

Reid

FEDERAL REGISTER

THE NATIONAL ARCHIVES
 OF THE UNITED STATES
 1934

VOLUME 9 NUMBER 150

Washington, Friday, July 28, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[WFO 75-2, Amdt. 11]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

War Food Order No. 75-2, § 1410.18, as amended (9 F.R. 8769), is further amended as follows:

1. By striking the figure "35" in (b) (1) (i) and (b) (1) (ii) and inserting in lieu thereof the figure "45".

2. By striking the figure "30" in (b) (1) (iii) and inserting in lieu thereof the figure "35".

3. By striking the figure "90" wherever it appears in (b) (2) and inserting in lieu thereof the figure "85".

This order shall become effective at 12:01 a. m., e. w. t., July 30, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under war Food Order No. 75-2, as amended, prior to said date, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 75, 8 F.R. 11119, 9 F.R. 4319)

Issued this 27th day of July 1944.

LEE MARSHALL,
Director of Distribution.

[F. R. Doc. 44-11191; Filed, July 27, 1944;
11:21 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

[Special Reg. 2]

PART 508—SPECIAL REGULATIONS

DELEGATION OF AUTHORITY TO ASSISTANT TO ALIEN PROPERTY CUSTODIAN

Correction

In F. R. Doc. 44-11114, which appears on page 8975 of the issue for Wednesday, July 26, 1944, subparagraphs (1) and (2) of § 508.2 (a) should read as follows:

(1) To take such action as he deems necessary in the administration of paragraphs 2 (f) and 5 of Executive Order No. 9095, as amended, and any orders issued pursuant thereto;

(2) To issue any demand, direction, or instruction directed to any person, firm or corporation, or take any other action necessary in order to effectuate any vesting order issued by the Alien Property Custodian;

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51103]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

REVOCATION OF WAIVERS OF COASTWISE LAWS

JULY 26, 1944.

Treasury Decision 50729, dated September 21, 1942 (7 F.R. 7539); Treasury Decision 50811, dated February 5, 1943 (8 F.R. 1757); and Treasury Decision 50843, dated April 6, 1943 (8 F.R. 4735); waiving compliance in certain cases with section 27 of the Merchant Marine Act, 1920, as amended, rescinded.

Upon the written recommendation of the Administrator of the War Shipping Administration and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U.S.C. App. 635), the fol-

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
ALIEN PROPERTY CUSTODIAN:	
Assistant to Alien Property Custodian, delegation of authority (Corr.)	9077
CUSTOMS BUREAU:	
Vessels in foreign and domestic trades; revocation of waivers of coastwise laws	9077
GENERAL LAND OFFICE:	
California, partial revocation of withdrawal of public lands	9124
INTERSTATE COMMERCE COMMISSION:	
Illinois Central Railroad Co., re-routing of traffic	9124
NATIONAL WAR LABOR BOARD:	
Wage and salary adjustments in Hawaii (Corr.)	9078
OFFICE OF PRICE ADMINISTRATION:	
Adjustments:	
Adene's Mfg. and Sales	9125
Combination Products Inc.	9126
Cramer Posture Chair Co.	9126
Royal Cabinet Industries	9125
Barley (FPR 2, Supp. 3)	9091
Crates, cypress, tomato and citrus (RMFR 320, Order 7)	9124
Fluid milk (SR 15, Am. 30)	9107
Food products, specific (MPR 280, Am. 47)	9090
Fruits and vegetables, fresh (MPR 426, Am. 44)	9090
Regional and district office orders:	
Community ceiling prices, list of orders filed	9128
Fluid milk:	
Atlanta region	9127
Utah	9128
Fruits and vegetables, fresh:	
New York (Corr.)	9128
South Carolina	9127
Solid fuels:	
Cape Girardeau and Jackson, Mo. (Corr.)	9128
Sandusky County, Ohio, area (Corr.)	9127
Savannah, Ga.	9127
Services (RMFR 165, Am. 1)	9107
Sugar (Rev. RO 3, Am. 36)	9107
Paper, writing, and other fine papers (MPR 450, Am. 4)	9090

(Continued on next page)

FEDERAL REGISTER

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

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

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

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

NOTICE

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

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

CONTENTS—Continued

SECURITIES AND EXCHANGE COMMISSION:

Hearings, etc:	Page
Mountain States Power Co.	9130
Republic Service Corp., et al.	9128

VETERANS' ADMINISTRATION:

Adjudication:	
Dependents' claims; miscellaneous amendments	9121
Principles governing claims	9124
Veterans' claims; proof of relationship and dependency	9121
General provisions; release of information concerning claimants and beneficiaries	9121

CONTENTS—Continued

WAR CONTRACTS PRICE ADJUSTMENT BOARD:

Renegotiation regulations:	Page
Agreements and statements	9113
Authority and organization	9107
Excessive profits, determination and elimination	9113
Forms	9114
Procedure	9108
Impasse	9114
Renegotiable Business and costs, determination	9108
Text of statutes, orders, joint regulations and directives	9120

WAR DEPARTMENT:

Lake Charles, La., bridge regulations	9120
---------------------------------------	------

WAR FOOD ADMINISTRATION:

Beef required to be set aside (WFO 75-2, Am. 11)	9077
Delegation of authority to administer WFO 100	9130

WAR PRODUCTION BOARD:

Controlled materials plan (CMP Reg. 9A, Int. 4)	9079
Jigs, dies, molds, fixtures and special tooling (CMP Reg. 1, Dir. 35)	9078
Dyestuffs and organic pigments (M-103)	9088
Cotton textile distribution (M-317, Am. 1)	9079
Lumber and lumber products, distributor receipts (L-335, Dir. 8)	9079
Textiles for civilian use (M-385)	9080
Cotton fabric items:	
AA-4 Preference rating (M-385, Supp. II)	9082
Distribution (M-385, Supp. I)	9081

lowing orders of the Acting Secretary of the Treasury are hereby rescinded:

(a) The order of the Acting Secretary of the Treasury dated September 21, 1942 (T. D. 50729) waiving compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to the extent necessary to permit the transportation of merchandise between points in Puerto Rico and points in the continental United States on such vessels of foreign registry as may be designated from time to time by the Administrator of the War Shipping Administration and approved by the Commissioner of Customs;

(b) The order of the Acting Secretary of the Treasury, dated February 5, 1943 (T. D. 50811), waiving compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to the extent necessary to permit any foreign vessel of 50 gross tons or over to transport merchandise between points in Puerto Rico and points on the Atlantic or Gulf Coasts of the United States upon certain conditions enumerated therein; and

(c) The order of the Acting Secretary of the Treasury, dated April 6, 1943 (T. D. 50843), waiving compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C.

883), to the extent necessary to permit any vessel of the United States of 50 gross tons or over which is under limited or restricted registry to transport merchandise between points in Puerto Rico and points on the Atlantic or Gulf Coasts of the United States upon certain conditions enumerated therein.

This order shall become effective at midnight September 30, 1944.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44-11189; Filed, July 27, 1944; 11:01 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE AND SALARY ADJUSTMENTS IN HAWAII

Correction

In F. R. Doc. 44-11080, appearing on page 8978 of the issue for Wednesday, July 26, 1944, the reference to § 3803.36 should read "§ 803.36".

TITLE 32—NATIONAL DEFENSE

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 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 35 as Amended July 27, 1944]

JIGS, DIES, MOLDS, FIXTURES AND SPECIAL TOOLING

The following amended direction is issued pursuant to CMP Reg. 1:

(a) "Special tooling" for purposes of this direction means any jig, die, mold, fixture or other tooling of a type which has only one special use, is not a standard product and is not produced for general sale by the manufacturer of the tooling.

(b) A person who has the right to buy controlled material for MRO (maintenance, repair and operating supplies) under any regulation or order of the War Production Board, such as CMP Regulation No. 5 or orders in the "P" or "U" series, may use the allotment number or symbol assigned by the regulation or order to buy controlled material needed to make special tooling for his own use as MRO.¹ He may also use the allotment number or symbol assigned to him for MRO to buy the controlled material needed to make the tooling and turn it over to the toolmaker or he may order it for direct shipment to the toolmaker.

(c) Even though tooling needed for MRO is a B product the toolmaker may accept controlled material from his customer to manufacture special tooling for him.

(d) This direction is a special exception to the general rule stated in paragraph (g) (3) of CMP Regulation No. 1 (as explained

¹ The term "his own use as MRO" means the use of special tooling in the person's manufacturing operations, even if the special tooling will belong to his customer.

in Interpretation No. 16) which prohibits a customer from furnishing material to the manufacturer of a B product and prohibits a manufacturer of a B product from accepting it from his customer.

(e) Any person who buys special tooling under this direction must charge the cost of the controlled material to his expenditures for MRO for the purpose of complying with the quantity restrictions imposed by the regulation or order under which he is operating (as, for example, paragraph (f) of CMP Regulation No. 5).

(f) In those cases where a regulation or order permits a person operating under it to use the allotment number or symbol assigned to deliveries of MRO in buying minor capital additions (as, for example, paragraph (b) (3) of CMP Regulation No. 5), the above procedure may be used in acquiring special tooling which will be treated as minor capital items.

