Chicago, Illinois	64
11. Cincinnati, Ohio	23
12. Claymont, Delaware	36
13. Cleveland, Ohio	42
14. Coatesville, Pennsylvania	28
15. Conshohocken, Pennsylvania	11
16. Detroit, Michigan	53
17. Duluth, Minnesota	23
18. Harrisburg, Pennsylvania	23
19. Johnstown, Pennsylvania	42
20. Kokomo, Indiana	23
21. Los Angeles, California	42
22. Middletown, Ohio	14
23. Midland, Pennsylvania	42
24. Minnequa, Colorado	22
25. Monessen, Pennsylvania	28
26. Phoenixville, Pennsylvania	28
27. Pittsburg, California	42
28. Pittsburgh, Pennsylvania	55
29. Portsmouth, Ohio	28
30. St. Louis, Missouri	28
31. San Francisco, California	42
32. Seattle, Washington	38

(a) Basing point:	*Cents per gross ton*
33. Sharon, Pennsylvania	42
34. Sparrows Point, Maryland	11
35. Steubenville, Ohio	28
36. Warren, Pennsylvania	42
37. Weirton, West Virginia	42
38. Youngstown, Ohio	42

[1] For Basic Open Hearth and Blast Furnace grades and grades No. 22, 23, and 24 in Section 3, the switching charge deduction shall be 80¢ per gross ton.

(b) The Pittsburgh, Pennsylvania, basing point includes the switching districts of Bessemer, Homestead, Duquesne, Munhall and McKeesport, Pennsylvania.

(c) The Cincinnati, Ohio, basing point includes the switching district of Newport, Kentucky.

(d) The St. Louis, Missouri, basing point includes the switching districts of Granite City, East St. Louis and Madison, Illinois.

(e) The San Francisco, California, basing point includes the switching districts of South San Francisco, Niles and Oakland, California.

(f) The Claymont, Delaware, basing point includes the switching district of Chester, Pennsylvania.

(g) The Chicago, Illinois, basing point includes the switching district of Gary, Indiana.

SEC. 6. *Maximum delivered prices for shipment by rail, vessel, or combination thereof, for steel scrap of dealer and industrial origin.* (a) The maximum delivered price of any grade of steel scrap delivered by rail, vessel, or combination thereof, shall be the shipping point price as determined in section 4, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the means of transportation employed, subject to the springboard limitations set forth in paragraph (d) of this section.

(b) If delivery to the consumer involves vessel movement, the actual charges incurred at a public dock may be added to the established transportation charges. Where the dock facilities are owned or controlled by the shipper of the scrap, a maximum charge of 75¢ per gross ton may be added to the established transportation charges; except that the maximum charge shall be 50 cents per gross ton at Memphis, Tennessee, $1.00 per gross ton at any Great Lakes port, or $1.25 per gross ton at any New England port.

(c) In the case of water movement by deck scow or railroad lighter, no established charges at the dock or any charge or cost customarily incurred at the dock may be included in the delivered price. In lieu thereof, 50 cents per gross ton may be included in the delivered price.

(d) Normal springboard limitations. The maximum delivered price of any grade of steel scrap of dealer and industrial origin shall not exceed the price listed in section 3 for that grade at the basing point nearest, in terms of transportation charges, the consumer's plant by more than $1.00 with the following exceptions:

(1) For consumers located nearest, in terms of transportation charges, the St. Louis, Missouri, basing point, the maximum delivered price of any grade of steel scrap shall not exceed the price listed in section 3 for that grade at St. Louis by more than $1.50.

(2) For consumers located nearest, in terms of transportation charges, the Detroit, Michigan, Birmingham, Alabama, or Alabama City, Alabama, basing points, the maximum delivered price of any grade of steel scrap shall not exceed the price listed in section 3 for that grade at such basing points by more than $2.00.

(3) Where the delivered price of any grade of scrap shipped from a New England shipping point exceeds the normal springboard limitations set forth above, the maximum transportation charges which may be added to the shipping point price shall be $6.65 per gross ton.

(4) Consumers of Grade 13 (billet, bloom and forge crops) originating in and shipped from the Pittsburgh, Pennsylvania basing point may pay the shipping point price established in section 4 for that grade, plus transportation charges actually incurred but not to exceed $2.65 per gross ton.

(5) Consumers purchasing any grade of turnings for electric furnace use in the production of ferro-alloys, may pay the shipping point price established in section 4 for that grade of turnings plus full transportation charges to the point of delivery.

(6) Consumers of chemical borings may pay the shipping point price established in section 4 for that grade of chemical borings plus full transportation charges to the point of delivery.

(7) Consumers purchasing steel scrap for use in copper precipitation may pay the shipping point price established in section 4 for the particular grade of scrap, plus full transportation charges to the point of delivery.

(8) When steel scrap is shipped by vessel from Duluth, Minnesota or Superior, Wisconsin, consumers purchasing such scrap may pay the shipping point price established in section 4, plus full transportation charges to the point of delivery.

(9) Consumers purchasing mill cinder or grindings may pay the shipping point price established in section 4 for those grades, plus full transportation charges to the point of delivery.

(10) For Grade 14 (bar crops and plate scrap), Grade 16 (punchings and plate scrap), Grade 25 (alloy free turnings), Grade 26 (heavy turnings) and Grade 27 (briquetted turnings) shipped directly from industrial plants in the State of Michigan, consumers located nearest, in terms of transportation charges, the Buffalo, New York, Pittsburgh, Brackenridge, and Midland, Pennsylvania, basing points, may pay the shipping point price plus full transportation charges to the point of delivery.

(e) Steel scrap originating within the States of Arizona, Arkansas, California, Colorado, Florida, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming shall be designated "remote scrap". Consumers purchasing any grade of "remote scrap" may pay the shipping point price established in section 4 for the particular grade of scrap, plus full transportation charges to the point of delivery, provided that the delivered price does not exceed the price at the basing point nearest, in terms of transportation charges, the consumer's plant by more than $7.00 per gross ton.

(f) Where scrap is shipped pursuant to an allocation order issued by the War Production Board, a consumer may pay the shipping point price as established in section 4, plus full transportation charges to the point of delivery.

(g) Where the War Production Board allocates for rail shipment, scrap which has been stored at a dock for water movement, the consumer may pay the dock charges set forth in paragraph (b) above.

SEC. 7. *Basing point prices for steel scrap of railroad origin*—(a) *Basing point prices from which maximum on-line and maximum delivered prices are computed.*

(1) Basing point prices for the base grade, No. 1 railroad heavy melting steel, Grade 1:

Basing point:	*Price per gross ton*
Alabama City, Alabama	$18.00
Ashland, Kentucky	20.50
Atlanta, Georgia	18.00
Bethlehem, Pennsylvania	19.25
Birmingham, Alabama	18.00
Brackenridge, Pennsylvania	21.00
Buffalo, New York	20.25
Butler, Pennsylvania	21.00
Canton, Ohio	21.00
Chicago, Illinois	19.75
Cincinnati, Ohio	20.50
Claymont, Delaware	19.75
Cleveland, Ohio	20.50
Coatesville, Pennsylvania	19.75
Conshohocken, Pennsylvania	19.75
Detroit, Michigan	18.85
Duluth, Minnesota	19.00
Harrisburg, Pennsylvania	19.75
Johnstown, Pennsylvania	21.00
Kokomo, Indiana	19.25
Los Angeles, California	18.00
Middletown, Ohio	20.50
Midland, Pennsylvania	21.00
Minnequa, Colorado	17.50
Monessen, Pennsylvania	21.00
Phoenixville, Pennsylvania	19.75
Pittsburg, California	18.00
Pittsburgh, Pennsylvania	21.00
Portsmouth, Ohio	20.50
St. Louis, Missouri	18.50
San Francisco, California	18.00
Seattle, Washington	15.50
Sharon, Pennsylvania	21.00
Sparrows Point, Maryland	19.75
Steubenville, Ohio	21.00
Warren, Ohio	21.00
Weirton, West Virginia	21.00
Youngstown, Ohio	21.00

(2) Differentials per gross ton above or below the price of Grade 1 (No. 1 railroad heavy melting steel) for other grades of railroad steel scrap.

Grades	*Differentials*
2. No. 2 Railroad Heavy Melting Steel	Base
3. Wrought Iron and Soft Steel	Base
4. No. 2 Steel Wheels	Base
5. Axles, Iron and/or Steel	Base
6. No. 1 Busheling	—1.00
7. No. 2 Busheling	—3.50
8. No. 1 Turnings	—1.50
9. No. 2 Turnings, Drillings and Borings	—6.00
10. Iron Arch Bars	—3.50
11. Steel Arch Bars	—3.50
12. Boilers, Fire Boxes and Tanks	—3.50
13. No. 2 Cast Steel	—3.50
14. Uncut Frogs and Switches	—.50
15. Flues, Tubes and Pipes	—3.50
16. Limed Iron and Steel	—3.50

Grades	Differentials
17. Structural Wrought Iron and/or Steel, uncut	—3.50
18. Destroyed Steel Cars and Locomotive Tenders	—3.50
19. No. 1 Sheet Scrap	—5.00
20. No. 2 Sheet Scrap	—7.00
21. Scrap Rails in Random Lengths	+.50
22. Re-rolling Rails	+2.50
23. Cut Rails, 3' and Under	+2.50
24. Cut Rails, 18" and Under	+3.75
25. Cast Steel, No. 1	+2.50
26. Uncut Tires	+2.50
27. Cut Tires	+4.50
28. Iron Arch Bars, 3' and Under	+1.00
29. Uncut Bolsters and Side Frames	Base
30. Cut Bolsters and Side Frames	+2.50
31. Angle and Splice Bars	+2.50
32. Solid Steel Axles	+6.00
33. No. 3 Steel Wheels	+3.50
34. Spring Steel	+3.50
35. Couplers and Knuckles	+3.50

(b) *Restrictions on use.* (1) The price established for grade 22 (re-rolling rails) may be charged only when purchased and sold for re-rolling use; otherwise the maximum price for such grade shall not exceed the price established for grade 21 (scrap rails in random lengths). (The term "re-rolling rails" includes any rails which are sold to be used for re-rolling, irrespective of whether or not such rails are usable for relaying).

(2) The price established for grade 32 (solid steel axles) may be charged only when purchased and sold for re-rolling or reforging use; otherwise the maximum price for such grade shall not exceed the price established for the base grade, No. 1 railroad heavy melting steel.

SEC. 8. *Maximum on-line prices for steel scrap of railroad origin.* The term "on-line prices" means the maximum prices that the originating railroad may charge for scrap delivered to a consumer located on the line of that railroad.

(a) *On-line prices for operating railroads operating in a basing point.* The maximum on-line price of any grade of steel scrap originating from an operating railroad operating in a basing point named in section 7 shall be the price established in such section for the scrap at the highest priced basing point in which the railroad operates.

(b) *On-line prices for operating railroads not operating in a basing point.* The maximum on-line price of any grade of steel scrap originating from an operating railroad not operating in a basing point named in section 7 shall be the price established for the scrap at the most favorable basing point named in that section minus the foreign line proportion of the lowest established charge for transporting scrap by rail from the scrap accumulation point of the railroad to such basing point. (The "scrap accumulation point" shall be that point from which the greatest tonnage of scrap was shipped in the calendar year, 1943). The maximum on-line price of No. 1 railroad heavy melting steel need not fall below $15.00 per gross ton (with differentials established in section 7 for all other grades): *Provided, however,* That in no case need this maximum on-line price fall below the corresponding shipping point price for No. 1 heavy melting steel of dealer and industrial origin at the railroad's scrap accumulation point.

The "most favorable basing point" is the basing point named in section 7 which will yield the highest maximum on-line price.

On and after the 15th day of March, 1944, no operating railroad not operating in a basing point named in section 7 may sell or offer to sell iron and steel scrap to a consumer or his broker (without obtaining prior written approval from the Office of Price Administration) unless it has filed with the Office of Price Administration, Iron and Steel Branch, Washington (25), D. C., a statement in writing setting forth its maximum on-line price for No. 1 railroad heavy melting steel and describing the method by which the said maximum on-line price was calculated and such statement has been approved in writing by the Office of Price Administration, Washington, D. C. The statement shall include: the most favorable basing point selected, the price at such basing point, the location of the scrap accumulation point, the lowest established charge for transporting scrap by rail from such accumulation point to the named basing point, and the foreign line proportion of such lowest established charge.

(c) *Non-operating railroads.* (1) The maximum on-line (or shipping point) price of any grade of steel scrap originating from a non-operating railroad shall be the price established for the scrap at the most favorable basing point named in section 7 minus the lowest established charge for transporting scrap by rail from the scrap accumulation point of the railroad to such basing point. The maximum on-line price of No. 1 railroad heavy melting steel need not fall below $15.00 per gross ton (with differentials established in section 7 for all other grades): *Provided, however,* That in no case need this maximum on-line price fall below the corresponding shipping point price for No. 1 heavy melting steel of dealer and industrial origin at the railroad's scrap accumulation point.

(2) Where the non-operating railroad is located within a basing point set forth in section 7, the switching charge deductions established in section 5 will be applicable.

SEC. 9. *Maximum delivered prices for shipment by rail, vessel, or combination thereof, for steel scrap of railroad origin*—(a) *When delivered to a consumer located on the line of a railroad.* The maximum delivered price of any grade of steel scrap originating from an operating railroad and delivered to a consumer's plant located on the line of that railroad shall be the maximum on-line price established in section 8.

(b) *When delivered to a consumer located off the line of the originating railroad.* The maximum delivered price of any grade of steel scrap originating from an operating railroad and delivered to a consumer located off the line of that railroad, by rail, vessel or combination thereof, shall be the maximum on-line price established in section 8, plus the foreign line proportion of the through rate from the point of shipment to the consumer's plant via the junction nearest such plant in terms of transportation charges, or the commercial rate from such nearest junction to the consumer's plant (unless off-line routing at another point is directed by order of a governmental agency). In no case may the railroad seller participate in the transportation charges incurred in off-line delivery of scrap unless the maximum on-line price for the scrap is reduced by the amount of the participation in the off-line transportation charges.

(c) *When delivered to a consumer from a non-operating railroad.* The maximum delivered price of any grade of steel scrap originating from a non-operating railroad shall be the maximum price established in section 8 (c), plus transportation charges to the point of delivery. Such transportation charges shall be computed in the same manner and subject to the same limitations as the charges allowable under section 6 or 15 for dealer or industrial scrap except that the springboard limitations in section 6 shall not apply to the grades of rails, Grades No. 21, 22, 23, and 24.