(g) A manufacturer of special tooling need not charge his allotment account with the quantity of controlled materials delivered to him by his customers under this direction.

(h) This direction does not supersede or change the provisions of Direction No. 1 to CMP Regulation No. 5 which explains how to obtain aluminum for patterns.

Issued this 27th day of July 1944.

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

[F. R. Doc. 44-11207; Filed, July 27, 1944;
11:57 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 9A, Interpretation 4]

The following interpretation is issued with respect to CMP Reg. 9A:

CMP Regulation 9A includes "captive repair shops". This includes "captive repair shops" owned by any person, including a farmer, which meet the requirements of the regulation.

Issued this 27th day of July 1944.

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

[F. R. Doc. 44-11208; Filed, July 27, 1944;
11:56 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 8, as Amended July 27, 1944]

DISTRIBUTOR RECEIPTS ON CERTIFIED BUT UNRATED ORDERS AND RETAIL SALES ON UNCERTIFIED AND UNRATED ORDERS

The following amended direction is issued pursuant to Order L-335:

(a) *What this direction does.* This direction tells distributors how they can get lumber other than by extending their customers' certified orders, and explains what lumber may be sold by sawmills and distributors on uncertified and unrated orders. It also permits distributors to validate certain orders that distributors have placed with sawmills.

(b) *Lumber that a distributor may receive on certified but unrated orders.* Every distributor who was engaged in the business of selling lumber at retail before May 1, 1944, and who had a lumber inventory at that date is permitted to place certified but unrated orders with his lumber supplier and receive in each calendar quarter either 5,000

board feet of lumber or 10 percent of the amount of lumber he received in the same calendar quarter of 1943 provided the 10 percent is not more than 8,000 board feet of lumber. Orders that a distributor places with his lumber supplier to get this amount of lumber must bear the certification described in paragraph (q) (4) of Order L-335. A distributor is not authorized to apply a preference rating to such an order. Lumber that a distributor receives under this provision is in addition to any lumber that he is authorized on Form WPB-3813 to receive or any lumber he is authorized to receive through the extension of his customers' certified orders or under the provisions of paragraph (g) below.

(c) *Distribution yard of sawmill included.* If a person operates both a sawmill and a distribution yard and the distribution yard was engaged in selling lumber at retail prior to May 1, 1944, and had a lumber inventory at that date, the distribution yard may receive the same quantity of lumber from the sawmill as it would be entitled to receive from any other supplier. A transfer of lumber from the person's sawmill stock to his distributor stock must be treated the same way as if the transfer were from another lumber supplier and he must keep a record of the transfer in his sawmill files and endorse the certificate provided for in paragraph (q) (4) of Order L-335 of that record.

(d) *Distributor sales on uncertified and unrated orders.* The 5,000 to 8,000 board feet of lumber that a distributor receives under the provisions of paragraph (b) above is intended for sale to persons who need lumber for a purpose for which such persons have no rating or a rating of AA-5 MRO. This includes industrial plants, business enterprises and private individuals who do not have a rating, and industrial plants and business enterprises (except Class I consumers) who have an AA-5 MRO preference rating but who are not authorized to use it on a lumber order. Such persons are defined in paragraph (m) of Order L-335 as "all other consumers". Any lumber that a distributor receives under the provisions of paragraph (b) above may be sold on certified orders provided an equivalent amount of lumber so sold is made available to persons that are not authorized to place certified orders. A distributor must not sell more lumber on uncertified and unrated orders in a calendar quarter than the 5,000 to 8,000 board feet of lumber he is authorized to receive under paragraph (b) above.

(e) *Sawmills that also sell at retail but do not have a distribution yard.* Sawmills that were engaged in selling lumber at retail on May 1, 1944, but do not maintain a separate retail distribution yard are authorized to withdraw lumber from sawmill stock and sell it on uncertified and unrated orders to the same extent that a distributor is authorized to sell lumber on such orders under the above provisions, and the sawmill must compute the amount of lumber that he is authorized to sell on uncertified and unrated orders in the same way that a distributor computes the amount of lumber that he is authorized to receive on certified but unrated orders under the provisions of paragraph (b) above.

(f) *Distributors' validation of orders placed with lumber suppliers during the months of June and July, 1944.* Every lumber distributor is authorized to place orders with his lumber supplier and to receive from his supplier the amount of lumber that the distributor delivered from July 16 to July 31, 1944, on rated orders (except orders rated AA-5 MRO) of his customers. Orders that a distributor places with a lumber supplier under this authority must bear the certification prescribed in paragraph (q) (3) of Order L-335. A distributor may place a new order for this amount of

lumber with a supplier or he may validate any orders already placed with suppliers for this amount of lumber. In validating orders already placed with suppliers, the distributor must send to the supplier the certificate required and must indicate the order that is covered by the validation. Such orders may be placed or validated only to the extent the distributor is authorized to receive lumber under the above provision. Any lumber distributor that has received from the War Production Board a release on Form WPB-2720 under Order L-290, M-361, and M-364 which is dated subsequent to May 31, 1944 and has placed an order with a sawmill but is not able to receive delivery of that lumber before August 1, 1944, may validate such an order by providing the supplier with the certification described in paragraph (q) (4) of Order L-335. If the order is validated before July 20, 1944, the supplier may ship the lumber any time before September 1, 1944. If the order is not validated before July 20, 1944, it may not be shipped after July 31, 1944. Other lumber orders that a distributor has placed with his lumber supplier for delivery subsequent to August 1, 1944 may be validated only to the extent that he has received certified orders from his customers requesting delivery after August 1, 1944. The validation of such an order may only be made by extending his customers' certified orders as provided in paragraph (o) (1) of Order L-335. All other orders placed by distributors which cannot be delivered prior to August 1, 1944 must be cancelled by notifying the supplier.

(g) *Uncertified and unrated orders.* A distributor may place uncertified and unrated orders with and accept delivery of lumber from (1) lumber mills that produce less than 100,000 board feet of lumber per year; (2) sawmills that are permitted to accept and ship lumber on uncertified and unrated orders under paragraph (e) of Directions 1 to 5 inclusive; and (3) sawmills that are included in Direction 7. Acceptance of delivery on such orders is authorized. However, sawmills may not deliver lumber on an uncertified and unrated order if it will interfere with the filling of a certified order. The fact that a distributor is permitted to receive lumber under this paragraph on uncertified and unrated orders does not permit him to sell on uncertified and unrated orders more than the five to eight thousand board feet of lumber that he is authorized to sell on such orders under paragraph (d) above.

Issued this 27th day of July 1944.

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

[F. R. Doc. 44-11209; Filed, July 27, 1944;
11:57 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, Amdt. 1]

COTTON TEXTILE DISTRIBUTION

Section 3290.115 (General Conservation Order M-317) is amended as follows:

1. The caption and first paragraph of the AA-4 preference rating schedule of M-317 (Groups 31 to 38, inclusive) are changed to read:

AA-3 AND AA-4 PREFERENCE RATING SCHEDULE

Effective August 1, 1944, preference rating AA-3 is assigned for each group to the intermediate processor, processor and user in Column I to obtain deliveries of the woven cotton fabric in Column II to be used only

as specified in Column III. Preference rating AA-4 is assigned for each group to the intermediate processor, processor and user in Column I to obtain deliveries of the cotton yarns and threads in Column II to be used only as specified in Column III.

Effective August 1, 1944, all unfilled purchase orders for woven cotton fabrics bearing a preference rating of AA-4 assigned by Order M-317 hereby are rerated AA-3.

NOTE: The AA-4 preference rating assigned in Order M-385 for woven cotton fabrics may only be applied or extended to a producer for colored yarn fabrics.

2. By changing the part of paragraph (d) (1) beginning with the fine print after the first colon, to read as follows:

These cotton textiles will be exported, or will replace in inventory cotton textiles exported after December 24, 1943.

And also one of the following statements is to be made:

The preference rating was applied by the United States Treasury Procurement Division in connection with contract number ----- [In the case of United States Treasury Procurement for Foreign Economic Administration];

or

The preference rating was applied in connection with Export License number ----- dated -----, or Release Certificate number ----- dated ----- [In the case of export in connection with licenses or release certificates issued by Foreign Economic Administration.];

or

The preference rating was applied in connection with the Canadian Cotton Administrator's serial number ----- [In the case of exports to Canada.].

When the above is complied with, the requirements of M-328 are met and it is unnecessary to use any other notation.

If a preference rating for cotton textiles which is assigned by the Foreign Economic Administration on an export license or release certificate has not been applied or extended to an order accepted by a producer or made the subject of a War Production Board scheduling direction at the end of six months from the date of issuance of the license or release certificate, it shall be deemed revoked. Ratings applied or extended to orders accepted by a producer or made the subject of War Production Board scheduling directions at any time before August 1, 1944, for delivery before October 1, 1944, are excepted, however, from this provision."

Issued this 27th day of July 1944.

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

[F. R. Doc. 44-11210; Filed, July 27, 1944;
11:56 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-385]

TEXTILES FOR CIVILIAN ITEMS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing and other textile products and

in the yarns and fabrics entering into their production, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.346 *General Conservation Order M-385*—(a) *Explanation.* This order (which also includes and means supplements of this order) provides for the channeling of textiles into essential apparel and other textile items. The channeling is accomplished by ratings and other requirements to provide designated textiles for incorporation into the items. Supplements issued with the order contain "set aside" provisions and assignment of ratings. Further supplements may be issued from time to time.

Producers of textiles needed for any item may be directed to set aside quantities of textiles to fill orders bearing certifications, preference ratings, or both.

(b) *Preference ratings assigned in supplements and restrictions on use of preference ratings.* The following requirements (and any others which are made applicable for specific items listed in supplements) must be complied with by persons applying a preference rating assigned in this order:

(1) The rating assigned for textiles to be incorporated into an item may be applied only by a person who was a processor of the same item (regardless of price line) in 1942, 1943, or the first six months of 1944, or who is authorized in writing by the War Production Board to use the rating. (Authorization procedure is stated in paragraph (b) (8).)

(2) No processor shall put into process or manufacture or cause to be put into process or manufactured for his account in any calendar quarter a greater dollar volume of any item (regardless of price) than his dollar volume in that item (regardless of price) in the corresponding calendar quarter of either 1942 or 1943, whichever is greater. This paragraph (b) (2) applies to the entire production of the item by or for the account of the processor even though some of the textiles are obtained without the preference rating. A processor who started in business in 1944 may use as his base, his dollar volume of the item in the first or second calendar quarter of 1944, whichever is greater.

(3) No processor shall accept delivery of more textiles on a rating assigned in this order than he will normally put into process within four weeks after the delivery, and if he has on hand a four weeks' supply, he shall not accept the delivery until the supply is below that amount. This does not prevent acceptance of delivery of the minimum quantities of any textile which may be commercially procured or the acceptance in good faith of a delivery received before the date requested by the person if the actually requested date conforms to the requirements of this paragraph (b) (3).

(4) No person shall knowingly sell or deliver, accept delivery of, put into process or use any textiles obtained by the use of the rating contrary to the repre-

sentations in his certification or contrary to the provisions of this order.

(5) Preference ratings shall be applied and extended as provided by Priorities Regulation 3, and M-328. The following certification (which includes the Priorities Regulation 3 certification) signed manually or as provided in Priorities Regulation 7 must be used in the application and extension of ratings.

The undersigned Purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference rating (AA-4) indicated opposite the item(s) shown on this order, and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

The undersigned certifies, subject to the Criminal Penalties of Section 35 (A) of the U. S. Criminal Code, that the textiles covered by this purchase order will be sold or used only as permitted by M-385 for incorporation into ----- (insert the item(s), including description by price line, for which rating is assigned in a supplement of this order).

(Name of Purchaser)

(Address)

By -----
(Signature and title of duly
authorized officer)

(Date).

(6) Production of items from textiles obtained with the rating shall be in accordance with the quantity, price line, quality and other conditions specified in the applicable supplement.

(7) Any person using the preference rating to obtain textiles must complete the production of the item for which the rating was used, within sixty days after the delivery to him of the textiles.

(8) Applications for authorizations under paragraph (b) (1) shall be made by letter, and shall include identification of the item (for which a rating is assigned in this order) which is proposed to be manufactured, the textiles to be used, the number of units to be made, the availability of manpower, and a statement as to whether production will be reduced in any other items. These factors and the need for the item will be considered in passing on the applications and assigning quotas.

(c) *Further restrictions in supplements.* No person shall put into process, process, sell, deliver or accept delivery of any textiles contrary to restrictions in a supplement of this order.

(d) *Production schedules and identification of items.* The War Production Board may require any person using a preference rating assigned in this order to file a form (subject to its approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942) with the War Production Board and to identify the items, of which he is the processor, by an assigned serial number. The requirement of the filing of such form and the identification of the items may be made generally or for particular items or programs.

Directions may be issued by the War Production Board pursuant to paragraph

(c) of Order M-328 individually or by supplemental order or direction respecting production schedules for particular items or programs.

(e) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Every person who uses a preference rating assigned in this order, must to the extent of at least 75 per cent of his unrated deliveries of each item for which the rating is used, fill orders that are placed with him by persons who purchased from him during 1943. Each person who purchased from him in 1943 shall be entitled to have his orders filled for a pro rata share of this quantity of the item based on his 1943 purchases from the person using the rating. Further specific directions may be issued as to the distribution of items.

The above provisions are in addition to the provisions of paragraph (d) of General Conservation Order M-328.

(f) *Reports and records.* Each person who uses a preference rating assigned in this order shall maintain at his regular place of business accurate records of the quantities of each construction of textiles ordered with the use of such rating, the quantities received, the quantities entered into production, and the quantities of each item manufactured. These records shall be preserved for a period of not less than two years and shall upon request be submitted to audits and inspections by duly authorized representatives of the War Production Board.

Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, all persons affected by this order shall execute and file with the War Production Board such reports as the War Production Board shall from time to time request and shall keep such records and file any other reports required by a supplement of this order.

(g) *Definitions.* (1) "Textiles" includes yarns, fabrics which are woven, knitted or braided, and felts. The term does not include scrap or pieces less than one yard in length produced in normal operations.

(2) The term "item" includes all articles listed under the same group number in an "Item Column" of a supplement of this order.

(3) "Intermediate processor" means any person who, in the United States, bleaches, dyes, prints or otherwise finishes textiles, or causes any of the foregoing to be done, and delivers or uses the textiles for his own account in the bleached or otherwise finished state.

(4) "Processor" means any person engaged in the United States in the business of manufacturing or having manufactured in the United States for his account any item in which textiles are incorporated.

(5) "Merchant" means any person engaged in the United States in the business of purchasing textiles for resale

in the United States in the form in which purchased.

(6) Any person who performs the functions of one or more of the foregoing (regardless of his customary manner of conducting his business) shall, for the purpose of this order be deemed a separate person with respect to each of those capacities.

(7) "Piece goods" means fabrics delivered to a merchant for ultimate sale at retail in the same form in which the fabrics are delivered to the merchant.

(8) "Put into process" means the first change by a processor in the form of textiles from that form in which it was received.

(h) *Miscellaneous provisions.*—(1) *Applicability of regulations.* Except as otherwise provided in this order, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

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

(3) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C. Ref: M-385.

(4) *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.

Issued this 27th day of July 1944.

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

[F. R. Doc. 44-11204; Filed, July 27, 1944;
11:56 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-385, Supplement I]

DISTRIBUTION OF COTTON FABRICS BY CONVERTERS AND COLORED YARN FABRIC PRODUCERS

§ 3290.346a *Supplement I of General Conservation Order M-385.*—(a) *Definitions.* (For other applicable definitions see General Conservation Order M-385)

(1) "Cotton fabrics" means, unless otherwise specified, woven fabrics which have been bleached, dyed, printed or otherwise finished and colored yarn fabrics, containing 50 per cent or more by

weight of cotton or cotton waste or a combination of the two.

(2) "Producer" means any person who makes cotton textiles in the United States.

(3) "Unrated yardage" means: (1) In the case of an intermediate processor, the number of yards of each construction of cotton fabrics (including cotton fabrics prior to bleaching, dyeing or finishing) acquired by him or for his account without a preference rating or (2) in the case of a producer of colored yarn fabrics, the number of yards of each construction of colored yarn fabrics produced by him and not needed to fill orders rated other than AA-4.

(b) *Fabric "set aside".* (All column references are to the columns in the Cotton Fabric Schedules of this supplement.)

(1) *Colored yarn fabrics.* Each producer of colored yarn fabrics during the two-month period of August and September, 1944, and during each calendar quarter thereafter shall set aside at least that percentage shown in Column 2 of his unrated yardage of each construction of colored yarn fabrics shown in Column 1.

(2) *Cotton fabrics other than colored yarn fabrics.* (Purchases made or contracted before August 1, 1944.) Each intermediate processor who receives title on or after August 1, 1944 to any unrated yardage of a cotton fabric listed in Column 1, which he had purchased or contracted for before that date, must set aside at least the percentage shown in Column 2 of that unrated yardage in each construction.

(3) *Cotton fabrics other than colored yarn fabrics.* (Purchases made or contracted on or after August 1, 1944.) Each intermediate processor, during August and September, 1944, and during each calendar quarter thereafter, shall set aside at least that percentage shown in Column 2 of his unrated yardage of each construction of cotton fabrics shown in Column 1, which he purchases or contracts for on or after August 1, 1944.

(c) *Finishing, sale and delivery of fabric set aside.* (1) The cotton fabrics set aside as provided in paragraph (b) shall be processed, finished, sold and delivered only to fill orders which bear the preference rating assigned in Supplement II of this order, or which are sold as piece goods. Orders for the full amount of cotton fabrics set aside in August and September, 1944 and in each calendar quarter thereafter must be accepted within the period (August and September, 1944, and each calendar quarter thereafter) during which the set aside is made, or within ten days thereafter.