SEC. 10. *Maximum prices for railroad steel scrap sold by sellers other than railroads.* (a) Railroad steel scrap prepared by a dealer or moving through a dealer's yard (except for unprepared scrap prepared in-transit pursuant to section 15) or sold by any other person than a railroad as defined in this Regulation, shall be classified and priced under sections 3 and 4 except that for the following grades of steel scrap set forth in section 7, Grades No. 4, 5, 14, 21, 22, 23, 24, 26, 27, 29, 30, 31, 32, 33, 34, and 35, the maximum shipping point prices shall be the same as those established for non-operating railroads in section 8 (c), and the maximum delivered prices shall be the same as those established for non-operating railroads in section 9 (c).

SEC. 11. *Maximum shipping point and maximum on-line prices for all cast iron scrap.* (a) The maximum shipping point price per gross ton for any of the following grades of cast iron scrap shall be the price shown in the following table for the zone in which the scrap is located; for a railroad seller of cast iron scrap, the maximum on-line price per gross ton shall be the price shown in the table for the highest priced zone in which the railroad operates:

Grades	Zone A	Zone B	Zone C
1. Cast iron No. 1 (cupola cast)	$18.00	$19.00	$20.00
2. Cast iron No. 2 (charging box cast)	17.00	18.00	19.00
3. Cast iron No. 3 (heavy breakable cast)	14.50	15.50	16.50
4. Cast iron No. 4 (burnt cast)	13.25	14.25	15.25
5. Cast iron brake shoes	13.25	14.25	15.25
6. Stove plate	17.00	18.00	19.00
7. Clean auto cast	18.00	19.00	20.00
8. Unstripped motor blocks	15.50	16.50	17.50
9. Wheels No. 1	18.00	19.00	20.00
10. Malleable	20.00	21.00	22.00

Zone A includes the States of Montana, Idaho, Wyoming, Nevada, Utah, Arizona, and New Mexico.

Zone B includes the States of North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas and Florida.

Zone C includes all states not named in Zones A and B, and includes the switching district of Kansas City, Kansas-Missouri.

(b) *Restrictions on use.* (1) The maximum shipping point or on-line price which a basic open-hearth consumer may pay for cast iron No. 1 (cupola cast), wheels, No. 1, clean auto cast or malleable shall be the price established for cast iron No. 3 (heavy breakable cast) unless such higher priced grades are allocated by the War Production Board.

(2) The maximum shipping point or on-line price which any foundry consumer other than a malleable iron producer may pay for Grade 10 (malleable) shall be the price established for cast iron No. 1 (cupola cast), unless such malleable scrap has been allocated by the War Production Board.

SEC. 12. *Maximum delivered prices for shipment by rail, vessel, or combination thereof, for all cast iron scrap.* (a) The maximum delivered price for shipment by rail, vessel, or combination thereof of any grade of cast iron scrap of dealer or industrial origin shall be the shipping point price as determined in section 11 plus the established charge for transporting the scrap from the shipping point to the point of delivery by the means of transportation employed. If delivery to the consumer involves water movement the actual charges incurred at a public dock may be added to the established transportation charges. Where the dock facilities are owned or controlled by the shipper of the cast iron scrap, the following maximum dock charges may be added to the established transportation charges: At Memphis, Tennessee, 50 cents per gross ton; at any Great Lakes port, $1.00 per gross ton; at all New England ports, $1.25 per gross ton; and at all other ports, 75 cents per gross ton.

(b) The maximum delivered price of any grade of cast iron scrap of railroad origin shall be the maximum on-line price as determined in section 11 plus the transportation charges allowable to railroad sellers of steel scrap as set forth in section 9.

SEC. 13. *Maximum delivered prices for shipment by truck for all steel or cast iron scrap.* (a) Where delivery of any grade of iron or steel scrap is made by public carrier truck, the maximum delivered price shall be the maximum shipping point price, or in the case of railroad scrap, the maximum on-line price, as established in section 4, 8, 10 or 11, whichever is applicable, plus the established public carrier charge, subject to the limitations set forth in paragraph (c) of this section.

(b) Where delivery of any grade of iron or steel scrap is made in a truck owned or controlled by the shipper or broker of the scrap, the maximum delivered price shall be the maximum shipping point price, or in the case of railroad scrap, the maximum on-line price, as established in section 4, 8, 10 or 11, whichever is applicable, plus the highest established rail carload freight rate for shipping scrap from the rail siding nearest the shipping point to the rail siding nearest the point of delivery, subject to the limitations set forth in paragraph (c) of this section. The transportation charge for delivering any grade of iron or steel scrap in a truck owned or controlled by the shipper need not fall below $1.00 per gross ton.

(c) The springboard limitations set forth in section 6 shall be applicable to truck deliveries of all steel scrap of non-operating railroad or dealer and industrial origin.

(d) Where delivery of any grade of cast iron scrap is made solely by truck, transportation charges in excess of $1.00 per gross ton may not be added to the maximum shipping point price, or in the case of railroad cast iron scrap the maximum on-line price, unless the shipper of the scrap shall sign and deliver to the consumer a certificate made out to the Office of Price Administration, Washington (25), D. C. Such certificate shall show the point from which the scrap was shipped and the persons by whom the scrap was transported from the shipping point to the point of delivery, and shall specify the quantity and grade of scrap, the shipping point price, the shipping point, the point of delivery, and the transportation charges incurred. The consumer shall acknowledge receipt of the material on the face of the certificate. Certification must be executed on OPA Form 104.15 or a copy thereof. Such forms may be secured from any regional office of the Office of Price Administration or a facsimile of the form may be prepared by the shipper.

The above mentioned certificate shall be preserved by the consumer and a copy thereof retained by the seller as part of the record keeping requirements outlined in section 29.

(e) Where delivery of any grade of iron or steel scrap is made by a rail-truck movement to a consumer lacking adequate facilities for receiving scrap by rail and the truck portion of such movement is made in a truck owned or controlled by the shipper or broker of the scrap, a maximum charge of $1.00 per gross ton may be made for the truck portion of such movement. If the consumer has adequate facilities for receiving such scrap by rail, no charge may be made for the truck portion of such rail-truck movement. Where delivery is made by a truck-rail movement no charge may be added for the truck portion of the movement since the scrap has not reached its shipping point (see section 28 (h)) until it has been placed f. o. b. railroad cars.

ARTICLE III—GENERAL PROVISIONS

SEC. 14. *Superior or inferior grades.* (a) Except upon prior written approval by the Office of Price Administration, Washington (25), D. C., no grade of iron or steel scrap for which premiums are not already provided shall command a premium over the maximum prices established in this regulation for the base grades, No. 1 heavy melting steel, No. 1 railroad heavy melting steel, and No. 1 cupola cast.

(b) Unlisted grades of iron or steel scrap inferior to the base grades mentioned in paragraph (a) of this section shall be priced by the Office of Price Administration, Washington (25), D. C., whenever the seller of such scrap applies for the establishment of an appropriate price.

SEC. 15. *Intransit preparation.* (a) A consumer may designate a dealer or dealers to prepare steel scrap of dealer and industrial origin intransit on a preparation fee basis under the following circumstances:

(1) Where unprepared steel scrap of dealer and industrial origin is allocated for preparation intransit by the War Production Board.

(2) Where a consumer purchases unprepared remote scrap of dealer and industrial origin in rail carload lots.

(3) Where Grade 7 (machine shop turnings) or other grades of long or bushy turnings are allocated in rail carload lots to a consumer by the War Production Board for bundling or briquetting, or where a consumer purchases such turnings in rail carload lots for crushing.

(4) Where Grade 12 (cast iron borings) is allocated to a consumer by the War Production Board for briquetting.

(b) A consumer may designate a dealer or dealers to prepare steel scrap of railroad origin intransit on a preparation fee basis only where a consumer without adequate preparation facilities purchases unprepared steel scrap from an originating railroad.

(c) A consumer may designate a dealer or dealers to prepare cast iron scrap intransit on a preparation fee basis under the following circumstances:

(1) Where Grade No. 2 (cast iron No. 2), Grade No. 3 (cast iron No. 3) or Grade No. 8 (unstripped motor blocks) is allocated by the War Production Board to a consumer lacking adequate facilities for breaking such cast iron.

(2) Where a consumer purchases Grade No. 2 (cast iron No. 2), Grade No. 3 (cast iron No. 3) or Grade No. 8 (unstripped motor blocks) which has its origin in the States comprising Zones A or B as set forth in section 11.

(d) No fee may be paid to the person preparing scrap intransit pursuant to the provisions of this section if the scrap originates in the preparer's yard or if title to the scrap resides in the preparer at any time after the scrap leaves its shipping point, unless such scrap is allocated by the War Production Board.

(e) The maximum preparation fee for preparing any grade of iron or steel scrap intransit shall be the applicable fee established in section 16.

(f) Whenever intransit preparation of iron or steel scrap is permissible pursuant to the provisions of this section, the maximum delivered price shall be the maximum shipping point or maximum on-line price for the unprepared scrap plus the rail transportation charges incurred in moving the scrap to the point of preparation, plus the applicable maximum preparation fee as established in section 16, plus the transportation charges from the preparation yard to the point of delivery as established and restricted in sections 6, 9, 12 or 13, whichever is applicable.

SEC. 16. *Maximum preparation charges.* (a) The maximum fees which may be charged for intransit preparation of any grade of steel scrap of dealer or industrial origin which is allocated to a con-

sumer by the War Production Board shall be as follows:

(1) For preparing into Grade No. 1 (No. 1 heavy melting steel), Grade No. 2 (No. 2 heavy melting steel) or Grade No. 3 (No. 1 busheling), $3.50 per gross ton.

(2) For hydraulically compressing Grade No. 4 (No. 1 bundles), Grade No. 5 (No. 2 bundles) or Grade No. 6 (No. 3 bundles), $4.00 per gross ton.

(3) For hydraulically compressing Grade No. 7 (machine shop turnings), $5.00 per gross ton.

(4) For crushing Grade No. 7 (machine shop turnings), $2.00 per gross ton.

(5) For preparing into Grade No. 27 (briquetted turnings), $5.00 per gross ton.

(6) For preparing into Grade No. 21 (briquetted cast iron borings), $4.00 per gross ton.

(7) For preparing into Grade No. 14 (bar crops and plate scrap), Grade No. 15 (cast steel), Grade No. 16 (punchings and plate scrap), or Grade No. 20 (cut structural and plate scrap, 1 foot and under), $6.00 per gross ton.

(8) For preparing into Grade No. 19 (cut structural and plate scrap, 2 feet and under) or Grade No. 23 (one foot foundry steel), $5.50 per gross ton.

(9) For preparing into Grade No. 18 (cut structural and plate scrap, 3 feet and under) or Grade No. 22 (two foot foundry steel), $5.00 per gross ton.

(10) For hydraulically compressing Grade No. 17 (electric furnace bundles), $5.00 per gross ton.

(11) For preparing into Grade No. 32 (wrought iron), $10.00 per gross ton.

(b) Where remote scrap as defined in section 6 (e) is purchased for intransit preparation, the maximum preparation fee for preparing any grade of unprepared steel scrap shall not exceed $3.50 per gross ton; the maximum preparation fee for hydraulically compressing any grade of bundles shall not exceed $4.00 per gross ton, unless the scrap is allocated by the War Production Board. Where the scrap is allocated by the War Production Board the preparation fees set forth in (a) above will be applicable.

(c) The maximum fees which may be charged for intransit preparation of any grade of steel scrap of railroad origin shall be as follows:

(1) For preparing into Grade No. 1 (No. 1 railroad heavy melting steel) and Grade No. 2 (No. 2 railroad heavy melting steel), $3.50 per gross ton.

(2) For hydraulically compressing Grade No. 19 (No. 1 sheet scrap) and Grade No. 20 (No. 2 sheet scrap), $4.00 per gross ton.

(3) For preparing into Grade No. 23 (cut rails, 3 feet and under), $2.00 per gross ton.

(4) For preparing into Grade No. 24 (cut rails, 18 inches and under), $3.25 per gross ton.

(5) For preparing into Grade No. 27 (cut tires), $2.00 per gross ton.

(6) For preparing into Grade No. 30 (cut bolsters and side frames), $2.50 per gross ton.

(d) The maximum fees which may be charged for intransit preparation of cast iron shall be limited to the following:

(1) For preparing Grade No. 8 (unstripped motor blocks) into Grade No. 7 (clean auto cast), $2.50 per gross ton and Grade No. 3 (heavy breakable cast) into Grade No. 1 (cast iron No. 1), $3.50 per gross ton.

(2) For preparing Grade No. 2 (charging box cast) into Grade No. 1 (cast iron No. 1), $1.00 per gross ton.

(e) Whenever scrap has arrived at its point of delivery, and the consumer engages a dealer to prepare such scrap, no fee may be charged or paid for such service unless the consumer obtains prior written approval from the Office of Price Administration, Washington (25), D. C.

(f) No preparation charge other than the charges set forth in this section may be made for the preparation of any grade of iron or steel scrap unless the consumer has secured prior written approval of such charge from the Office of Price Administration, Washington (25), D. C.

SEC. 17. *Premiums for alloy content.* With the exception of the premiums specifically authorized in this Section or those established in any other price schedule or regulation issued by the Office of Price Administration, no premium may be charged for alloys contained in iron or steel scrap. Except as outlined below the premiums are not confined to a particular use.

(a) *Nickel.* A premium of $1.00 per gross ton for each ¼ of 1% may be charged where the scrap contains not less than 1% and not over 5.25% nickel.

(b) *Molybdenum.* A premium of $2.00 per gross ton may be charged for scrap containing not less than .15% molybdenum. A premium of $3.00 per gross ton may be charged for scrap containing not less than .65% molybdenum.

(c) *Manganese.* A premium of $3.00 per gross ton over the applicable basing point price for No. 1 heavy melting steel or No. 1 railroad heavy melting steel may be charged where scrap contains not less than 10% manganese and is in sizes larger than 12" x 24" x 8". A premium of $7.00 per gross ton over the applicable basing point price for No. 1 heavy melting steel or No. 1 railroad heavy melting steel may be charged where scrap contains not less than 10% manganese and is cut to sizes of 12" x 24" x 8" or smaller. The manganese premiums provided in this paragraph (c) are applicable if the scrap is sold for electric furnace use only.

(d) *Silicon.* The adjustments established under section 4 for electric furnace, and foundry grades shall not be applicable if the scrap contains silicon between .5% and 1.75%.