(2) *Certifications on rated purchase orders and contracts.* The certification set forth in paragraph (b) (5) of General Conservation Order M-385 must appear on the purchase orders or contracts for all cotton fabrics (other than cotton fabrics sold as piece goods) set aside under paragraph (b) of this Supplement I.

(3) *Certifications on purchase orders or contracts for piece goods.* When these cotton fabrics are sold as piece goods, substantially the following certification

must appear on the purchase orders or contracts:

The undersigned certifies, subject to the Criminal Penalties of section 35 (A) of the U. S. Criminal Code, that the fabric covered by this purchase order or contract will be delivered to retailers for sale as piece goods or will be sold only at retail as piece goods.

(Name of Purchaser)

(Address)

By _____
(Signature and title of duly
authorized officer)

(Date).

(4) *Endorsement on invoices.* No intermediate processor or producer shall sell or deliver any cotton fabrics set aside under paragraph (b) unless his invoice bears an endorsement substantially as follows:

This material is sold under your certification reading as follows:

(The full certification from purchase order or contract required by paragraphs (c) (2) and (c) (3) must be inserted.)

(5) *Delivery dates and sequence of deliveries.* The delivery dates and the sequence of deliveries of cotton fabrics set aside under paragraph (b) shall be in accordance with Priorities Regulation 1, all of the provisions of which must be observed. Attention particularly is called to the following provisions of § 944.7 of Priorities Regulation 1:

(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 rated order (except AAA) subsequently received if the material is completed or is in production and scheduled for completion within fifteen 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, preference 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.

Attention also is called to the fact that every rated order 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. Further provisions, and exceptions are contained in § 944.8 of Priorities Regulation 1.

(d) *Priority of piece goods orders.* Each intermediate processor and producer of colored yarn fabrics shall treat

purchase orders and contracts bearing the piece-goods certification set forth in paragraph (c) (3) as AA-4 orders, unless they actually are rated higher.

(e) *Exceptions.* Exceptions from paragraph (b) may be authorized by the War Production Board in writing pursuant to letter application from any intermediate processor or colored yarn fabric producer who in the six months prior to August 1, 1944, did not sell any of the cotton fabrics listed in Column 1 for piece goods, or finish or cause to be finished any of such fabrics in a manner suitable for incorporation into an item listed in the Item column of Supplement II.

(f) *Directions for piece goods.* Directions may be issued to producers pursuant to paragraph (c) of M-328, respecting the sale and delivery of cotton fabrics as piece goods.

(g) *Records and reports.* Each intermediate processor and each producer of colored yarn fabrics shall maintain at his regular place of business, for each construction of fabric listed in this Supplement I, accurate records of the unrated yardage purchased, in the case of intermediate processors, or produced, in the case of colored yarn producers, the quantities set aside from such yardage in accordance with the percentages specified in this Supplement I, and the quantities represented by accepted orders bearing AA-4 ratings. These records shall be preserved for a period of not less than two years, and upon request shall be submitted to audits and inspections by the duly authorized representatives of the War Production Board.

Each intermediate processor and producer of colored yarn fabrics to whom Form WPB-3848 is sent by the War Production Board shall execute this form monthly, in accordance with the instructions thereon, and file the executed form monthly with the War Production Board. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 27th day of July 1944.

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

COTTON FABRIC SCHEDULE I

Reference number	Column 1 Construction of fabric	Column 2 Percentage of unrated yardage required to be set aside
1.....	Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy weaves.	40
2.....	Print cloth, sley of 62 to 65, any pick, all widths and weights, plain and fancy weaves.	40
3.....	Carded poplin, plain and slub, all counts, print cloth warp yarns.	50
4.....	Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy weaves.	50

COTTON FABRIC SCHEDULE I—Continued

Reference number	Column 1 Construction of fabric	Column 2 Percentage of unrated yardage required to be set aside
5.....	Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy weaves.	50
6.....	Cotton and spun rayon mixtures, containing less than 25% by weight of rayon, and weighing less than 3.00 square yards per pound.	25
7.....	96/100 lawns, all weights.	25
8.....	88/80 lawns, all weights.	25
9.....	76/72 lawns, all weights.	25
10.....	Carded chambray, lighter than 3.50 yards per pound.	25
11.....	Carded gingham.	25
12.....	Sport denim.	25
13.....	Carded woven stripe or plaid seersucker.	25
14.....	Outing flannel, 4.00 yards per pound and lighter.	20
15.....	Soft filled sheeting lighter than 3.50 yards per pound.	20
16.....	Dimity.	20
17.....	Voile.	20

[F. R. Doc. 44-11205; Filed, July 27, 1944; 11:56 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-385, Supplement II]

AA-4 PREFERENCE RATING FOR COTTON FABRIC ITEMS

§ 3290.346b *Supplement II of General Conservation Order M-385—(a) Assignment of preference ratings and restrictions.* (Column references are to schedules of this Supplement II.)

(1) Preference rating AA-4 is assigned to processors who meet and comply with the requirements of General Conservation Order M-385 including this Supplement II to obtain the particular cotton fabrics listed in any "Fabric-Maximum Price Column." Such cotton fabrics must be incorporated into an item (listed in the "Item Column"), to be produced for sale by the processor at or below the lower of the following two prices:

The processor's O. P. A. ceiling price, or the price per dozen listed in the same "box" of the "Fabric-Maximum Price Column" which also describes the particular fabric from which the item is to be made.

(2) This rating is good only to obtain cotton fabrics set aside under Supplement I of this order. It may not be applied or extended to a producer except for colored yarn fabrics.

(3) Regardless of the provisions of any other War Production Board order or regulation, no cotton fabrics obtained with this rating shall be used or disposed of for any purpose other than that for which the rating is assigned.

Issued this 27th day of July 1944.

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

AA-4—PREFERENCE RATING SCHEDULE I

[The applicable provisions of each column are indicated for each numbered group opposite the group number]

Group No.	Item column 1		Fabric—Maximum price column 2	Fabric—Maximum price column 3	Fabric—Maximum price column 4
	Type	Size (or equivalent trade designation)			
1	Dresses: Misses' and women's.	12 to 44.....	\$15.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$18.00 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	\$24.00 Cotton and spun rayon mixtures containing less than 25% by weight of rayon, and weighing less than 3.00 square yards per pound. Carded gingham. Carded woven stripe or plaid seersuckers.
2	Dresses: Women's.....	46 and up.....	\$17.25 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$19.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	\$25.50 Cotton and spun rayon mixtures containing less than 25% by weight of rayon and weighing less than 3.00 square yards per pound. Carded gingham. Carded woven stripe or plaid seersucker.
3	Slips: Women's.....	32 to 44.....	\$6.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.		
4	Slips: Women's.....	46 and up.....	\$7.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.		
5	Blouses: Misses'.....	32 to 44.....	\$12.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less any pick, plain, slub and fancy.	\$15.75 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 76/72 lawns.	\$18.00 Cotton & spun rayon mixtures containing less than 25% by weight of rayon, and weighing less than 3.00 square yards per pound. 96/100 lawns, all weights. 88/80 lawns, all weights. Carded gingham. Dimities. Voiles.
6	Pajamas: Women's.....	32 to 40.....	\$15.75 Print cloths, sley of 66 to 78 any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$16.50 Outing flannel—4.00 yards per pound and lighter. Soft-filled sheetings lighter than 3.50 yard.	
7	Nightgowns: Women's.....	32 to 40.....	\$15.75 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. Outing flannel—4.00 yards per pound and lighter. Soft-filled sheetings lighter than 3.50 yard.		
8	Nightgowns: Women's.....	42 and up.....	\$19.50 Outing flannel—4.00 yards per pound and lighter. Soft-filled sheetings lighter than 3.50 yard.	\$22.50 96/100 lawns, all weights.	
9	Dress shields: Women's.....		\$1.75 76/72 lawns.	\$2.70 96/100 lawns, all weights. 88/80 lawns, all weights.	

AA-4—PREFERENCE RATING SCHEDULE I—Continued

Group No.	Item column 1		Fabric—Maximum price column 2	Fabric—Maximum price column 3	Fabric—Maximum price column 4
	Type	Size (or equivalent trade designation)			
10	Handkerchiefs: Women's.....	-----	\$0.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.	\$0.75 96/100 lawns, all weights, 88/80 lawns, all weights. 76/72 lawns.	
11	Shirts: Business men's.....	14 to 17.....	\$14.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$16.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	
12	Shirts: Business men's.....	17½ and up....	\$15.25 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$18.00 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	
13	Undershorts: Men's	28 to 44.....	\$4.00 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$4.75 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub, and fancy.	
14	Under-shorts: Men's.....	46 and up.....	\$5.25 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$6.00 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	
15	Pajamas: Men's.....	a, b, c, d.....	\$19.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$22.50 Carded poplins, plain and slub (all counts) print cloths warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	
16	Handkerchiefs: Men's.....	-----	\$0.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.	\$1.00 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns.	
17	Creepers, rompers, crawlers.	6 months to 2 years.	\$8.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$10.50 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	\$12.00 Sport denims. Carded woven stripe or plaid seersuckers.
18	Pajamas: Buttoned on 2-piece with feet.	1 to 4.....	\$10.50 Outing flannel—4.00 yard per pound and lighter.		
19	Pajamas: 2-piece button on.	1 to 4.....	\$10.50 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Outing flannel—4.00 yards per pound and lighter.		
20	Pajamas: 2 piece button on with extra pants.	1 to 4.....	\$12.00 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Outing flannel—4.00 yards per pound and lighter.		