(e) *Chromium.* Steel scrap conforming to SAE 52100 may command a premium of $1.00 per gross ton when sold for electric furnace use only.

(f) *Multiple alloys.* Where any grade of scrap contains two alloy elements for which premiums have been established in this section, the total premium may not exceed the maximum premium for any one contained alloy.

SEC. 18. *Mixed shipments.* (a) When grades of scrap, other than alloy scrap, commanding different maximum prices under the provisions of this regulation are included in one vehicle (other than a vessel or barge), except as hereinafter provided under paragraph (c) of this section, the maximum price for the scrap in such vehicle shall be the maximum price applicable to the lowest priced grade in the vehicle.

(b) The limitations set forth in paragraph (a) of this section shall not affect shipments involving vessel or barge movement if each grade commanding a different maximum price under the provisions of this regulation is segregated in the vessel or barge.

(c) Where one vehicle contains exclusively grades of scrap for which premiums for alloy content are established under section 17 of this regulation, the alloy premiums shall only apply if each different grade alloy scrap is segregated in the vehicle, in which event, the limitations contained in paragraph (a) of this section shall not apply.

(d) Where one vehicle contains exclusively alloy scrap for which a premium has been established for a single alloy under section 17 of this regulation, the amount of the maximum premium may be determined by the use of the average analysis of such alloying element in that vehicle, provided, that such average analysis meets the requirements set forth in section 17.

SEC. 19. *Commissions.* (a) No commission shall be payable on sales made under this regulation except by a consumer to a broker for brokerage services rendered to the consumer. Where scrap is allocated by the War Production Board, other than from a governmental agency, the seller may designate a broker. Where scrap is allocated by the War Production Board from a governmental agency, the consumer may designate a broker. In the event that a broker purchases iron or steel scrap for sale to a consumer, such consumer may pay such broker a commission not exceeding 50¢ per gross ton, except that for grades of scrap commanding a premium for nickel content the maximum commission shall be $1.00 per gross ton. No commission shall be payable unless—

(1) The broker is regularly and primarily engaged in the business of buying and selling iron and steel scrap;

(2) The broker guarantees the quality and delivery of an agreed tonnage of scrap;

(3) The scrap is purchased by the consumer at a price no higher than the applicable maximum price established in this regulation;

(4) The broker sells the scrap to the consumer at the same price, with the same discounts and allowances, at which he purchased it, and does not include in the shipping point price any cost, fee, or charge incurred in placing the scrap at its shipping point;

(5) The broker does not split or divide the commission in whole or in part, with the seller or sellers of the scrap, or with another broker, or sub-broker, or with the consumer;

(6) The commission is shown as a separate item on the invoice;

(b) No commission shall be payable to a person for scrap which he prepares: *Provided, however,* That whenever intransit preparation is permitted by any provision of this regulation, a broker may charge a commission notwithstanding the fact that he also prepares the scrap.

(c) No commission shall be payable to a person controlling, or holding directly or indirectly a substantial financial interest in the person preparing the scrap, or to a person employed or controlled by the person preparing the scrap, or to a

person in whom the person preparing the scrap holds directly or indirectly a substantial financial interest or control.

SEC. 20. *Unprepared scrap.* (a) The term "unprepared scrap" shall have its customary trade meaning and shall not include such demolition projects as bridges, box cars or automobiles, which must be so priced that the prepared scrap will be delivered to the consumer within the maximum delivered prices established by this regulation.

(b) For unprepared steel scrap other than materials suitable for hydraulic compression, the maximum basing point prices shall be $3.50 per gross ton beneath the price of the prepared base grades, No. 1 heavy melting steel or No. 1 railroad heavy melting steel, as established in section 3 or 7.

(c) That unprepared material which when compressed constitutes a No. 1, No. 2 or No. 3 bundle shall be priced at $4.00 per gross ton beneath the price for those prepared grades as established in section 3.

(d) The tin cans or other tin or terne coated material from which Grade No. 30 (tin can bundles) is constituted shall be priced at $3.50 per gross ton less than the price established for that prepared grade in section 3.

(e) Any iron casting which cannot be broken with an ordinary drop into Grade No. 2 (cast iron No. 2) or Grade No. 1 (cast iron No. 1) as established in section 11, may not be classified as Grade No. 3 (cast iron No. 3). Where such iron casting requiring blasting or other special preparation is sold to a consumer of scrap, the shipping point price for Grade No. 3 (cast iron No. 3) as established in section 11 must be reduced by the amount of the additional charges required for preparation.

SEC. 21. *Transportation charges.* (a) The rail or vessel charges, or combination rail-vessel charges, used in computing maximum shipping point or maximum on-line prices in sections 4 or 8 of this regulation need not reflect any increase in rates which became effective after March 14, 1942, nor need such charges reflect any transportation tax.

(b) Any tax imposed upon the transportation charges from the shipping point to the point of delivery, may be included in the maximum delivered price.

(c) No vessel charge shall be deemed an established charge within the provisions of this Regulation unless regular vessel movement of scrap, except for seasonal or wartime restrictions, is or has been made to the most favorable basing point since January 1, 1940, as a customary business practice of scrap shippers located at the shipping point involved.

(d) Where rail or vessel charges vary because of seasonal factors, the lowest established charge shall be the lowest charge in effect at any time during the year.

SEC. 22. *Weights to govern.* (a) Except as otherwise provided in this section, settlement for all scrap shall be made on the basis of weights at the point of delivery.

(b) *Rail shipments.* If the consumer is a member of a weighing association, settlement shall be on the basis of mill weights. If the consumer does not have weighing facilities, settlement shall be made on the basis of railroad weights at the point of delivery.

No adjustment need be made for shortages of 500 pounds or less per car between shipping point weights and weights at the point of delivery. If the shortage exceeds 500 pounds per car, adjustment must be made for the full shortage.

(c) *Vessel shipment.* When shipment is wholly or partially by vessel, weights at the dock prior to vessel movement shall govern. If the scrap moves from the shipping point to the dock by rail and weights at the shipping point have been determined, no adjustment need be made for differences of 500 pounds or less per car between shipping point weights and weights at the dock. If the difference exceeds 500 pounds per car, adjustment must be made for the full shortage in the car.

(d) Settlement for scrap purchased from the Navy may be made on the basis of shipping point weights.

ARTICLE IV—SPECIFICATIONS

SEC. 23. *Steel grades of dealer and industrial origin.* All grades must be free of dirt, non-ferrous metals or foreign material of any kind and free of excessive rust and corrosion.

BASIC OPEN HEARTH AND BLAST FURNACE GRADES

1. *No. 1 heavy melting steel.* Clean wrought iron or steel scrap ¼ inch and over in thickness, not over 18 inches in width and not over 5 feet in length. Individual pieces must be free from attachments, and so cut as to lie flat in the charging box. May include heavy forgings, forge butts, billet, bloom, slab or bar crops not conforming to chemical analysis required for electric furnace or acid open hearth use. May include new mashed pipe ends, original diameter 4 inches and over. May not include auto body and fender stock.

2. *No. 2 heavy melting steel.* Wrought iron or steel scrap, black or galvanized, ⅛ inch and over in thickness, not over 18 inches in width and not over 5 feet in length. (Uncut bumpers and front axles of passenger automobiles, and uncut rear ends of passenger automobiles free of wheels and brake assemblies and drained of oil, may be included even though over 5 feet in length). Individual pieces must be free from attachments and so cut as to lie flat in the charging box. May include pipe; heavy oil field or similar cable not less than 1 inch in diameter and cut to lengths of 3 feet or less; and car sides and light plate cut 15 inches by 15 inches or under. May not include auto body and fender stock.

3. *No. 1 busheling.* Clean wrought iron or steel scrap 1/16 inch and over in thickness, not exceeding 12 inches in any dimension, including new factory busheling 20 gauge or heavier, (for example, sheet clippings, stampings, etc.) and steel cartridge cases 40 MM or less. May not contain burnt material or auto body and fender stock. Must be free of metal coated, limed or porcelain enameled stock.

4. *No. 1 bundles.* New black steel sheet scrap, clippings, or skeleton scrap, hydraulically compressed or hand bundled to charging box size and weighing not less than 75 pounds per cubic foot. (Hand bundles must also be tightly secured and stand handling with a magnet). Must be free of paint or protective coating of any kind. May include Stanley balls, or mandrel wound bundles or skeleton reels, tightly secured. May not include detinned scrap, electrical sheets, or any material over 0.5% of silicon.

5. *No. 2 bundles.* Body and fender scrap, or similar black sheet scrap, hydraulically compressed to charging box size and weighing not less than 75 pounds per cubic foot. May include chemically detinned material. No tin can will be deemed to be detinned unless it has undergone the chemical process for the removal and recovery of tin. May not include galvanized, vitreous enameled stock tin plate, terne plate, or other metal coated material. Painted or lacquered material shall not be considered as coated material. May include hydraulically compressed uncoated fence wire and light coil springs.

6. *No. 3 bundles.* Galvanized sheet scrap or galvanized wire compressed into charging box size weighing not less than 75 pounds per cubic foot. May include black sheet scrap bundles weighing less than 75 pounds per cubic foot and hand baled cotton ties, provided such bundles will stand handling with a magnet. May not include terne plate or vitreous enameled stock.

7. *Machine shop turnings.* Clean steel or wrought iron turnings free of cast or malleable iron borings, non-ferrous metals in a free state, scale or excessive oil. May not contain badly rusted or corroded stock.

7(a) *Baled machine shop turnings.* Machine shop turnings hydraulically compressed into bundles weighing not less than 75 pounds per cubic foot. May include not over 25% by weight black sheet scrap used for binding or wrapping purposes.

8. *Mill scale.* Iron oxide produced in rolling mill, forge shop practice or other heat treating operations; containing not less than 65% metallic iron.

9. *Mixed borings and turnings.* Shoveling turnings mixed with cast or malleable iron borings and drillings, free of scale or excessive oil or non-ferrous metals in a free state. May not contain badly rusted or corroded stock.

10. *Shoveling turnings.* Clean short steel or wrought iron turnings, drillings or screw cuttings. May include any such material whether resulting from crushing, raking or other processes. Must be free of springy, bushy, tangled or matted material, lumps, non-ferrous metals in a free state, scale, grindings, or excessive oil.

11. *No. 2 busheling.* Cut hoops, netting, cut, unbaled fence wire, light sheets, rusted car sides, cotton ties, and galvanized light material. No dimension over 12 inches. May be black or galvanized. May include oil field or similar cable cut to lengths of 2 feet or less and machine gun clips. No hard steel, porcelain enameled, or metal coated material may be included.

12. *Cast iron borings.* Clean cast iron or malleable iron borings and drillings, free of steel turnings, scale, lumps and excessive oil.

ELECTRIC FURNACE AND FOUNDRY GRADES

13. *Billet, bloom and forge crops.* Billet, bloom, axle, slab, heavy plate and heavy forge crops, not over 0.05% phosphorus or sulphur and not over 0.5% silicon, free from alloys. Must not be less than 2 inches in thickness, not over 18 inches in width and not over 36 inches in length. Must be new material delivered to the consumer directly from the industrial producer.

14. *Bar crops and plate scrap.* Bar crops, plate scrap, forgings, flashings, bits, jars and tool joints, containing not over 0.05% phosphorous or sulphur, not over 0.5% silicon, free from alloys. Must not be less than 2 inches in thickness not over 18 inches in width and not over 36 inches in length, except that plate scrap may not be less than ½ inch thick and that flashings may be of any thickness but may not exceed 2 feet in length.

15. *Cast steel.* Steel castings not over 48 inches long, 18 inches wide and ¼ inch in thickness, containing not over 0.05% phos-

phorus or sulphur, free from alloys and attachments. May include heads, gates and risers.

16. *Punchings and plate scrap.* Punchings or stampings, plate scrap and bar crops containing not over 0.05% phosphorous or sulphur and not over 0.5% silicon, free from alloys. All material must be cut 12 inches and under and with the exception of punchings or stampings must be at least ⅛ inch in thickness. Punchings or stampings may not be less than ¼ inch or more than 6 inches in diameter.

17. *Electric furnace bundles.* New black steel sheet scrap hydraulically compressed into bundles 14 x 14 x 20 inches or smaller.

18. *Cut structural and plate scrap, 3 feet and under.* Clean open hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch in thickness, not over 3 feet in length and 18 inches in width. Must not contain over 0.05% phosphorus or sulphur.

19. *Cut structural and plate scrap, 2 feet and under.* Clean open hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch in thickness, not over 2 feet in length and 18 inches in width. Must not contain over 0.05% phosphorus or sulphur.

20. *Cut structural and plate scrap, 1 foot and under.* Clean open hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch in thickness or over 1 foot in length or width. Must not contain over 0.05% of phosphorus or sulphur.

21. *Briquetted cast iron borings.* Cast iron borings, Grade 12, compressed into a cohesive solid, reasonably free from oil, each briquette to weigh not more than 20 pounds and to have a density of not less than 60 per cent.

22. *Foundry steel, 2 feet and under.* Steel scrap ⅛ inch and over in thickness, not over 2 feet in length or 18 inches in width. Individual pieces must be free from attachments. May not include nonferrous metals, metal coated material, cast or malleable iron, wrought iron, pipe, body and fender stock, cable, enameled or galvanized material.

23. *Foundry steel, 1 foot and under.* Steel scrap ⅛ inch and over in thickness, not over 1 foot in length or width. Individual pieces must be free from attachments. May not include non-ferrous metals, metal coated material, cast or malleable iron, wrought iron, pipe, body and fender stock, cable, enameled or galvanized material.

24. *Springs and crank shafts.* Clean automotive springs and crankshafts, either new or used.

25. *Alloy free turnings.* New, short, clean steel turnings free from lumps, tangled or matted material, cast iron borings, or excessive oil, containing not more than 0.05% phosphorus or sulphur and free of alloys. Must be delivered to the consumer directly from the industrial producer.

26. *Heavy turnings.* Short, heavy steel turnings, containing not over 0.05% phosphorus or sulphur and free of alloys. May include rail chips. May not include machine shop or other light turnings and must weigh not less than 75 pounds per cubic foot in the original state of production. Must be delivered to the consumer directly from the industrial producer.

SPECIAL GRADES

27. *Briquetted turnings.* Steel turnings compressed into a cohesive solid, reasonably free from oil, each briquette to weigh not more than 20 pounds and to have a density of not less than 60 percent.