AA-4—PREFERENCE RATING SCHEDULE I—Continued

Group No.	Item column 1		Fabric—Maximum price column 2	Fabric—Maximum price column 3	Fabric—Maximum price column 4
	Type	Size (or equivalent trade designation)			
21	Pajamas: 1 piece without feet.	2 to 8.....	\$10.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Outing flannel—4.00 yards per pound and lighter.	\$12.00 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	
22	Pajamas: 1 piece with feet.	2 to 8.....	\$12.00 Outing flannel—4.00 yards per pound and lighter.		
23	Pajamas: 2 piece jacket type.	2 to 8.....	\$12.00 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$13.50 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Outing flannel—4.00 yards per pound and lighter.	
24	Pajamas: 2 piece jacket type.	8 to 16.....	\$13.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$15.75 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. Outing flannel—4.00 yards per pound and lighter.	
25	Nightgowns: Infants'.....		\$4.50 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. Outing flannel—4.00 yards per pound and lighter.		
26	Nightgowns.....	1 to 3.....	\$5.25 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns.	\$6.00 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Outing flannel—4.00 yards per pound and lighter.	
27	Nightgowns.....	2 to 8.....	\$6.50 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns.	\$8.50 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Outing flannel—4.00 yards per pound and lighter.	
28	Nightgowns.....	8 to 16.....	\$10.50 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns.	\$12.00 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Outing flannel—4.00 yards per pound and lighter.	
29	Kimonos: Infants.....		\$4.50 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Outing flannel—4.00 yards per pound and lighter.		
30	Gertrudes: Infants'.....		\$3.75 76/72 lawns.	\$4.50 96/100 lawns, all weights. 88/80 lawns, all weights. Outing flannel—4.00 yards per pound and lighter.	
31	Dresses: Infants'.....	0 to 1 yr.....	\$10.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns.		

AA-4—PREFERENCE RATING SCHEDULE I—Continued

Group No.	Item column 1		Fabric—Maximum price column 2	Fabric—Maximum price column 3	Fabric—Maximum price column 4
	Type	Size (or equivalent trade designation)			
32	Dresses: Toddlers'.....	1 to 3.....	\$10.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$13.50 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. Carded chambray lighter than 3.90 yards per pound. Carded gingham. Carded woven stripe or plaid seersuckers. Dimities. Voiles.	
33	Dresses: Children's.....	3 to 6x.....	\$12.00 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$15.75 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Carded poplins, plain and slub, (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. Carded chambrays lighter than 3.90 yards per pounds. Carded gingham. Carded woven stripe or plaid seersuckers. Dimities. Voiles.	
34	Dresses: Girls'.....	7 to 16.....	\$13.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloths, 80 sley and less, any pick, plain, slub and fancy.	\$16.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded chambrays lighter than 3.90 yards per pounds. Carded gingham. Sport denims. Carded woven stripe or plaid seersuckers.	
35	Slips: Toddlers'.....	1 to 3.....	\$3.75 Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$4.50 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights.	
36	Slips: Girls', gertrude type..	2 to 14.....	\$4.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$6.00 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights.	
37	Slips: Girls', shoulder strap	10 to 16.....	\$8.50 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights.		
38	Blouses: Girls'.....	1 to 6.....	\$9.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$12.00 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. Carded gingham. Dimities. Voiles.	

AA-4—PREFERENCE RATING SCHEDULE I—Continued

Group No.	Item column 1		Fabric—Maximum price column 2	Fabric—Maximum price column 3	Fabric—Maximum price column 4
	Type	Size (or equivalent trade designation)			
39	Blouses: Girls'.....	7 to 14.....	\$10.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$13.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. Carded gingham. Dimities. Voiles.	
40	Panties: Girls'.....	2 to 12.....	\$3.00 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$3.75 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 76/72 lawns.	\$4.50 96/100 lawns, all weights. 88/80 lawns, all weights.
41	Playsuits, overalls, coveralls.	1 to 4.....	\$9.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$10.50 Print cloths, sley of 56 to 61 any pick, all widths and weights, plisse crepe finish. Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Sport denims. Carded woven stripe or plaid seersuckers.	\$12.00 Carded chambray lighter than 3.90 yards per pounds. Carded gingham.
42	Playsuits, overalls, coveralls.	2 to 6x.....	\$10.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$12.00 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Sport denims. Carded woven stripe or plaid seersuckers.	\$13.50 Carded chambray lighter than 3.90 yards per pounds. Carded gingham.
43	Washesuits: Boys', toddlers.	1 to 4.....	\$10.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	\$12.00 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.	
44	Washesuits: Boys', juvenile.	2 to 6x.....	\$12.00 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	\$14.00 Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish.	
45	Shirts and blouses: Boys'.....	1 to 6.....	\$8.00 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.		
46	Shirts and blouses: Boys'.....	3 to 10.....	\$9.00 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.		

AA-4—PREFERENCE RATING SCHEDULE I—Continued

Group No.	Item column 1		Fabric—Maximum price column 2	Fabric—Maximum price column 3	Fabric—Maximum price column 4
	Type	Size (or equivalent trade designation)			
47	Shirts: Boys' neckband type	11 to 14½.....	\$11.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$12.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	
48	Pants: Boys' (short).....	4 to 10.....	\$9.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Sport denims.		
49	Pants: Boys' (long).....	4 to 18.....	\$12.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Sport denims.		
50	Undershorts: Boys'.....	6 to 16.....	\$3.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$4.25 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	

[F. R. Doc. 44-11206; Filed, July 27, 1944; 11:56 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-103, as Amended July 27, 1944]

DYESTUFFS AND ORGANIC PIGMENTS

§ 3290.266 *Conservation Order M-103*—(a) *Definitions*. For the purposes of this order:

(1) "Dyestuffs" means any organic or partially organic coloring matter. The term includes organic coloring matter even though the matter itself appears colorless. The term does not include inorganic pigments extended or otherwise processed with resins, with dispersing agents, or with other substantially colorless organic material.

(2) "Class A dyestuffs" means the anthraquinone vat dyes appearing on List A attached hereto.

(3) "Class B dyestuffs" means all anthraquinone vat dyes other than those appearing on said List A. The term includes Fast Red A. L. Salt and Fast Red A. L. Base, which shall be considered an anthraquinone vat dye of single strength.

(4) "Class C dyestuffs" means all anthraquinone dyes other than anthraquinone vat dyes.

(5) "Class D dyestuffs" means all other dyestuffs, except:

(i) Those derived from vegetable or animal sources;

(ii) Lithol Red CI 189, Azo Bordeaux CI 88, Alphanaphthylamine Maroon CI 82 or Pigment Green B; or

(iii) Dyestuffs certified under the provisions of the Federal Food, Drug and Cosmetic Act (Ch. 9, Title 21, U. S. Code) and sold and used exclusively for use in food, drugs and cosmetics, as defined in said Act.

(6) "Value" means the dollar value computed from the domestic consumer's contract sales price as of January 1, 1943.

(7) "United States" means the 48 States, the District of Columbia and the Territory of Alaska.

(8) "Producer" means any person engaged in the production of organic coloring matter.

(b) *Restrictions on delivery*—(1) *Class A*. No person shall in any calendar quarter deliver to any one person more than 25 pounds of any Class A dyestuffs and no one person shall in any calendar quarter accept a total of more than 25 pounds of any Class A dyestuffs

for use in the United States or Canada, except for export within the limitations prescribed in paragraph (c) *Restrictions on export* and except as provided in paragraph (d) *General exceptions*.

(2) *Class B, C and D quotas*. Except as provided in paragraph (d) (*General exceptions*) and in paragraph (b) (3), no person shall in any calendar quarter, deliver or accept delivery of any Class B, C or D dyestuffs for use in the United States or Canada, in excess of the quantities specified in the following schedule:

NOTE. Schedule amended July 27, 1944.

May deliver

Class B. 15% of combined amount of Class A and B dyestuffs delivered to all persons in 1941 for such use.

(For the purpose of Class B quota, calculate in pounds of equivalent single strength Anthraquinone vat dyes. The poundage may be increased to equal 25 or a multiple thereof.)

Class C. 15% of value of Class C dyestuffs delivered to all persons in 1941 for such use.

Class D. 17½% of value of Class D dyestuffs delivered to all persons in 1941 for such use.

(For the purpose of Class D quota, in determining the value of dry and wet dispersions of organic pigments, only the organic pigment content for such dispersions shall be considered and it shall be based on the value of a comparable dry pigment.)

May accept delivery

15% of combined amount of Class A and B dyestuffs received from all sources in 1941, plus 250 pounds.

15% of value of Class C dyestuffs received from all sources in 1941, plus \$250 value.

17½% of value of Class D dyestuffs received from all sources in 1941, plus \$250 value.

(3) *Acceptance of delivery of dyestuffs for redyeing used apparel and household furnishings*. Except as provided in paragraph (d) no person shall in any calendar quarter accept delivery of any Class B, C or D dyestuffs for use in the United States or Canada in excess of the

quantities specified in the following schedule:

Class B. 25% of combined amount of Class A and B dyestuffs received from all sources in 1941, plus 250 pounds.

(For the purpose of Class B quota, calculate in pounds of equivalent single strength An-

thraquinone vat dyes. The poundage may be increased to equal 25 or a multiple thereof.)

Class C. 25% of value of Class C dyestuffs received from all sources in 1941, plus \$250 value.

Class D. 25% of value of Class D dyestuffs, received from all sources in 1941, plus \$250 value.

The seller may rely upon a signed statement by the buyer that he is authorized to accept delivery under this subparagraph (3). If he has knowledge of this fact, he may waive the signed statement.

[Paragraph (4) formerly (3) redesignated July 27, 1944; former paragraph (4) revoked July 27, 1944.]

(4) Quota adjustments. For the purpose of the Class B, C and D quotas, referred to in the above schedule:

(i) Use by producer. Amounts of dyestuffs which are or have been used by a producer in any calendar quarter or in 1941, shall be considered as having been delivered to such person in such quarter or in 1941, as the case may be.

(ii) Credit for returned dyestuffs. Amounts of dyestuffs returned to a vendor prior to the 22nd day after the end of the calendar quarter in which they were delivered, shall not be charged as delivered or accepted.

(iii) Carry-over of undelivered quota. Amounts of dyestuffs which a person may deliver or accept which have not been delivered or accepted in any calendar quarter, may be delivered or accepted prior to the 22nd day after the end of such quarter.

(c) Restrictions on exports.—(1) General restrictions. No producer shall export or deliver for export from the United States to any place other than Canada any dyestuffs produced by him, except either upon orders accompanied by individual export licenses issued by the Foreign Economic Administration (the applications for which show thereon the corresponding current domestic sales price of such dyestuffs) or upon orders from an agency of the United States for delivery pursuant to the Act of March 11, 1941, as amended, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act). The total value, exclusive of the exceptions provided in paragraph (d), of dyestuffs so exported or delivered in any quarter shall not exceed:

(i) $\frac{3}{4}$ of 1% of the total value of all dyestuffs delivered by him in 1941 plus
(ii) 17% of the total value of dyestuffs exported or delivered for export by him from the United States to all places other than Canada in 1941.

(2) Further restrictions on Class A, B and C. The amount of dyestuffs, exclusive of the exceptions provided in paragraph (d), produced by him which a producer may export or deliver for export from the United States to all places other than Canada in any calendar quarter, shall not exceed:

(i) As to Class A dyestuffs, $\frac{1}{2}$ of 1% of the total value of all Class A dyestuffs delivered by him in 1941.

(ii) As to Class B dyestuffs, 1% of the total of all Class B dyestuffs delivered by him in 1941.

(iii) As to Class C dyestuffs, $\frac{3}{4}$ of 1% of the total value of all Class C dyestuffs delivered by him in 1941.

(3) Carry-over of undelivered portion of export quota. Amounts of dyestuffs which a producer may export or deliver for export from the United States to all places other than Canada in any calendar quarter and which have not been exported or delivered for export in such quarter, may be exported or delivered for export in the following quarter in addition to the quota for that quarter. For the purposes of this subparagraph (3), all dyestuffs, other than Class A, B or C, shall be considered one class.

(d) General exceptions. The restrictions in subparagraphs (1), (2) and (3) of paragraph (b) (Restrictions on delivery) and the restrictions in paragraph (c) (Restrictions on export) shall not apply to the delivery or acceptance of delivery of dyestuffs.

(1) To or by the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the United States Post Office, the Government Printing Office, the Bureau of Engraving and Printing or the Government of Canada;

(2) For ultimate delivery to any of the agencies mentioned in subparagraph (1) of this paragraph (d), or for use, to the extent specified in the prime contract, in the manufacture of any item which is being produced for any of said agencies;

(3) For use in the manufacture of materials for uniforms as described in subdivisions (i) to (ix), inclusive, of paragraph (e) (1) of General Limitation Order L-224 (Clothing for Men and Boys) and in paragraph (d) (10) of General Limitation Order L-85 (Apparel for Feminine Wear);

(4) Between or among producers and exclusive sales agents of producers;

(5) For coloring gasoline and tractor fuels;

(6) For chemical indicators or bacteriological stains;

(7) For medicinal, therapeutic or diagnostic uses;

[NOTE: Paragraphs (8), (9), (10) formerly (9), (10), (11) redesignated July 27, 1944]

(8) For ultimate delivery to or by a retailer (who for this purpose means one who sells dyestuffs and other merchandise directly to the general public for its consumption, e. g., a general store, a drug store, etc.) of dyestuffs in containers not exceeding 8 ounces in content; or

(9) To replace in inventory amounts which, although not acquired for any of the uses referred to in any of the subparagraphs of this paragraph (d), were nevertheless used for one or more of such purposes.

(10) For purposes other than coloring (e. g. rubber chemicals).

Provided, That all deliveries of dyestuffs exempted from the restrictions of said paragraphs (b) and (c) by subparagraphs (2), (3), (4), (5), (6), (7), or (9) of this paragraph (d) shall be made only upon the receipt by the vendor from the purchaser of a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the dyestuffs to be delivered on the annexed purchase order will be used for one or more of the purposes specified in paragraph (d) of Conservation Order M-103, or will replace inventory so used.

(e) The War Production Board may authorize the delivery and acceptance of delivery, export of and delivery for export of additional quantities of Classes A, B, C and D dyestuffs to be used as specifically directed. Such authority will be issued either in the form of individual letters or by published Directions supplemental to this order. Applications by letter for authorizations under this paragraph may be filed by producers of dyestuffs or commercial dyestuff users. Authorizations for dyestuffs to be used in dyeing apparel for export may be granted when the dyestuffs will be used to fill contracts or subcontracts of a government agency or for other essential export uses. Authorization which in the aggregate would require more than a total of 2 per cent of the domestic dyestuff production for export as dyestuffs, or for use in dyeing apparel for export, will be granted only upon program determinations.

[Paragraphs (f), (g), (h), (j), (k), (l), (m), formerly (e), (f), (g), (h), (j), (k), (l), redesignated July 27, 1944]

(f) Treatment of mixtures. In the case of physical mixtures of different classes of dyestuffs containing a component or components of one class to the extent of at least 90% of the value of such mixture, such mixtures shall be considered as belonging to the class to which said component or components belong. In the case of all other physical mixtures of dyestuffs, the classes of components shall be considered separately.

(g) Restrictions on use of specific dyestuffs. No person shall use any:

(1) [Deleted Oct. 23, 1943.]

(2) Anthraquinone in any physical form in discharging (including color and white discharge), stripping or destroying naphthol (azoic), vat or other dyes already present on textile fibers. This provision shall not prohibit the use of Anthraquinone in the manufacture of dyestuffs.

(3) Annatto or annatto extracts for coloring any materials other than food products.

(h) *Restrictions on inventory.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14), no person shall accept delivery of any Class A dyestuffs which will increase his inventory thereof beyond an amount which, to the best of his knowledge and belief, will be used by him in the next 45 days.

(i) *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.

(j) *General prohibitions.* No person shall deliver or accept delivery of any dyestuffs, if he knows, or has reason to believe, such material is to be used or is to be delivered or accepted in violation of the terms of this order.

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

(l) *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.

(m) *Communications to the War Production Board.* All communications concerning this order, shall, unless otherwise directed in writing, be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Reference: M-103.

Issued this 27th day of July 1944.

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

LIST A

PART I—TECHNICAL NAMES

NOTE: Item 9 deleted July 27, 1944.

1. Brown R CI 1151.
2. Brown G CI 1152.
3. Olive R CI 1150.
4. Golden orange R CI 1097
5. Khaki 2G Pr 122.
6. Olive T.
7. Olive GGL.
8. Olive green B.

PART II—TRADE NAMES

Note: "Indanthrene yellow 3 RD" deleted July 27, 1944.

Amanthrene dark olive B.
Amanthrene Khaki 2G Pr 122.
Amanthrene olive R CI 1150.
Amanthrene olive green B.
Calcoloid golden orange RRTD CI 1097.
Calcosol brown G CI 1152.