28. *No. 1 chemical borings.* New clean cast or malleable iron borings and drillings containing not more than 1% oil, free from steel turnings, or chips, lumps, scale, corroded or rusty material.

29. *No. 2 chemical borings.* New clean cast or malleable iron borings and drillings, containing not more than 1.50% oil, free from steel turnings, or chips, lumps, scale, corroded or rusty material.

30. *Tin can bundles.* Must be exclusively tin coated or tin alloyed material, reasonably clean, with all contents removed, hydraulically compressed into charging box size. Minimum weight, 75 pounds per cubic foot.

31. *Welding rod butts.* The remnants of iron and steel welding rods used in welding.

32. *Wrought iron.* Clean wrought iron scrap, free of steel and with rivets and attachments removed. May include wrought iron structural shapes, plates, bars, pipe, staybolts or any other material known to have been manufactured from wrought iron.

33. *Shafting.* Random length shafting suitable without further preparation for rerolling, or forging. Must be reasonably straight and free of attachments.

SEC. 24. *Steel grades of railroad origin.*

1. *No. 1 railroad heavy melting steel.* (A. A. R. No. 24). Steel scrap ¼ inch and over in thickness, not over 18 inches in width, and not over 5 feet long. Individual pieces must be cut into such shape that they will be free from attachments, and will lie reasonably straight and compact in a charging box. Cut boiler plate must be practically cleaned of lime, free from staybolts. May include structural shapes, plates, rods, and bars ½ inch and heavier, steel castings, heavy chain, heavy forgings, forged butts and similar heavy material. This grade may also include new mashed pipe ends, original diameter four inches and over, thoroughly flattened, sheet bars, billets, blooms, rail ends, railroad steel and wrought scrap, such as angle and slice and splice bars, couplers, knuckles, draw bars, cut cast steel bolsters, coil and leaf springs (all coil springs to be ⅜ inch or larger diameter). No needle or skeleton plate scrap, agricultural shapes, annealing pots, boiler tubes, grate bars, cast iron, malleable iron, or curly or unwieldly pieces may be included. Must be free from dirt, excessive rust or scale or foreign material of any kind.

2. *No. 2 railroad heavy melting steel.* (A. A. R. No. 25). Plate scrap, such as car sides, ⅛ inch or over in thickness. Punchings ⅛ inch and over in thickness, heavy clippings, new unmashed pipe ends under 4 inches in diameter. Car sides and all light plate to be sheared 15 inches by 15 inches or under and all light rods to be 12 inches and under in length. Any curved or twisted pieces must be sheared in such shape that they will lie reasonably flat in a charging box and not tangle in handling with a magnet, all to be free from cast iron, malleable iron, burnt scrap, dirt or foreign material of any kind. Maximum size 15 inches wide by 3 feet long.

3. *Wrought iron and soft steel.* (A. A. R. Nos. 43 and 44). Wrought iron and/or soft steel from railroad shops and cars, including iron links and pins. Flats ¼ inch thick and over, rounds and/or squares ⅜ inch thick and over. May include tie plates, track bolts, spikes and nuts. All to be free from steel shapes, plates and riveted materials. Maximum size 18 iches wide by 5 feet long.

4. *No. 2 steel wheels.* (A. A. R. No. 41). Includes all kinds of built up or steel tired wheels 36 inches and under.

5. *Axles, iron and/or steel.* (A. A. R. Nos. 4 and 5). Hollow bored steel axles. Railroad car/and/or locomotive axles, A. A. R. and M. C. B. sizes, and free from defective or imperfect forgings. No axles to be included of shorter length than distances between wheel seats.

6. *No. 1 busheling.* (A. A. R. No. 10). Clean iron and/or soft steel pipes and/or flues, tank and/or bands, No. 12 gauge and heavier, steel plate puchings and/or clippings, soft steel and/or iron forgings and/or flashings. No dimension over 8 inches. To be free from burnt material, hard steel, cast, malleable and metal coated material of any kind.

7. *No. 2 busheling.* (A. A. R. No. 10-A). Netting, sheet and/or similar light material, lighter than No. 12 gauge. No dimension over 8 inches. To be free from hard steel, cast and metal coated material of any kind.

8. *No. 1 turnings.* (A. A. R. No. 38). Heavy turnings from wrought iron and/or steel railroad axles or heavy forgings and/or rail chips, to weigh not less than 75 pounds per cubic foot. Free from dirt or other foreign material of any kind.

9. *No. 2 Turnings, drillings, and borings.* (A. A. R. No. 39) Cast, wrought, steel and/or malleable iron borings, turnings, and/or drillings mixed with other metals.

10. *Iron arch bars.* (A. A. R. No. 1) Railroad iron arch, transom, and/or tie bars, uncut.

11. *Steel arch bars.* (A. A. R. No. 1-A). Railroad steel arch, transom, and/or tie bars, uncut.

12. *Boilers, fire boxes and tanks.* (A. A. R. No. 8). Iron or steel boiler or tank plate cut apart sufficiently to load (with or without staybolts).

13. *No. 2 cast steel* (A. A. R. No. 11). Steel castings over 18 inches wide and over 5 feet long.

14. *Uncut frogs and switches.* (A. A. R. No. 18). Steel and/or iron frogs and switches that have not been cut apart, exclusive of manganese.

15. *Flues, tubes and pipe.* (A. A. R. No. 21). Wrought iron and/or soft steel. Must be free from dirt, excessive corrosion or lime and riveted seams. Fitting attached permitted.

16. *Limed iron and steel.* (A. A. R. No. 22). All kinds of iron or steel material from interior of boilers. (Except flues which are encrusted with lime, such as crown bars, crown bar bolts, staybolts, etc.)

17. *Structural wrought iron and/or steel, uncut.* (A. A. R. No. 35). All steel or steel mixed with iron from bridges, structures and/or equipment that has not been cut apart; may include uncut bolsters, brake beams, steel trucks, underframes, channel bars, steel bridge plates, frogs and/or crossing plates and/or other steel of similar character.

18. *Destroyed cars and locomotive tenders.* (A. A. R. No. 45). Includes bodies of steel cars cut apart sufficiently to load; excludes trucks and/or cast steel underframes.

19. *No. 1 sheet scrap.* (A. A. R. No. 30). Under ¼ inch thick, consisting of cut stacks and/or stack netting, hoops, band iron and/or steel, pressed steel, hand car wheels, scoops and/or shovels (free of wood), and/or wire rope, all sizes. Must be free from burnt or metal coated material, cushion and other similar springs and lime encrusted pipe and flues from boilers.

20. *No. 2 sheet scrap.* (A. A. R. No. 31). Includes netting (other than stack wire) and/or galvanized material, composition brake shoes and/or gas retorts.

21. *Scrap rails in random lengths.* (A. A. R. No. 29). Standard section tee girder, or guard rails; to be free from frogs and switch rails not cut apart, and contain no manganese, cast welds or attachments of any kind except angle bars. Free from concrete, dirt and foreign material of any kind.

22. *Rerolling rails.* (A. A. R. No. 27). Standard section tee rails, original weight 50 pounds per yard or heavier, five feet long and over. Suitable for rerolling into bars and shapes. Free from bent and twisted rails, frog, switch and guard rails, or rails with split heads and broken flanges.

23. *Cut rails 3 feet and under.* (A. A. R. No. 28). Cropped rail ends 3 feet and under in length. Free from angle bars, splice bars, tie plates, concrete, dirt or other foreign material.

24. *Cut rails 18 inches and under.* Cropped rail ends 18 inches and under in length. Free

from angle bars, splice bars, tie plates, concrete, dirt, or other foreign material.

25. *Cast steel No. 1.* (A. A. R. No. 11–A). Steel castings cut to charging box size, not over 5 feet in length or 18 inches in width. No piece weighing less than 10 pounds to be included.

26. *Uncut tires.* (A. A. R. Nos. 36 and 37). Locomotive or car tires, uncut.

27. *Cut tires.* (A. A. R. Nos. 36 and 37). Locomotive or car tires, cut to lengths of 3 feet and under.

28. *Iron arch bars, 3 feet and under.* (A. A. R. No. 1). Railroad iron arch, transom and/or tie bars cut 3 feet and under.

29. *Uncut bolsters and side frames.* (A. A. R. No. 9). Cast steel bolsters and/or truck side frames, uncut.

30. *Cut bolsters and side frames.* Cast steel bolsters and/or truck side frames, cut to charging box size, 5' by 18" or smaller.

31. *Angle and splice bars.* (A. A. R. No. 6). Fish plates and/or patented joints, iron or steel.

32. *Solid steel axles.* (A. A. R. Nos. 2 and 3). Solid car and/or locomotive steel axles. (Free from axles with keyway between wheel seats; no axles of shorter lengths than distance between wheels seats to be included.)

33. *No. 3 steel wheels.* (A. A. R. No. 42). Solid cast steel, forged, pressed, or rolled steel car and/or locomotive wheels, not over 42 inches in diameter.

34. *Spring steel.* (A. A. R. Nos. 34 and 34–A). Coil springs made of material not less than ⅜ inch in diameter. Elliptical springs made of material not less than ¼ inch in thickness, not over 18 inches wide. May be assembled or cut apart.

35. *Couplers and knuckles.* (A. A. R. No. 17). Railroad car and/or locomotive steel couplers, knuckles, and/or locks stripped clean of all other attachments.

SEC. 25. *All cast iron grades.*

1. *Cast iron No. 1 (cupola cast).* Clean cast iron scrap such as columns, pipes, plates and castings of a miscellaneous nature, including the cast iron parts of agricultural machinery. Must be free from stove plate, burnt iron, brake shoes, or foreign material. Must be cupola size, not over 24 inches by 30 inches, and no piece to weigh over 150 pounds.

2. *Cast iron No. 2 (charging box cast).* Clean cast iron scrap in sizes not over 5 feet in length or 18 inches in width, suitable for charging into an open-hearth furnace without further preparation. Must be free from burnt iron, brake shoes or stove plate.

3. *Cast iron No. 3 (heavy breakable cast).* Cast iron scrap over charging box size or weighing more than 500 pounds and which can be broken by an ordinary drop into cupola size. May include cylinders, driving wheel centers, but may not include hammer blocks or bases. May include steel which is an integral part of the casting, which does not protrude more than 6 inches and which does not exceed 10% of the weight of the casting.

4. *Cast iron No. 4 (burnt cast).* Burnt cast iron scrap such as stove parts, grate bars and miscellaneous burnt iron. Includes sash weights or window weights.

5. *Cast iron brake shoes.* Driving and/or car brake shoes of all types except composition filled shoes.

6. *Stove plate.* Clean cast iron stove plate. Must be free from malleable and steel parts, window weights, plow points or burnt cast.

7. *Clean auto cast.* Clean auto blocks, free of all steel parts except camshafts, valves, valve springs and studs.

8. *Unstripped motor blocks.* Automobile or truck motors from which steel and nonferrous fittings have not been removed. Must be free from drive shafts, differentials and parts of frames.

9. *Wheels, No. 1.* Cast iron railroad car or locomotive wheels.

10. *Malleable.* Malleable parts of automobiles, railroad cars, locomotives or miscellaneous malleable iron castings. Must be free of cast iron and steel parts and other foreign material.

ARTICLE V—MISCELLANEOUS PROVISIONS

SEC. 26. *Imported scrap.* (a) (1) Imported scrap, when imported by a consumer or his broker, is at its shipping point when it has been placed f. o. b. carrier for delivery to the consumer at its port of entry (when imported by vessel movement), or, if imported by other than vessel movement, when it has reached its point of entry (the point of entry shall be that city at or nearest the point where the carrier crosses the border between the United States and the foreign country from which the scrap was exported).

(2) Imported scrap when imported by a dealer and delivered to the dealer's yard shall be at its shipping point when it has been placed f. o. b. carrier at the dealer's yard.

(b) Imported scrap is at its point of delivery to a consumer when it has arrived for unloading at the consumer's plant.

(c) When imported scrap has arrived at its shipping point as defined, in this section, it shall be subject to the maximum shipping point or on-line prices established in sections 4, 8, 10 or 11, whichever is applicable, and subject to any and all other provisions found in this regulation, except that:

(1) The mixed shipment provision shall not be applicable to scrap imported by vessel;

(2) The springboard limitations contained in section 9 shall not be applicable;

(3) The in-transit preparation provisions contained in this regulation shall not be applicable unless in-transit preparation for a named consumer is specifically authorized by the War Production Board at the time it grants an import license for such scrap.

SEC. 27. *Exported scrap.* The maximum export price for any grade of iron or steel scrap shall be the maximum shipping point or on-line price as established in sections 4, 8, 10 or 11, whichever is applicable, plus all transportation charges allowable under the appropriate section, to the place of export. For scrap exported by vessel, this maximum export price shall be f. a. s. vessel at the place of export, and the actual cost incidental to shipment and export from that point may be added, if shown as separate charge on the invoice.

SEC. 28. *Definitions.* (a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Iron and steel scrap" means all ferrous materials, other than pig iron as defined in Revised Price Schedule 10, either alloyed or unalloyed, of which iron or steel is a principal component, which are the waste of industrial fabrication, or objects that have been discarded on account of obsolescence, failure or any other reason, when sold to a consumer as defined in paragraph (c) of this section, or his broker.

(c) "Consumer" means a purchaser of iron or steel scrap for use in the production of iron or steel products by melting, rerolling, forging, or machining; or any person purchasing iron or steel scrap for use as a reduction agent in the production of chemicals or pigments, for use in the production of non-ferrous materials, for use as ballast or counterweights, or for annealing; and which includes any governmental agency or subdivision other than the Reconstruction Finance Corporation, its subsidiaries or agencies.

(d) "Operating railroad" means a railroad, terminal association, or switching company which operates a railway line and derives at least a portion of its revenue from the carrying of freight.

(e) "Non-operating railroad" means all steam and electric railroads other than operating railroads, as defined in paragraph (d) of this section, and includes suburban and interurban electric railroads, street railways, refrigerator car, stock car, sleeping car and tank car companies engaged primarily in the transportation business, but does not include mine or logging roads.

(f) "Imported scrap" means all iron and steel scrap having a point of origin outside the 48 states of the United States and the District of Columbia.

(g) "Free of alloys" means that any alloys contained in the steel are residual and have not been added for the purpose of making an alloy steel. Steel scrap will be considered free of alloys where the residual alloying elements do not exceed the following amounts:

	Percent
Nickel	0.45
Chromium	.20
Molybdenum	.10
Manganese	1.65

and where the combined residuals other than the manganese do not exceed a total of .60%.