Calcosol brown R CI 1151.
Calcosol brown RP CI 1151.
Calcosol golden orange RRTL CI 1097.
Calcosol golden orange RRTP CI 1097.
Calcosol khaki G Pr 122.
Calcosol olive R CI 1150.
Carbanthrene brown AR CI 1151.
Carbanthrene brown AG CI 1152.
Carbanthrene golden orange RRT CI 1097.
Carbanthrene prt. golden orange RRT CI 1097.
Carbanthrene khaki 2G Pr 122.
Carbanthrene olive R CI 1150.
Cibanone brown BG CI 1152.
Cibanone brown GR CI 1151.
Cibanone golden orange 2R CI 1097.
Cibanone olive 2R CI 1150.
Indanthrene brown FRA CI 1151.
Indanthrene brown GA CI 1152.
Indanthrene brown GAF CI 1152.
Indanthrene brown GAP CI 1152.
Indanthrene brown GWF CI 1152.
Indanthrene brown GWP CI 1152.
Indanthrene brown RA CI 1151.
Indanthrene brown RAP CI 1151.
Indanthrene brown RWP CI 1151.
Indanthrene khaki 2GA Pr 122.
Indanthrene khaki 2GF Pr 122.
Indanthrene khaki 2GWP Pr 122.
Indanthrene olive green BA.
Indanthrene olive RA CI 1150.
Indanthrene olive RAP CI 1150.
Indanthrene olive RW CI 1150.
Indanthrene olive RWF CI 1150.
Indanthrene orange RRTA CI 1097.
Indanthrene orange RRTF CI 1097.
Indanthrene orange RRTP CI 1097.
Indanthrene orange RRTW CI 1097.
Indanthrene olive T.
Ponsol brown AG CI 1152.
Ponsol brown AR CI 1151.
Ponsol brown ARS CI 1151.
Ponsol green 2BL.
Ponsol golden orange RRT CI 1097.
Ponsol golden orange RRTS CI 1097.
Ponsol khaki 2G Pr 122.
Ponsol olive AR CI 1150.
Ponsol olive ARS CI 1150.
Ponsol olive GGL.

[F. R. Doc. 44-11211; Filed, July 27, 1944;
11:56 a. m.]

Chapter XI—Office of Price Administration

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

[MPR 450,¹ Amdt. 4]

WRITING PAPER AND CERTAIN OTHER FINE PAPERS

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 450 is amended in the following respect:

1. The following is added to Appendix B, paragraph (g) (1):

Provided, however, That the maximum base prices for substance weight 16 pound shall apply only to the grades hereinabove listed and to such related grades as are commonly recognized by the trade as chemical wood

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

¹ 8 F.R. 11522, 14278; 9 F.R. 5803, 6711.

pulp mimeograph paper. Such prices shall not be applicable to other related grades.

This amendment shall become effective August 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11198; Filed, July 27, 1944;
11:29 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,¹ Amdt. 47]

FLUID MILK

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

Section 1351.807 (b) (3) is added to read as follows:

(3) *Authorization in writing from the National Administrator.* Any regional office, when specifically so authorized in writing by the Administrator, may adjust or establish in accordance with such authority, any maximum price under this Maximum Price Regulation No. 280 for fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions.

This amendment shall become effective August 1, 1944.

Issued this 27th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11199; Filed, July 27, 1944;
11:31 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,² Amdt. 44]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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

Appendix J in section 15 is amended in the following respects:

1. Table 3 in paragraph (d) is amended to read as follows:

¹ 7 F.R. 6520.

² 8 F.R. 16409, 16294, 16239, 16433, 17372; 9 F.R. 790, 902, 1531, 2008, 2028, 2091, 2493, 4030, 4036, 4038, 4434, 4786, 4787, 4877, 5923, 5929, 6104, 6108, 6420, 6711, 7269, 7288, 7434, 7428, 7560, 7583, 7759, 7774, 7634.

TABLE 3—MAXIMUM PRICES FOR PLUMS

Col. 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices for fruit loaded on car or truck at shipping point.	Maximum prices for sales delivered to any wholesale receiving point in any quantity.	Maximum prices for sales by certain persons in less-than-carlots or less-than-trucklots delivered to the premises of any retail store, government procurement agency or institutional buyer. ⁴
	Plums loaded and packed in standard 4-basket crates (WPB L232 Nos. 37, 38, 39, 40) with the following size and net weight classes:					
	Size	Net weight				
		Not less than	Not over			
1	3x4.....	20 pounds.	33 pounds.	Beginning of season—July 26.....	\$2.91	Col. 6 price plus 93 cents
2	3x4x4.....	20 pounds.	33 pounds.	July 27—to end of season.....	3.19	Col. 6 price plus 91 cents
3	4x4.....	28 pounds.	32 pounds.	Beginning of season—July 26.....	2.82	Col. 6 price plus 86 cents
4	3x4x5.....	26 pounds.	30 pounds.	July 27—to end of season.....	3.09	Col. 6 price plus 81 cents
5	4x5.....	24 pounds.	28 pounds.	Beginning of season—July 26.....	2.63	Col. 6 price plus 79 cents
6	5x5.....	24 pounds.	28 pounds.	July 27—to end of season.....	2.88	
7	5x6.....	23 pounds.	27 pounds.	Beginning of season—July 26.....	2.44	
8	6x6.....	23 pounds.	27 pounds.	July 27—to end of season.....	2.68	
				Beginning of season—July 26.....	2.35	
				July 27—to end of season.....	2.38	
9	Plums graded and packed in standard 4-basket crates of each of the above sizes (Items 1-8 above) with a net weight of less than or more than that specified for each size, and plums of any size graded and packed in all other containers.	Per 4-basket crate.		Beginning of season—July 26.....	9.4 cents	Col. 6 price plus 3 1/2 cents
10		Per pound.		July 27—to end of season.....	10.3 cents	
11	Plums sold loose and ungraded in any container. ¹	Per pound.		Beginning of season—July 26.....	8.2 cents	Col. 6 price plus 3 1/2 cents
				July 27—to end of season.....	9.1 cents	

¹ The maximum price for plums sold in bulk (loose without containers) shall be 2.0 cents per pound less than the maximum prices per pound listed for item 11 in columns 5, 6, and 7.

² Protective service allowances shall be added in accordance with the following groups of wholesale receiving points:

Wholesale receiving points	Allowance for protective services. (Includes 3% tax.)	
	For containers of 20 lbs. and over	Per lb. for containers under 20 lbs.
1. In all States wholly east of the Mississippi River, except in Wisconsin and Illinois.....	\$0.14	3/4 cent.
2. In all other States, except in California, Oregon and Washington.....	.11	1/2 cent.
3. In Oregon and Washington.....	.04	1/2 cent.
4. In California.....	.00	\$0.00.

³ No protective service allowances may be added for plums sold loose and ungraded in any container.

⁴ For the sellers covered by column 7, see general provisions of this appendix.

2. In Table A in paragraph (e) item 3 in Column 3 the parenthetical statement following the word "all" and reading (Items 1-7, Table 3) is amended to read: (Item 1-11, Table 3).

This amendment shall become effective July 27, 1944.

Issued this 26th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: July 26, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-11180; Filed, July 26, 1944;
4:41 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Supp. 3]

BARLEY

In the judgment of the Price Administrator, it is necessary and proper to establish permanent maximum prices for the sale and delivery of barley. The prices established herein are, in the judgment of the Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and of Executive Orders Nos. 9250 and 9328.

Maximum Price Regulation 511, as amended, is superseded insofar as it establishes maximum prices for the sale and delivery of barley.

Such specifications and standards as are used in this supplement were, prior to such use, in general use in the trade or industry.

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

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

SUPPLEMENT 3 TO FOOD PRODUCTS REGULATION No. 2—BARLEY

Sec.

1. Applicability.
2. Sales at other than maximum prices.
3. Evasion.
4. Applicability of provisions of Food Products Regulation No. 2.
5. Definitions and explanation of the supplement.
6. Base prices.
7. Maximum prices for sales by producers.
8. Maximum prices for sales by trucker-merchants.
9. Maximum prices for sales by country shippers.
10. Maximum prices for sales by merchandisers.
11. Maximum prices of purchases and sales by importers.
12. Limitations on total markups of country shippers and merchandisers, and on service charges of commission merchants and brokers which may be included in a maximum price.
13. Rules relating to additions to the maximum price.
14. Separate invoicing of charges, markups, and costs.

Appendix A.

Table I (a). Schedule of premiums and discounts over or under standard grade and quality.

Table I (b). Method of adjusting prices for grade and quality.

Table II. Description of "Area A"—Barley.

Table III. List of state and county base prices in "Area B".

AUTHORITY: Secs. 1 to 14, inclusive (§ 1351.393) issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

Explanation of the relation of this supplement to Food Products Regulation No. 2.

Not all of the provisions affecting the maximum prices for sales of barley are stated in this supplement. Those which are not specifically set forth here are stated in Food Products Regulation No. 2, and they are just as much a part of this supplement as if they were printed here.

The particular sections of Food Products Regulation No. 2 which are applicable to this supplement are listed at appropriate places in the provisions which follow. When any applicable section of the regulation is amended, the amendment also is applicable to this supplement.

SECTION 1. Applicability. Except for those sales exempted by paragraph (a) of this section, this supplement shall apply to all sales of imported and domestic barley, to all deliveries of such barley, whether immediate or future, and to all purchases in the course of trade or business of foreign grown barley to be imported into the United States.

(a) **Exempt sales.**—(1) *Sales by retailers.* This supplement shall not apply to sales by retailers as defined herein. Supplement No. 1 to Food Products Regulation No. 2 shall apply.

(2) **Export sales.** This supplement shall not apply to any export sale. The maximum price for such sales shall be

determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation, as amended.