(h) Lowest established charges. The term "lowest established charges for transporting scrap" shall mean the rail or vessel freight rate for transporting material generally classified as iron or steel scrap and shall not refer to freight charges for transporting any special grade thereof.

(i) "Shipping point". Scrap is at its shipping point in the case of all-rail, rail-vessel, rail-truck or truck-rail movement when it has been placed f. o. b. railroad cars for shipment to the consumer; in the case of all-vessel, vessel-rail or vessel-truck movement, when it has been placed f. a. s. vessel for shipment to the consumer; and in the case of all-truck movement, when it has been placed f. o. b. truck for shipment to the consumer.

(j) "Point of delivery" shall mean that point at which scrap has arrived for unloading at the plant of the consumer.

(k) "Dealer and industrial origin" shall mean all sources of scrap other

than railroads as defined in this regulation.

SEC. 29. *Records and reports.* (a) Every person making a sale of iron or steel scrap to a consumer or a broker and every consumer or broker purchasing iron or steel scrap shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale or purchase: the date thereof, the name and address of the buyer or seller, the shipping point price (or in the case of railroad sellers, the on-line price), the quantity in pounds, the quality in grades as defined in the applicable section, the method of transportation used from shipping point to point of delivery, the delivered price and the commission, if any, involved in the sale.

(b) Buyers and sellers of iron or steel scrap affected by this regulation shall submit such further reports to the Office of Price Administration as may from time to time be required.

(c) Where shipment of scrap to the consumer or his broker involves rail or water movement, the shipper must execute and mail to the consumer or his broker a shipping notice simultaneously with the shipment of the scrap. Such shipping notice must contain the date of shipment, number and initial of the car or name of vessel, the consumer's and/or broker's purchase order number, the specific grade or grades of scrap as they are designated in the applicable section of this regulation and the signature of the shipper or his duly authorized representative.

SEC. 30. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 31. *Evasion.* The provisions of this regulation shall not be evaded by direct or indirect means.

SEC. 32. *Licensing and registration*—(a) *Licensing.* The provisions of Licensing Order No. 1[2], licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(b) *Registration.* The provisions of Licensing Order No. 2[3] are applicable to every dealer subject to this Maximum Price Regulation 4 selling iron and steel scrap to a consumer or his broker. In this section and this section only, the term "dealer" shall have the meaning given to it by Licensing Order No. 2.

SEC. 33. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 34. *Petitions for amendment.* Any person seeking an amendment of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

This regulation shall become effective the 5th day of July 1944.

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

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9576; Filed, June 30, 1944; 11:43 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 78]

TIRES, TUBES, RECAPPING AND CAMELBACK

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

Ration Order No. 1A is amended in the following respects:

1. Section 1315.305 (a) is amended to read as follows:

(a) No Board may issue a certificate for a new or used solid tire, used tractor tire, used implement tire, or a new or used tube.

2. Section 1315.806 (p) (1) (iv) is amended to read as follows:

(iv) New or used tubes.

3. Section 1315.806 (p) (1) (v) is revoked.

This amendment shall become effective July 1, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9577; Filed, June 30, 1944; 11:40 a. m.]

PART 1346—BUILDING MATERIALS

[RMPR 206,[2] Amdt. 3]

VITRIFIED CLAY SEWER PIPE AND ALLIED 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.*

Table 8 in section 11.2 of Revised Maximum Price Regulation No. 206, now headed "Chimney Pipe and Fittings 2' Lengths" is hereby amended so that the heading shall read "Chimney Pipe 3' And Under And Fittings."

This Amendment No. 3 shall become effective July 5, 1944.

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9578; Filed, June 30, 1944; 11:40 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 19]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

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 422 is amended in the following respects:

1. In section 39 (a), a new item is added to list (3) under Table B–I, to read as follows:

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

I. Food commodities	Allowed mark-ups over net cost		"Selling unit" in which ceiling price must be calculated
	Group 3. Retailer other than independent with annual volume under $250,000	Group 4. Any retailer with annual volume of $250,000 or more	
	Percent	*Percent*	
(3) Fresh vegetables: Vegetables in unbroken packages.	40	40	1 package.

2. Section 39 (a), Table B–II, is amended to read as follows:

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

II. Food commodities	Allowed dollars-and-cents mark-ups per "selling unit"		"Selling unit" in which ceiling price must be calculated
	Group 3. Retailer other than independent with annual volume under $250,000	Group 4. Any retailer with annual volume of $250,000 or more	
	Cents	*Cents*	
(1) Dairy products:			
(2) Fresh fruits:			
Apricots	4½	4½	1 pound.
Cherries, sweet	9	9	1 pound.
Coconuts	1½	1½	1 pound.
Melons, except watermelons.	2½	2½	1 pound.
Plums	4½	4½	1 pound.
Prunes, Italian	3	3	1 pound.
(3) Fresh vegetables:			
Beans, green and wax.	4	4	1 pound.
Carrots, bunched	2½	2½	1 bunch.
Carrots, other than bunched.	2	2	1 pound.
Cucumbers, hothouse.	6½	6½	1 pound.
Cucumbers, except hothouse cucumbers.	2½	2½	1 pound.
Eggplant	3	3	1 pound.
Peas, green	5	5	1 pound.
Peppers, sweet	4½	4½	1 pound.
Spinach	3	3	1 pound.
(4) Poultry:			
(5) Fish:			

[1] 9 F.R. 5656, 6828, 6951.

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[2] 8 F.R. 13240.
[3] 8 F.R. 13241.

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

[1] 7 F.R. 9160, 9392, 9724.
[2] 8 F.R. 14281, 16995; 9 F.R. 4349.
[4] 9 F.R. 5791.

3. In section 39 (b) (2), the following definition is added in alphabetical order:

"Melons, except watermelons" means all melons except watermelons and citron-melon. Separate ceiling prices shall be figured for each variety. Varieties shall be cantaloupes and muskmelons, Honeyball, Honey Dew, Persian, Casaba, Cranshaw, and all other varieties.

4. In section 39 (b) (3), the following definitions are added in alphabetical order:

"Cucumbers, hothouse" means all hothouse cucumbers bought in containers labelled "hothouse", or cucumbers bought individually labelled "hothouse".

"Peppers, sweet" means all grades and varieties of sweet peppers. All sweet peppers shall be considered a single item and priced as such. Excluded are hot peppers and pimientos.

"Vegetables in unbroken packages" means the fresh vegetables listed in Table B, excluding tomatoes, which are purchased and sold in packages not exceeding one pound net weight (and not exceeding five pounds net weight in the case of spinach), and which have been trimmed, cleaned, washed or otherwise prepared for sale to the consumer ready for consumption without further preparation other than cooking. Each such listed vegetable in unbroken packages and each size package shall be considered separate items and priced separately.

5. In section 39 (b) (3) the definition of "spinach" is amended to read as follows:

"Spinach" means all flat and curly leaf spinach, excluding New Zealand, or other greens. Also excluded is spinach bought "washed and packaged" and sold "washed and packaged". All spinach shall be considered a single item and priced as such.

This amendment shall become effective July 5, 1944.

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

Approved June 23, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-9579; Filed, June 30, 1944; 11:41 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[1] Amdt. 20]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

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 423 is amended in the following respects:

1. In section 28 (a), a new item is added to list (3) under Table B–I, to read as follows:

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

I. Food commodities	Allowed mark-ups over net cost		"Selling unit" in which ceiling price must be calculated
	Independent retailers with annual volumes		
	Group 1.—Under $50,000	Group 2.—$50,000 but less than $250,000	
	Percent	*Percent*	
(3) Fresh vegetables: Vegetables in unbroken packages.	40	40	1 package.

2. In section 28 (a), Table B–II, is amended to read as follows:

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

II. Food commodities	Allowed dollars-and-cents mark-ups per "selling unit" Independent retailers with annual volumes		"Selling unit" in which ceiling price must be calculated
	Group 1.—Under $50,000	Group 2.—$50,000 but less than $250,000	
(1) Dairy products:			
(2) Fresh fruits:	*Cents*	*Cents*	
Apricots	5	5	1 pound.
Cherries, sweet	10	10	1 pound.
Coconuts	2	2	1 pound.
Melons, except watermelons.	2½	2½	1 pound.
Plums	5	5	1 pound.
Prunes, Italian	3½	3½	1 pound.
(3) Fresh vegetables:			
Beans, green and wax.	4½	4½	1 pound.
Carrots, bunched	2½	2½	1 bunch.
Carrots, other than bunched.	2	2	1 pound.
Cucumbers, hothouse.	7	7	1 pound.
Cucumbers, except hothouse cucumbers.	2½	2½	1 pound.
Eggplant	3½	3½	1 pound.
Peas, green	5½	5½	1 pound.
Peppers, sweet	5	5	1 pound.
Spinach	3½	3½	1 pound.
(4) Poultry:			
(5) Fish:			

3. In section 28 (b) (2), the following definition is added in alphabetical order:

"Melons, except watermelons" means all melons except watermelons and citron-melon. Separate ceiling prices shall be figured for each variety. Varieties shall be cantaloupes and muskmelons, Honeyball, Honey Dew, Persian, Casaba, Cranshaw, and all other varieties.

4. In section 28 (b) (3), the following definitions are added in alphabetical order:

"Cucumbers, hothouse" means all hothouse cucumbers bought in containers labelled "hothouse", or cucumbers bought individually labelled "hothouse".

"Peppers, sweet" means all grades and varieties of sweet peppers. All sweet peppers shall be considered a single item and priced as such. Excluded are hot peppers and pimientos.

"Vegetables in unbroken packages" means the fresh vegetables listed in Table B, excluding tomatoes, which are purchased and sold in packages not exceeding one pound net weight (and not exceeding five pounds net weight in the case of spinach), and which have been trimmed, cleaned, washed or otherwise prepared for sale to the consumer ready for consumption without further preparation other than cooking. Each such listed vegetable in unbroken packages and each size package shall be considered separate items and priced separately.

5. In section 28 (b) (3), the definition of "spinach" is amended to read as follows:

"Spinach" means all flat and curly leaf spinach, excluding New Zealand, or other greens. Also excluded is spinach bought "washed and packaged" and sold "washed and packaged". All spinach shall be considered a single item and priced as such.

This amendment shall become effective July 5, 1944.

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

Approved: June 23, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-9580; Filed, June 30, 1944; 11:40 a. m.]

PART 1372—SEASONAL COMMODITIES

[RMPR 298]

ROTENONE AND PYRETHRUM

Maximum Price Regulation 298 is redesignated Revised Maximum Price Regulation 298 and is revised and amended to read as set forth herein. Revised MPR 298 now establishes maximum prices for rotenone at levels other than retail which were covered by MPR 298 and also for pyrethrum at levels other than at retail. Prices for pyrethrum at these levels were formerly governed by the General Maximum Price Regulation.

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practical, the Price Administrator has advised and consulted with the members of the industry affected by this revised regulation.

Such standards and specifications as are used in this revised regulation were, prior to such use, in general use in the industry affected.

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

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

[1] 9 F.R. 5671, 6829.

REVISED MAXIMUM PRICE REGULATION 298—ROTENONE AND PYRETHRUM

CONTENTS

AUTHORITY: Secs. 1 to 8, inclusive (§ 1372.151), issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R 4681.

SECTION 1. *Applicability.* (a) Except as provided in paragraph (b) of this section with reference to emergency sales to the United States and its agencies and paragraph (c) of this section with reference to export sales, this regulation shall apply to all sales other than at retail of rotenone and pyrethrum and of rotenone and pyrethrum products, whether sold for immediate or future delivery, within the District of Columbia and the 48 states of the United States.

(b) *Emergency purchases.* This regulation shall have no application to any purchases by the United States or any of its agencies under such circumstances of emergency as to make immediate delivery imperative and as to render it impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable if such purchases and deliveries are made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation 1 to the General Maximum Price Regulation, as amended: *Provided, however,* That the Administrator may, by order, waive the reporting of any part of the information required by section 4.3 (f) in connection with a particular purchase or group of purchases upon determining that such information may not reasonably be required under all the circumstances, and he may, in lieu thereof, require the reporting of other information more suited to the circumstances.

(c) This regulation shall have no application to export sales of rotenone and pyrethrum and rotenone and pyrethrum products. The maximum price of such sales shall be determined in accordance with the provisions of the Second Revised Export Price Regulation.

SEC. 2. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver other than at retail, and no person in the course of trade or business shall buy or receive other than at retail rotenone and pyrethrum and rotenone and pyrethrum products at a price above the maximum price established by Appendices A and B of this regulation for such sale, nor shall any person agree to solicit, offer or attempt to do any of the foregoing. This prohibition, however, is subject to the provision for adjustable pricing contained in paragraph (b) of this section, the exception for emergency purchases by the United States and its agencies contained in paragraph (b) of section 1 and the exception for export sales contained in paragraph (c) of section 1.

(b) Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by an order of the Administrator or any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

(c) Prices lower than the maximum prices established by this regulation may, of course, be charged or paid.

SEC. 3. *Evasion.* Any method whereby a seller obtains greater consideration than the maximum price, or whereby he gives less than the consideration due the buyer for the maximum price is an evasion of this regulation, and therefore prohibited; and any offer or agreement which accomplishes or attempts to accomplish such a result is equally prohibited; except, that the foregoing does not prohibit practices which were customary either to the seller or to the trade prior to April 1, 1942 of requiring the buyer to purchase combinations of commodities or of requiring the buyer to sell back to the seller other commodities or the same commodity; *Provided,* All such sales and purchases are at the market price, not exceeding the maximum price.

SEC. 4. *Records and reports.* (a) Each person selling within the continental United States rotenone and pyrethrum and rotenone pyrethrum products other than at retail, shall preserve and keep for inspection by the Office of Price Administration, for as long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, all available records, customarily kept, of prices, costs, pricing methods, delivery charges, allowances and discounts, on all sales of such products made by such seller since January, 1941.

(b) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require, subject to the approval of the Bureau of the Budget, in accordance with Federal Reports Act of 1942.

SEC. 5. *Enforcement.* Persons violating any provisions of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages and criminal penalties, provided in the Emergency Price Control Act of 1942, as amended.

SEC. 6. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of any one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 7. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provision of this regulation may file a protest or petition for amendment in accordance with the provisions of revised Procedural Regulation No. 1[1] issued by the Office of Price Administration.

SEC. 8. *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 298, the term:

(1) "Rotenone" means the chemical compound having the formula $C_{23}H_{22}O_6$.

(2) "Crude rotenone" means the rotenone which would be indicated as present in the rotenone bearing material by the Seil analytical method, in which the rotenone content is calculated from the weight of crude solvate.

(3) "Pure rotenone" means rotenone which would be indicated as present in the rotenone-bearing material by the analytical method developed by Jones and Graham and adopted as "official, first action" by the Association of Official Agricultural Chemists.

(4) "Chemically pure rotenone" means crystals of pure rotenone $C_{23}H_{22}O_6$.

(5) "Rotenone powder" means ground rotenone root, sufficiently fine so that 90 per cent of the ground material will pass through a 200-mesh sieve. "Powder" includes a blend of two or more lots of ground root but does not include material containing any substance other than ground rotenone-bearing root.

(6) "Rotenone resin" means the dry, undiluted product, consisting of rotenone and rotenoids, which is extracted from rotenone bearing material with the usual commercial solvent.

(7) "Rotenone liquid extracts" means rotenone resins in solution.

(8) "Technically pure rotenone" means crystals containing at least 90 per cent pure rotenone.

(9) "Rotenone solvate", as used in this regulation, means a compound of rotenone and carbon tetrachloride containing at least 71 per cent pure rotenone.

(10) "Rotenone roots" means roots dug from the ground such as timbo, barbasco, cube or derris root whether whole, chopped or ground, except rotenone powder as defined in paragraph (5) of this section.

(11) "Pyrethrins" means the active principles of pyrethrum flowers including Pyrethrin I ($C_{21}H_{28}O_3$) and Pyrethrin II ($C_{22}H_{28}O_5$), indicated as present in the pyrethrum product by the Seil analytical method.

(12) "Pyrethrum flowers" means the dried flowers of various species of the genus Chrysanthemum, family Compositae, having commercial value for use as insecticides.

(13) "Finely ground pyrethrum powder" means the ground pyrethrum flowers of a fineness suitable for use in finished insecticides.

[1] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173, 11806, 9 F.R. 1594, 3075.

(14) "Flowers ground for percolation" means the coarsely ground pyrethrum flowers as prepared for purposes of extracting the pyrethrins.

(15) "Exhausted flowers" means the part of the pyrethrum flower remaining after extraction of most of the pyrethrins.

(16) "Pyrethrum dust base" means a dry powder prepared by coating or impregnating clay, talc or any other more or less inert material with pyrethrins.

(17) "Oleoresins or unpurified pyrethrum concentrates" means the extractives of pyrethrum flowers, including pyrethrins and varying amounts of solvent.

(18) "De-waxed or purified pyrethrum concentrates" means the extracted pyrethrins isolated from impurities to the extent necessary to comply with the specifications for use in insecticides by the Armed Services.

(19) "Pyrethrum liquid extracts" means solutions of pyrethrum extractives standardized according to pyrethrins content.

(20) "Unfinished products" means preparations of rotenone or pyrethrum, as the context may imply, which are not commonly used as finished insecticides but which may be materials in the manufacture of finished insecticides.

(21) "Finished insecticides" means products containing rotenone or pyrethrum, as the context may imply, and used for control of insects, when sold in a form commonly purchased by consumers.

(22) "Unit" means 1 per cent by weight.

(23) "Processor" means any person who purchases rotenone bearing roots, rotenone powder and pyrethrum flowers from the Foreign Economic Administration. A processor may also be a manufacturer.

(24) "Manufacturer" means any person who grinds, extracts, mixes, reconditions or otherwise processes rotenone bearing roots or pyrethrum flowers or products thereof to produce other unfinished products or finished insecticides.

(25) "Distributor", as used in this regulation, means any person who purchases rotenone of pyrethrum or rotenone or pyrethrum products from a processor for resale to a manufacturer.

(26) "Wholesaler," for the purposes of this regulation, means a person other than a manufacturer who sells the commodity being priced to a dealer.

(27) "Dealer," for the purposes of this regulation, is a person other than a manufacturer or wholesaler who sells at retail the commodity being priced.

(28) "Sale at retail" means a sale to an ultimate consumer.

Appendix A—Maximum Prices for Rotenone and Rotenone Products

The maximum prices below are in general for the material in large containers. Where no specific provision is made for pricing sales in small containers, the seller may add, on such sales, his customary "small package" differentials.

(a) (1) *Rotenone roots for sale to processors.* Five cents per unit of crude rotenone per pound of root, seller to pay all costs of freight, insurance, entry, analysis, weighing and the like, ex-dock at port of entry.

(2) *Rotenone powder for sale to processors.* Seven cents per unit of pure rotenone per pound of powder, seller to pay all costs of freight, insurance, entry, analysis, weighing and the like, ex-dock at port of entry.

(b) *Unfinished rotenone products for sale by processors and distributors*—(1) *Rotenone powder.* Eight cents per unit of pure rotenone per pound of powder, f. o. b. cars at New York, New York, except there may be added, for sales in quantities of less than 200 pounds, 10 percent.

(2) *Rotenone resin.* Twelve cents per unit of pure rotenone per pounds of resin, f. o. b. processor's plant.

(3) *Rotenone liquid extract.* $1.05 per unit of pure rotenone per gallon of extract plus the cost of one gallon of the solvent used for the extract, f. o. b. processor's plant.

(4) *Chemically pure rotenone.* $13.50 per pound, f. o. b. processor's plant.

(5) *Technically pure rotenone.* $10.90 per pound, f. o. b. processor's plant.

(6) *Rotenone solvate.* $8.65 per pound, f. o. b. processor's plant.

(7) *Other unfinished rotenone products.* The maximum price shall be determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provision of this paragraph shall file with the Agricultural Chemicals Section of the Office of Price Administration in Washington, D. C., an application setting forth:

(i) A description of the commodity for which a maximum price is sought,

(ii) A list of materials used in the manufacture of the commodity,

(iii) An outline of the manufacturing process,

(iv) The seller's cost of raw materials, packages, manufacturing and other expenses,

(v) Changes in the selling price since January 1, 1941, and

(vi) The seller's maximum price under the General Maximum Price Regulation. When such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the seller shall report the price to the Agricultural Chemicals Section of the Office of Price Administration in Washington, D. C. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(c) *Finished rotenone insecticides for sale by manufacturers.*—(1) *Finished rotenone insecticides for which a maximum price had been established prior to June 1, 1944.* The maximum price which the manufacturer might have charged for the insecticide on May 31, 1944 plus 1.5 cents per unit of pure rotenone per pound of the insecticide, except that in no event may prices for the following finished insecticides exceed the prices listed therewith:

Dry finished insecticides for which rotenone powder is the base, in containers of ten pounds or more capacity, for sale to dealers, subject to customary wholesalers' discounts, f. o. b. manufacturer's plant. 14 cents per pound of finished insecticide guaranteed to contain 1 percent pure rotenone, plus or minus, as the case may be, 1 cent per pound of finished insecticide for each variation in pure rotenone content of one-tenth of 1 percent (0.1%). For example, the maximum prices for dusts containing .5% and .75% pure rotenone shall be 9 cents and 11.5 cents per pound, respectively. In the event the insecticide contains active insecticidal ingredients in addition to rotenone, the above prices may be increased by the amount of the delivered cost to the manufacturer for such additional active ingredients guaranteed in the finished insecticide. If the manufacturer of the finished rotenone insecticide is also the manufacturer of the additional active ingredient he may use his maximum price for a sale to another insecticide manufacturer as his own delivered cost of such additional active ingredient.

(2) *Finished rotenone insecticides for which no maximum price had been established prior to June 1, 1944.* (i) The price for the most closely similar insecticide for which a maximum price is established in subparagraph (1) above plus or minus, as the case may be, the difference between the total cost of all raw materials and packages used in the manufacture of the similar insecticide and the total cost of all raw materials and packages used in the manufacture of the insecticide being priced.

(ii) If a manufacturer cannot otherwise determine his maximum price, he shall apply to the Office of Price Administration for authorization to establish a maximum price in accordance with the provisions of paragraph (b) (7) of this appendix.

(d) *Finished rotenone insecticides for sale by wholesalers.* The maximum price which the manufacturer may charge the wholesaler, as established by this regulation, plus the wholesaler's customary margin on sales of such insecticides to retailers.

Appendix B—Maximum Prices for Pyrethrum and Pyrethrum Products

The maximum prices below are, in general, for the material in large containers. Where no specific provision is made for pricing sales in small containers, the seller may add, on such sales, his customary "small package" differentials.

(a) *Pyrethrum flowers for sale to processors.* 25 cents per unit of pyrethrins per pound of flowers, seller to pay all costs of freight, insurance, entry, analysis, weighing and the like, ex-dock at port of entry.

(b) *Unfinished pyrethrum products for sale by processors and distributors.*—(1) *Finely ground pyrethrum powder from whole flowers.* 37.5 cents per unit of pyrethrins per pound of powder, f. o. b. processor's plant.

(2) *Flowers ground for percolation.* 35 cents per unit of pyrethrins per pound of ground flowers, f. o. b. processor's plant.

(3) *Finely ground pyrethrum powder from exhausted flowers.* 6 cents per pound, f. o. b. processor's plant.

(4) *Finely ground pyrethrum powder consisting of a combination of whole and exhausted flowers.* Five cents per one-tenth unit of pyrethrins per pound of powder, such price in no event to exceed 25 cents per pound, f. o. b. processor's plant.

(5) *Pyrethrum dust bases containing not less than 1 per cent pyrethrins.* 55 cents per unit of pyrethrins per pound of the dust base, f. o. b. processor's plant.

(6) *Oleoresins or unpurified pyrethrum concentrates.* 44 cents per unit of pyrethrins per pound of the product, f. o. b. processor's plant.

(7) *De-waxed or purified pyrethrum concentrates (meeting specifications for use in aerosol bombs).* 52 cents per unit of pyrethrins per pound of the product, f. o. b. processor's plant.

(8) *Pyrethrum liquid extracts.* A price for extracts, of concentrations as specified, in containers of 50 gallons capacity or larger, f. o. b. processor's plant:

Strength of extract	Standard pyrethrins content per 100 c. c.	Price per gallon	
		Regular	Deodorized
	Grams		
5:1	0.5	$1.90	$2.00
10:1	1	3.70	3.80
20:1	2	7.15	7.25
30:1	3	10.65	10.75
40:1	4	14.20	14.30
60:1	6	21.20	21.30

For sales in containers of less than 50 gallons capacity there may be added:

Size of container: [1]	*Add per gallon*
30 gallons	$0.10
15 gallons	.15
10 gallons	.30
5 gallons or smaller	.35

[1] If containers of capacities other than those specified are used, the maximum price per gallon shall be the same as for the next larger size container which is specified.

(i) *Other unfinished pyrethrum products.* If a processor cannot otherwise determine his maximum price, he shall apply to the Office of Price Administration for authorization to establish a maximum price in accordance with the provisions of paragraph (b) (7) of Appendix A.

(c) *Finished pyrethrum insecticides for sale by manufacturers*—(1) *Finished pyrethrum insecticides sold during the year ended March 31, 1942.* The price charged to a purchaser of the same class for the last sale prior to April 1, 1942, plus 1.5 cents per one-tenth unit of pyrethrins per pound of the insecticide.

(2) *Finished pyrethrum insecticides not sold during the year ended March 31, 1942.* (i) The price for the most closely similar insecticide for which a maximum price is established in subparagraph (1) above plus or minus, as the case may be, the difference between the total cost of all raw materials and packages used in the manufacture of the similar insecticide and the total cost of all raw materials and packages used in the manufacture of the insecticide being priced.

(ii) If a manufacturer cannot otherwise determine his maximum price, he shall apply to the Office of Price Administration for authorization to establish a maximum price in accordance with the provisions of paragraph (b) (7) of Appendix A.

(d) *Finished pyrethrum insecticides for sale by wholesalers.* The maximum price which the manufacturer may charge the wholesaler, as established by this regulation, plus the wholesaler's customary margin on sales of such insecticides to retailers.

This revised regulation shall become effective July 5, 1944.

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

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9581; Filed, June 30, 1944; 11:40 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 132]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. Section 1394.8112 (a) is revoked.

2. A new § 1394.8112 (a) is added to read as follows:

(a) Every consumer who has in his possession or control any Class T coupons designated for use in a specified calendar quarter which were issued to him as a special ration may surrender such coupons to the appropriate Board, if the ration has not expired prior to the time of surrender. The Board shall issue to the consumer, in exchange for such coupons, Class T coupons which are valid for transfer in the calendar quarter in which they are to be used. The ration represented by the coupons shall have the same expiration date as the ration represented by the coupons surrendered, and shall have a gallonage value to be determined in accordance with paragraph (b) of this section.

3. Section 1394.8153 (a) (4) is amended by adding the following sentence:

In the case of Class T coupons bearing the designation of a specified calendar quarter, no transfer shall be made for such coupons before or after such specified quarter.

4. Section 1394.8206b (a) (16) is added to read as follows:

(16) Any Class T coupon bearing the designation of a specified calendar quarter, before such calendar quarter or more than twenty days after such calendar quarter.

5. Section 1394.8207 (g) is added to read as follows:

(g) No dealer or distributor shall transfer or offer to transfer gasoline to any dealer and no dealer shall accept a transfer of gasoline from any dealer or distributor for Class T coupons bearing the designation of a specified calendar quarter before such calendar quarter or after ten days after such calendar quarter.

6. Section 1394.8215 (j) is added to read as follows:

(j) Immediately after the end of each calendar quarter, each dealer who has in his possession or control Class T coupons bearing the designation of such calendar quarter which he received in exchange for valid transfers of gasoline during such calendar quarter shall attach such coupons to separate gummed sheets (OPA R-120) to which no other coupons are attached, and shall summarize such coupons on a summary form (OPA R-541) on which no other coupons are listed. Within ten days after the end of such calendar quarter the dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline or to the Board with which his place of business is registered, in exchange for inventory coupons equal in gallonage value to the coupons so surrendered. Within twenty days after the end of each calendar quarter, each distributor who has in his possession or control any Class T coupons bearing the designation of such calendar quarter which he received in exchange for valid transfers of gasoline shall deposit such coupons in a ration bank account maintained by him.

This amendment shall become effective June 30, 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.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9582; Filed, June 30, 1944; 11:42 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,[1] Amdt. 29]

SUGAR

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

Revised Ration Order 3 is amended in the following respects:

1. Section 1407.177 (a) (1) is amended to read as follows:

(1) He may, during the period from May 1, 1944, through June 30, 1944, and during any quarterly period (or two-month period in the case of an institutional user) beginning on or after July 1, 1944, use an amount not exceeding that which he used during the corresponding period in 1941. If, however, during any such period he uses an amount of imported sugar-containing products which is less than the amount he used during the same period in 1941, he may use the difference during any subsequent quarterly period (or two-month period in the case of an institutional user).

2. Section 1407.177 (b) is amended by deleting the word "Board" and inserting in its place the words "District Office".

3. Section 1407.177 (f) is amended to read as follows:

(f) Every person who uses imported sugar-containing products must, within ten days after the quarterly period (or two-month period in the case of an institutional user) in which he uses them, report to the district office, in any convenient form, the amount he used in that period. He must, in addition, when making his first report, attach a statement showing the amount he used during each quarter (or two-month period in the case of an institutional user) of 1941, and a statement showing the amounts in his possession and in transit to him on May 1, 1944, if by that date they were already in any of the 48 states of the United States or the District of Columbia and has been released by the Collector of Customs. (This paragraph does not apply to products used as permitted by paragraph (c).)

4. Section 1407.178 (d) is amended to read as follows:

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

[1] 8 F.R. 15937.

[1] 9 F.R. 1433, 1534, 2233, 2826, 2828, 3031, 3513, 3579, 3847, 3944, 4099, 4350, 4474, 4830, 5220, 5254, 5220, 5166, 5466, 5426, 5346, 5805, 5829, 6233, 6562, 6562, 6564, 6881.

(d) Any person who imports or receives imported sugar-containing products from the Collector of Customs shall, beginning in June 1944, prepare and sign a report in duplicate, in any convenient form, showing:

(1) The amount imported by him during the preceding month;

(2) The names and addresses of the persons to whom he delivered imported sugar-containing products during the preceding month and the amount delivered to each such person; and

(3) The amount of such products in his possession at the close of business on the last day of the preceding month.

He must, in addition, when making his report covering the month of June 1944 include a statement of the amount of imported sugar-containing products in his possession on May 1, 1944. The original of the report shall be sent to the Office of Price Administration, Washington, D. C., not later than the 10th day of each month; the duplicate shall be retained by the person reporting.

This amendment shall become effective June 30, 1944.

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

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E. O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; War Food Order No. 56, 8 F.R. 2005; War Food Order No. 64, 8 F.R. 7093)

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9583; Filed, June 30, 1944; 11:41 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 19 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (e) (5) is added to read as follows:

(5) W8, X8, Y8, Z8 and A5 are valid beginning July 1, 1944.

This amendment shall become effective July 1, 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; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9584; Filed, June 30, 1944; 11:43 a. m.]

[1] 9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2630, 2947, 3580, 4642, 4605, 4607, 4883, 5956, 6103, 6445, 6151.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 45]

PROCESSED FOODS

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

Revised Ration Order 13 is amended in the following respects:

1. Section 9.5 (b) is amended by adding the following sentence to the end of that paragraph:

Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, their point value at the time when they are delivered to the carrier determines the number of points which must be given up.

2. Section 9.5 (c) (1) is amended by deleting the second sentence and substituting therefor the following:

(1) Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, the foods are considered to be transferred at the time when they are delivered to the carrier. Exceptions to the rule, that points must be given up at or before the transfer is made, are stated in the next two subparagraphs.

3. Section 27.1 (a) (16) is amended to read as follows:

(16) "Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, and any movement of goods from one establishment to another. The use by any "person" of "processed foods" which he produced or holds for sale or transfer is considered a transfer of those foods to himself. Also, a transfer takes place when an industrial user uses processed foods which he produced or imported after October 4, 1943. Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, the foods are considered to be transferred at the time when they are delivered to the carrier. However, delivery to a common or contract carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

This amendment shall become effective July 1, 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; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9585; Filed, June 30, 1944; 11:42 a. m.]

[1] 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 3032, 3073, 3513, 3579, 3708, 3810, 3944, 3947, 4026, 4351, 4475, 4604, 4818, 4876, 5074, 5436, 5695, 5829, 6234, 6235, 6647.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 8]

MEAT, FATS, FISH AND CHEESES

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

Revised Ration Order 16 is amended in the following respects:

1. Section 10.5 (c) is amended by adding the following sentence to the end of that paragraph: "Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, their point value at the time when they are delivered to the carrier determines the number of points which must be given up."

2. Section 10.5 (d) (1) is amended by deleting the second sentence and substituting therefor the following: "Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, the foods are considered to be transferred at the time when they are delivered to the carrier. Exceptions to the rule, that points must be given up at or before the transfer is made, are stated in the next two subparagraphs."

3. The definition of "Transfer" in section 27.1 (a) is amended to read as follows:

"Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, and any movement of goods from one establishment to

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

[1] 9 F.R. 105, 184, 731, 1181.

another. The use by any "person" of foods covered by this order which he produced or holds for sale or transfer is considered a transfer of those foods to himself. Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, the foods are considered to be transferred at the time when they are delivered to the carrier. However, delivery to a common or contract carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

This amendment shall become effective July 1, 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; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319; War Food Order No. 59, 8 F.R. 3471, 9 F.R. 4319; War Food Order No. 61, 8 F.R. 3471, 9 F.R. 4319)

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9586; Filed, June 30, 1944; 11:42 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183-A,[1] Amdt. 1]

DISTILLED SPIRITS SHIPPED FROM PUERTO RICO

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

MPR 183-A is amended in the following respects:

1. Table I in section 2 (a) is amended by adding a new column to read as follows:

Proof (degree):	*Size of cases—15 4/5 quarts*
85	$9.15
86	9.21
89	9.40
90	9.46
120	11.25
125	11.55
151	13.11

This amendment shall become effective July 5, 1944.

Issued this 30th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9587; Filed, June 30, 1944; 11:40 a. m.]

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

[1] 9 F.R. 1593.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

TEMPORARY BRIDGES, LOS ANGELES—LONG BEACH HARBOR, CALIF.

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), the provisions of § 203.710 are hereby extended to include the temporary retractile pontoon bridge across the entrance channel to Long Beach Inner Harbor, between Terminal Island and Long Beach, California, paragraph (b) being amended as follows:

§ 203.710 *State of California; bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.* * * *

(b) *Special regulations.* * * *

(1) *Los Angeles-Long Beach Harbors.*

Henry Ford Avenue (formerly Badger Avenue) Bridge and U. S. Navy Department's temporary bridge 130 feet easterly therefrom.

* * * * * *

U. S. Navy Department's temporary bridge across Long Beach Harbor Entrance Channel, between Terminal Island and Long Beach.

Closed periods: Between the hours of 5:45 a. m. to 6:15 a. m. and 7:15 a. m. to 7:50 a. m., and 3:45 p. m. to 4:45 p. m., daily, except Sundays, the drawspans shall not be required to open for the passage of vessels except in case of extreme emergency.

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499) (Regs. 19 June 1944 (C.E. 823 (Long Beach-Terminal Island-Long Beach, Calif.)—SPEWR))

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-9572; Filed, June 30, 1944; 9:29 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 6—NAVAL RESERVE[1]

PHYSICAL EXAMINATION AND INSURANCE

Part 6 is amended in the following respects:

1. In paragraph (a) of § 6.9604, delete "Class B. Those fit for shore duty only," and insert the following:

§ 6.9604 *Physical examinations.* * * *

(a) * * *

Class B-1. Physically qualified for mobilization ashore only (including foreign shore).

Class B-2. Physically qualified for mobilization ashore only, limited to duty within the continental limits of the United States.

2. Paragraph (d) of § 6.10308 is amended to read as follows:

§ 6.10308 *Insurance, aviation cadets and A-V (N) officers.* * * *

(d) (1) When the aviation cadet so insured has been commissioned an ensign in Class A-V (N) (U. S. N. R., the insurance shall be continued in force as required by law. The allotment method shall be employed for payment of premiums upon all Government insurance by all class A-V (N) U. S. N. R. officers. Upon being commissioned an ensign, Class A-V (N) U. S. O. R., this compulsory allotment shall be registered immediately to provide for continuity of premium payment. The premium due date is the monthly anniversary date of reporting for active duty as an aviation cadet.

(2) When commissioned prior to the due date of the premium, the allotment should be registered for first payment the month preceding that in which aviation-cadet status terminated.

(3) When commissioned after the due date of the premium, the allotment should be registered for first payment the month in which aviation-cadet status terminated.

(4) When the actual due date of the premium is not known, the allotment may be registered for first payment the month in which aviation-cadet status terminated. In the event an additional premium is due to adjust the account, payment may be made by direct remittance upon receipt of advice.

[Manual Circular Letters No. 36-44, May 29, 1944 and No. 39-44, June 12, 1944]

(52 Stat. 1175, 54 Stat. 162, 55 Stat. 3, 56 Stat. 266, 730, 739, 57 Stat. 586; 34 U.S.C. 853, 854*e* Supp. 855*f*, 855*o*, 857-857*g*, 853*c*, 853*e*, 855*d*)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 44-9573; Filed, June 30, 1944; 10:03 a. m.]

[1] 8 F.R. 9643, 10573, 11388, 12635, 15385, 15867, 9 F.R. 1037, 1826, 2792.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

RADIO COMMUNICATION

Section 4.146 of Title 35, Code of Federal Regulations, is amended to read as follows:

§ 4.146 *Routing of dispatches.* Dispatches from vessels in Canal Zone and adjacent waters shall be forwarded through Balboa Radio Station, call letters NBA.

Dated: June 13, 1944.

F. K. NEWCOMER,
Acting Governor.

[F. R. Doc. 44-9561; Filed, June 29, 1944; 3:52 p. m.]

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

INSPECTION AND CONTROL OF VESSELS IN CANAL ZONE WATERS

Section 4.187 of Title 35, Code of Federal Regulations, Cum. Supp., is amended to read as follows:

§ 4.187 *Restricted areas.* The areas of water hereinafter described are declared to be restricted, and no vessel of any size or description whatsoever, with the exception of vessels operated by agencies of the United States Government, shall enter either of such areas without obtaining instructions as hereinafter provided, nor proceed into, within, or through either of such areas otherwise than in conformity with such instructions. In the case of vessels approaching either of such areas from seaward the instructions hereinbefore referred to shall be obtained from the United States Naval vessel stationed near the seaward limits of the area. In the case of outgoing vessels such instructions shall be obtained from the United States Naval vessel, if any, stationed near the inward limits of the area, or, if no such vessel is so stationed, then from the port captain of the port involved or his authorized representative. Violations of this regulation are covered by section 2, Title II of Act June 15, 1917 (50 U.S.C. sec. 192).

RESTRICTED AREAS

Pacific entrance. Within the area enclosed from Perico Island to a point 2,000 yards northeast thereof marked by a buoy, thence to a point 4,000 yards east of Flamenco Island marked by a buoy, thence to a point occupied by U. S. Naval Station vessel (approximately 6,000 yards, 153° from Flamenco Island), thence to Tortola Island and thence to Bruja Point.

Atlantic entrance. Outside the breakwater and within two thousand five hundred yards of the breakwater entrance.

Dated: June 13, 1944.

F. K. NEWCOMER,
Acting Governor.

Approved: June 26, 1944.[1]

FRANKLIN D ROOSEVELT

[F. R. Doc. 44-9560; Filed, June 29, 1943; 3:52 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 80, Amdt. 18]

PART 95—CAR SERVICE

DESIGNATION OF AGENT AT TOLEDO, OHIO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of June, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 80, as amended (codified as § 95.19):

It is ordered, That A. W. Russell of the Toledo Board of Trade is hereby designated and appointed as Agent of the Commission to issue permits for the movement of grain under the terms of this order at the Toledo, Ohio, market in lieu of A. E. Schultz. The appointment of A. E. Schultz is hereby vacated. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U.S.C. 1 (10)-(17))

And it is further ordered, That this amendment shall become effective July 5, 1944; that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-9602; Filed, June 30, 1944; 11:50 a. m.]

[1] The approval appears on a letter to the President from the Secretary of War dated June 23, 1944. The text of the letter quotes the regulations set forth above, and was filed as part of the original document.

Notices

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

MANUFACTURERS' AND RETAILERS' EXCISE TAXES

EXEMPTION FROM TAXES

JUNE 27, 1944.

By virtue of the authority vested in me by section 307 (c) of the Revenue Act of 1943 (Public Law 235, 78th Congress, 2d Session) exemption is hereby authorized from the taxes imposed by Chapters 19 and 29 of the Internal Revenue Code, as amended (26 U.S.C., and Supp. III, Chapters 19 and 29), with respect to articles sold on or after June 1, 1944, to any corporation created by Act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864 (American Red Cross), for its exclusive use, at a price not including such taxes.

Unless sooner terminated this authorization shall expire at the close of the last day of the sixth full calendar month following the date of the termination of hostilities in the present war.

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-9567; Filed, June 29, 1944; 4:51 p. m.]

DEPARTMENT OF THE INTERIOR.

Solid Fuels Administration for War.

[SFAW Order 18]

SHIPMENT ON GREAT LAKES OF COAL PRODUCED IN DISTRICT 4

REVOCATION OF PROHIBITION

An order revoking notice of direction to all persons who ship coal produced in District No. 4.[1]

Effective immediately, the notice of direction to all persons who ship coal produced in District No. 4, issued the 20th day of June 1944, is hereby revoked.

(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 29th day of June 1944.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 44-9575; Filed, June 30, 1944; 11:19 a. m.]

[1] 9 F.R. 6955.

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 337]

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, June 27, 1944, by National Produce Company of cars of potatoes, now on the Chicago Produce Terminal, PFE 14254 to S. Metzger, Toledo, Ohio, and PFE 43332 to Sitkin Brothers, New York, New York.

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 27th day of June 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-9604; Filed, June 30, 1944; 11:50 a. m.]

[S. O. 200, General Permit 12]

ICING OF POTATOES AT VAN BUREN, ARK.

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 those points in the States of Arkansas and Oklahoma located on the Central division of the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), between Conway, Arkansas, and Greenwood Junction, Oklahoma, both inclusive, at the carrier's option, to accord the first or initial icing at Van Buren, Arkansas, Coffeyville, Kansas, or Kansas City, Missouri-Kansas.

This general permit shall become effective at 12:01 a. m., June 29, 1944, and the icing authorized herein may be accorded on such refrigerator cars moving at that time. This general permit shall expire at 12:01 a. m., August 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 June 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-9605; Filed, June 30, 1944; 11:50 a. m.]

[S. O. 200, Special Permit 95]

REICING OF POTATOES AT SHREVEPORT, LA.

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:

To reice in transit, one time only, at Shreveport, Louisiana, as ordered by the U. S. Army Quarter Master Corps, cars of potatoes GARX 67906 and MDT 20318, shipped June 28, 1944, from Midwest Cold Storage Company, Kansas City, Kansas, to Quarter Master Corps, New Orleans, Louisiana (KCS-IC).

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 27th day of June 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-9606; Filed, June 30, 1944; 11:51 a. m.]

[S. O. 200, Special Permit 96]

REICING OF POTATOES AT BELLEVUE, OHIO

Pursuant to the authority vested in ing paragraph (§ 95.337, 9 F.R. 4402) of ing paragraph (§ 95.337, 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:

To reice in transit, one time only, at Bellevue, Ohio, (N. Y. C. & St. L.) as ordered by U. S. Army Quarter Master Corps, car MDT 20234, potatoes, shipped from Stillwell Cold Storage Company, Hannibal, Missouri, to Navy Yard, Brooklyn, New York, c/o National Cold Storage Company, New York, New York (CB&Q-NKP-LV-NYD).

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 27th day of June 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-9607; Filed, June 30, 1944; 11:51 a. m.]

[S. O. 200, Special Permit 97]

ICING OF POTATOES AT SAVANNAH, GA.

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:

To initially ice at Savannah, Georgia, (A. C. L.), cars FGEX 18544 and WFEX 67728, North Carolina potatoes, now on the Atlantic Coast Line Railroad, consigned to Merchants Produce Company, Miami, Florida, for U. S. Navy Consumption.

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 27th day of June 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-9608; Filed, June 30, 1944; 11:51 a. m.]

[S. O. 207, 2d Amended General Permit 2]

RECONSIGNMENT OF FRUITS AND VEGETABLES AT BIRMINGHAM, ALA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.38, 9 F.R. 5316) of Service Order No. 207 of May 16, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 207 insofar as it applies to all cars loaded with the commodities named therein held for orders, diversion, or reconsignment, at Birmingham, Alabama, Atlanta, Augusta, Savannah and Waycross, Georgia, Nashville and Chattanooga, Tennessee.

This permit shall become effective at 12:01 a. m., June 28, 1944, and shall apply to cars moving at that time or accepted for transportation 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 27th day of June 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-9601; Filed, June 30, 1944; 11:51 a. m.]

[S. O. 215]

UNLOADING OF COAL AT KEYSER, W. VA., AND CONNELLSVILLE, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of June, A. D. 1944.

It appearing, that thirteen (13) cars containing coal at Keyser, West Virginia, and twenty-one (21) cars at Connellsville, Pennsylvania, on the Baltimore and Ohio Railroad Company, shipped by the American Fuel Corporation, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: *It is ordered,* That:

Coal at Keyser, West Virginia, and Connellsville, Pennsylvania, to be unloaded. (a) The Baltimore and Ohio Railroad Company, its agents or employees, shall unload forthwith B & O 323277 and 12 others at Keyser, West Virginia, also N & W 24238 and 20 others at Connellsville, Pennsylvania, all containing coal shipped by the American Fuel Corporation.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carloads of coal have 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 Baltimore and Ohio 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. 44-9600; Filed, June 30, 1944; 11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-914]

SOUTHERN INDIANA GAS AND ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of June, A. D., 1944.

Notice is hereby given that a declaration has been filed with this Commission under the Public Utility Holding Company Act of 1935 by Southern Indiana Gas and Electric Company ("Southern Indiana"), a subsidiary of The Commonwealth & Southern Corporation, a registered holding company. All interested parties are referred to said document, which is on file in the office of this Commission, for a statement of the transaction therein proposed which is summarized as follows:

Southern Indiana proposes to reduce the stated capital with respect to its presently outstanding 400,000 shares of no par value common stock from $5,500,000 to $3,335,644.05 without reducing the number of shares, and to credit the amount of the reduction ($2,164,355.95) to a new account to be designated "Special Capital Surplus".

The transaction proposed is for the stated purpose of enabling Southern Indiana to comply with the terms and provisions of an order of the Public Service Commission of Indiana, dated May 10, 1944, requiring Southern Indiana, among other things, to transfer to Account 107, Utility Plant Adjustments, the sum of $2,164,355.95, which is included in the aggregate amount of $3,459,756.71 now classified on the company's books in Account 100.5, Utility Plant Acquisition Adjustments, and to dispose of the amount so transferred by a charge to the Special Capital Surplus account to be created as aforesaid.

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 matter, and that said declaration shall not become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules thereunder be held on July 10, 1944, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on such date by the hearing room clerk. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by Rule XVII of the Commission's rules of practice on or before July 6, 1944.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of 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 declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder and particularly whether the proposed reduction of stated capital with respect to the presently outstanding common stock is detrimental to the public interest or the interests of investors or consumers, or will result in an unfair or inequitable distribution of voting power among holders of the securities of Southern Indiana.

2. What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to ensure compliance with the requirements of the Holding Company Act or any rules, regulations or orders promulgated thereunder.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to Southern Indiana Gas and Electric Company, The Commonwealth & Southern Corporation and Public Service Commission of Indiana, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-9551; Filed, June 29, 1944; 3:25 p. m.]

[File Nos. 70-879, 70-903]

UNITED GAS IMPROVEMENT CO., AND MANCHESTER GAS CO.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of June 1944.

In the matter of the United Gas Improvement Company and Harold C. Payson, file No. 70-879; Manchester Gas Company, file No. 70-903.

The United Gas Improvement Company (U. G. I.), a registered holding company, having filed an amendment to a joint application-declaration heretofore filed pursuant to the Public Utility Holding Company Act of 1935, by U. G. I. and Harold C. Payson (Payson), an individual, and Manchester Gas Company (Manchester), a subsidiary of U. G. I., having filed a declaration pursuant to the act whereunder U. G. I. proposes to sell and Manchester proposes to buy for $33,000 cash, 840 shares of 7% Cumulative Preferred Stock ($100 par value) and 4,200 shares of common stock ($100 par value) of Manchester, said stock representing all of U. G. I.'s holdings of securities in Manchester, and such shares to be retired and cancelled following their acquisition by Manchester; and

The original filings having proposed the sale by U. G. I. and the purchase by Payson for $33,000 cash of the shares of Manchester's preferred and common stock presently owned by U. G. I., and a public hearing having been held in respect thereof, but prior to Commission action thereon Payson having assigned his purchase agreement with U. G. I. to Manchester for a cash consideration of $5,000 and in connection therewith, Payson having requested the withdrawal of his application-declaration; and

Said amendment to the pending application-declaration of U. G. I. and the declaration of Manchester having been filed on May 29, 1944 and notice of said filings having been duly given in the form and manner prescribed in Rule U-23 and the Commission not having received a request for hearing with respect to said declarations within the period prescribed by said notice, or otherwise, and not having ordered a hearing thereon; and

U. G. I. having requested that the order of the Commission conform to the pertinent requirements of the Internal Revenue Code, as amended, including section 1808 (f) thereof; and

The Commission finding that the proposed transaction by U. G. I. is a step in compliance with the order of the Commission dated May 7, 1942 (Holding Company Act Release No. 3511) issued pursuant to section 11 (b) (1) of the act, directing U. G. I. to divest itself of ownership, control and holdings of securities of a number of companies, including Manchester, and that the requirements of section 12 of the act and Rules U-42 and U-43 are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers to permit said declarations, as amended, to become effective;

It is hereby ordered, That, pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, the aforesaid declarations, as amended, be, and the same hereby are, permitted to become effective forthwith.

It is further ordered, That the request of Harold C. Payson for the withdrawal of his application-declaration be, and the same hereby is, granted and said application-declaration is hereby deemed withdrawn.

It is further ordered, That the sale and transfer by The United Gas Improvement Company to Manchester Gas Company for $33,000 cash of said 840 shares of 7% Cumulative Preferred Stock ($100 par value) and 4,200 shares of common

stock ($100 par value) and the acquisition and retirement thereof by Manchester Gas Company are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-9569; Filed, June 30, 1944; 9:29 a. m.]

[File No. 70-882]

NORTHERN INDIANA PUBLIC SERVICE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of June, A. D. 1944.

Northern Indiana Public Service Company, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, having filed an application-declaration, as amended, under sections 6 and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, with respect to the refinancing of 220,078 shares of its cumulative preferred stock (69,858 shares of the 7% series, 124,505 shares of the 6% series, and 25,715 shares of the 5½% series) by (1) offering the present holders of such stock the opportunity to exchange each share of such stock for one share of $100 par value 5% cumulative preferred stock of the company, plus a cash payment in an amount representing the difference between the redemption prices of the stocks outstanding at present and the initial public offering price of the shares to be issued, with proper adjustments for accrued dividends upon the stock to be surrendered and upon the shares to be issued; (2) providing that any shares not surrendered by way of exchanges will be called for redemption at redemption prices, plus accrued dividends; and (3) providing that such number of the 220,078 shares of the $100 par value 5% cumulative preferred stock as have not been issued upon exchanges will be issued and sold through underwriters; and

Northern Indiana Public Service Company having proposed that (1) the compensation to be paid to underwriters for exerting their best efforts to solicit the exchanges, for standing by during the exchange period, and for underwriting the sale of such number of the 220,078 shares of $100 par value 5% Cumulative Preferred Stock as have not been issued by way of exchanges, and (2) the initial public offering price of such number of shares of the $100 par value 5% Cumulative Preferred Stock as have not been issued by way of exchanges, and the cash payment to be made to such holders of the $100 par value 7%, 6%, and 5½% Cumulative Preferred Stocks as have accepted the exchange offer, be determined by competitive bidding pursuant to the requirements of Rule U-50; and

Public hearings having been held upon such matter after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered That said application-declaration, as amended, be and hereby is granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24; and to the following terms and conditions:

(1) That the proposed issuance and sale (including the exchange feature) of the 220,078 shares of $100 par value 5% cumulative preferred stock, aggregate par value $22,007,800, shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof in connection with the proposed transaction;

(2) That the proposed exchange and purchase agreement to be entered into between Northern Indiana Public Service Company and the exchange solicitors and underwriters be modified so as to provide that, in the event the fees and expenses of independent counsel for the exchange solicitors and underwriters be reduced ultimately below the estimated total of $21,500, the amount of any such reduction shall be paid over to Northern Indiana Public Service Company by the exchange solicitors and underwriters.

It is further ordered, That jurisdiction be and hereby is reserved over the payment of any fees and expenses to Stone & Webster and Blodget, Inc.; Harriman, Ripley & Co., Inc.; and to Willkie, Owen, Otis, Farr & Gallagher, as independent counsel for the prospective exchange solicitors and underwriters.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-9570; Filed, June 30, 1944; 9:29 a. m.]

[File No. 70-906]

CENTRAL NEW YORK POWER CORP., ET AL.

ORDER GRANTING JOINT APPLICATION AND PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of June 1944.

In the matter of central New York Power Corporation, Kanata Realty Co., Inc., and Northern Development Corporation. (Public Utility Holding Company Act of 1935).

Northern Development Corporation (Northern), Central New York Power Corporation (Central), and its subsidiary Kanata Realty Co., Inc., the first two companies being subsidiaries of Niagara Hudson Power Corporation (Niagara Hudson), in turn a subsidiary of The United Corporation, a registered holding company, having filed a joint application and declaration under the Public Utility Holding Company Act of 1935 and particularly sections 9 (a) (1), 10 and 12 (f) thereunder regarding the sale by Kanata and the acquisition by Northern of certain undeveloped water, dam and power sites for a cash purchase price of $7,754.20; the sale by Kanata and the acquisition by Central of the remaining assets of Kanata, except current assets, for a cash purchase price of $688,831.19; the redemption by Kanata of its Utica Gas and Electric Building First Mortgage 5% Sinking Fund Bonds outstanding in the principal amount of $502,000; the discharge of Kanata's current liabilities and the proportionate distribution of its cash to Central and Niagara Hudson in settlement of open account advances in the sums of $880,107.09 and $317,277.08 owing Central and Niagara Hudson respectively; and the dissolution of Kanata; and

A public hearing having been held after appropriate notice and the Commission having considered the record and made and filed its findings and opinion herein;

It is ordered, That said joint application and declaration be, and the same hereby are, respectively granted and permitted to become effective subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-9571; Filed, June 30, 1944; 9:29 a. m.]

WAR FOOD ADMINISTRATION.

Farm Security Administration.

AUTHORITY FOR ADVERTISING IN NEWSPAPERS AND OTHER PUBLICATIONS

I. For the fiscal year ending June 30, 1945, the Administrator and certain designated officials of the Farm Security Administration within their respective jurisdictions are authorized to incur expense for advertising in newspapers and other publications as hereinafter specifically set forth:

A. Regional Directors, Assistant Regional Directors, Chiefs of Regional Production and Loan Supervision Sections, District FSA Supervisors, FSA Supervisors, and Community Managers may advertise public and private foreclosure sales of personal and real property under lien to the Farm Security Administration as required by state laws or by orders of courts of competent jurisdiction.

B. Regional Directors, the Business Manager, and Regional Business Managers may advertise, in accordance with the applicable provisions of law, the dissolution of corporations and associations (including State RR Corporations, Defense Relocation Corporations, Land Purchasing Associations and so forth), and the sale and disposal of all real and personal property under the jurisdiction of the FSA.

C. The Business Manager and Regional Business Managers may advertise for bids for construction contracts into which the Farm Security Administration desires to enter.

D. The Business Manager and Regional Business Managers may advertise in connection with the solicitation of bids for the procurement of office and storage space, services, materials, supplies and/or equipment.

II. This authority includes the selection of county, city, or other newspapers, appropriate trade journals or other publications of limited or general circulation; and the placing therein of display or other advertisements which will be sufficient notification to the public of any particular proposal. For any single proposal, no advertisement will appear in more than fifteen newspapers or other publications, nor will more than five insertions be made in the same newspaper or publication, except where a large number of newspapers, or other publications, or a greater number of insertions, are required by state laws, or by order of a court of competent juridisction, in which case the required number of newspapers or other publications or the required number of insertions, or both, will be limited to the number required by such state laws or by such a court order.

Recommended:

FRANK HANCOCK,
Administrator,
Farm Security Administration.

Approved: June 30, 1944.

GROVER B. HILL,
Acting Administrator,
War Food Administration.

[F. R. Doc. 44-9559; Filed, June 30, 1944; 11:17 a. m.]