(3) **Emergency purchases.** Section 1.2 (a) of Food Products Regulation No. 2, dealing with the exemption of emergency purchases, is applicable to this supplement.

(4) **Seed barley.** This supplement shall not apply to sales of barley which the buyer intends to use for seed for planting or to resell for ultimate use as seed for planting. Section 2.7 of Food Products Regulation No. 2, dealing with special rules for such sales, is applicable to this supplement.

(5) **Prior contracts.** This supplement shall not apply to deliveries made prior to August 10, 1944 pursuant to contracts for the sale of barley entered into before the date of issuance of this supplement, if such contracts complied with the provisions of Maximum Price Regulation 511, as amended.

SEC. 2. Sales at other than maximum prices. (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall, in the course of trade or business, buy or receive any barley covered by this supplement at a price above the maximum price established by this supplement, nor shall any person agree, solicit, offer, or attempt to do any of the foregoing: *Provided, however,* That certain agreements to raise prices are permissible, as provided for in subparagraph (1) of this paragraph.

(1) **Adjustable pricing.** Section 1.2 (b) of Food Products Regulation No. 2, dealing with adjustable pricing, is applicable to this supplement.

(b) Prices lower than the maximum prices established by this supplement 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 supplement, and, therefore, prohibited; any offer or agreement which accomplishes or attempts to accomplish such results is equally prohibited.

SEC. 4. (a) Applicability of provisions of Food Products Regulation No. 2. All provisions of Food Products Regulation No. 2 are applicable to and made a part of this supplement. The sections of Article I not heretofore referred to, and the sections of Articles II, III, IV, and V, with an indication of their subject matter, are as follows:

ARTICLE I

Section 1.2 (c) Documents, records and reports.

Section 1.2 (d) Licensing.

Section 1.2 (e) Enforcement.

Section 1.2 (f) Protests and petitions for amendment.

ARTICLE II

Section 2.1 Rules relating to delivery.

Section 2.2 Rules relating to commingling.

Section 2.3 General rules for determining the prices applicable to a withdrawal from a

place of business. (This includes both provisions for averaging and for selling without averaging.)

Section 2.4 Limitation on markups by persons having certain agreements with their suppliers under which the supplier receives a rebate, dividend, or share of the profit.

Section 2.5 Rules providing markups for persons performing several marketing functions—the so-called "integrated business" rule.

Section 2.6 Pricing grains handled by processors when used in processing.

Section 2.7 Rules respecting sales of grain exempted, or for which a premium may be paid on basis of ultimate use.

ARTICLE III

Section 3.1 Definitions.

ARTICLE IV

Section 4.1 Base price of mixed grain.

Section 4.2 Maximum prices for sales of mixed grain.

Section 4.3 Applicability of this Article.

ARTICLE V

Section 5.1 Sales on contract futures markets.

SEC. 5. Definitions and explanation of the supplement.—(a) *Definitions appearing in Food Products Regulation No. 2.* The definitions of the following terms, set forth in the designated sections of Food Products Regulation No. 2, are applicable to all the provisions of this supplement:

(1) "Person"—section 3.1 (a) (1) of Food Products Regulation No. 2.

(2) "Bushel"—section 3.1 (a) (2) of Food Products Regulation No. 2.

(3) "Barley" and "mixed grain"—section 3.1 (a) (3) of Food Products Regulation No. 2.

(4) "Feeder"—section 3.1 (a) (5) of Food Products Regulation No. 2.

(5) "His supplier" or "your supplier"—section 3.1 (a) (6) of Food Products Regulation No. 2.

(6) "His customer" or "your customer"—section 3.1 (a) (7) of Food Products Regulation No. 2.

(7) "Processor"—section 3.1 (a) (8) of Food Products Regulation No. 2.

(8) "Carload shipment"—section 3.1 (a) (9) of Food Products Regulation No. 2.

(9) "Less than carload lot" and "less than carload quantity"—section 3.1 (a) (10) of Food Products Regulation No. 2.

(b) **Additional definitions.** When used in this supplement, the following terms shall have the following meanings:

(1) "Test weight per bushel" means that factor in determining the grade of barley under the method prescribed in the Official Grain Standards of the United States.

(2) (i) "Malting barley" means barley which the buyer intends to use for manufacturing into barley malt, or to resell for use for that purpose. It does not include any of the following categories:

Mixed Barley and Black Barley as defined in the Official Grain Standards of the United States.

Barley grading lower than No. 4.

Barley containing in excess of 10 percent skinned and broken kernels.

Barley containing in excess of 12 percent wheat.

Barley containing in excess of 20 percent Trebi.

Barley containing in excess of 20 percent Spartan.

Barley containing in excess of 20 percent California Mariout or Club Mariout.

Barley containing in excess of 20 percent Vaughn.

Barley containing in excess of 20 percent Hero.

(ii) "Pearling barley" means barley which the buyer intends to use for manufacturing into pearled barley or any other product or products for human consumption, or to resell for ultimate use for those purposes. Such barley must grade No. 2 or better and must pearl white or creamy.

(3) "United States", when it refers to an area, means the 48 states and the District of Columbia.

"Area A" means the surplus producing areas of barley in the United States, as described in Table II of Appendix A.

"Area B" means all parts of the United States not included in "Area A".

(4) "Your transportation cost" means (i) If you employ a common carrier, contract carrier, or other carrier for hire or compensation, the charge which you actually incur for the transportation service; or

(ii) If you do your own hauling by truck or wagon, the hauling allowance at the scale set forth in definition (5); or

(iii) If you transport the lot by barge or vessel owned, leased, or chartered and operated by you, the going rate for the same movement, if there is such a going rate, or if there is no going rate for the same movement, then the going rate for the most similar movement not to exceed the reasonable value of the services; or

(iv) When any movement involves a combination of more than one of the types of transportation included in (i), (ii) and (iii), the transportation cost for the movement of each type shall be computed separately and the results added.

(v) If any part of the movement is by barge or vessel, you may add customary vessel brokerage, cargo insurance, and outturn insurance or allowance on such lot, to the extent not included in the cost computed under (i) or (iii) above.

(5) "Hauling allowance" means the following scale of charges:

If the total haul does not exceed 100 miles—3 cents per 100 pounds for the first five miles or fraction thereof plus 1 cent per 100 pounds for each additional five miles or fraction thereof; or

If the haul exceeds 100 miles, the lowest carload rail rate from the rail point nearest the point of origin to the rail point nearest point of destination plus 8 cents per 100 pounds, but not to exceed 22 cents per 100 pounds plus $\frac{1}{4}$ cent per 100 pounds for each five miles or fraction thereof over 100 miles.

In applying the above mileage scale all distances shall be determined via the shortest route between point of origin and point of destination reasonably suitable for truck movement.

(6) "Producer" means, with respect to any lot of barley, grown in the United States, either

(i) The person who grew or harvested such lot of barley; or

(ii) A landlord who received such lot of barley as or in lieu of rent for the farm where grown; or

(iii) Any person who delivers the barley to his customer at the farm where grown or at roadside near such farm. The result of this is that if you do not deliver the barley to your customer off the farm where grown you do not secure a higher price than the person who grew it would have received.

(7) "Country shipper" means, with respect to any lot of barley, a person who purchases and receives the barley from a producer in any quantity before any movement by rail car or barge, and (i) delivers it to his customer at a point which is neither on the farm where grown nor at roadside near such farm, and (ii) delivers it in any manner other than as a trucker-merchant or as a retailer.

(8) "Trucker-merchant" means, with respect to any lot of barley, a person who purchases such barley for resale and, without loading it into a barge or railroad car or unloading it into an elevator or warehouse for his own account and use, transports and delivers the same to his customer in a truck or wagon owned or leased and operated by him.

(9) "Merchandiser" means, with respect to any lot of barley owned by him, a seller, other than a retailer, for whom a maximum price is not otherwise provided in this supplement. In other words, he is a person who merchandises the barley other than as a producer, country shipper, trucker-merchant, or retailer.

(10) "Retailer" means, with respect to any lot of barley, a person who unloads such barley into his store and sells and delivers it to a feeder.

(11) "Store" means a building where a regular business of selling and delivering grain and/or feeds to feeders is carried on, and where the owner or one or more of his employees work on a substantially full-time basis in such business or in a general retail business of which such grain and feed business is a part. If several employees divide their time between the retail business and other work, the requirement of a substantially full-time employee will be satisfied if the aggregate time which the several employees spend in the retail business equals a full work day for one person. Occasional sales of grain and feed to other than feeders may be made, but only as an incidental part of the business if its status as a "store" is to be maintained.

(12) "Broker" means, with respect to any lot of barley, a person who, acting

for the account of either seller or buyer or both, negotiates a sale or purchase of such barley for either seller or buyer or both other than as a commission merchant or as an employee of either seller or buyer. No person can be a broker as to barley owned by him.

(13) "Commission merchant" means, with respect to any lot of barley, a person who receives a carload shipment or a lot of 60,000 pounds or more on behalf of another person who is the owner thereof and negotiates or has negotiated a sale of such barley in his own name to a person other than himself on a recognized grain exchange in any of the following cities:

Buffalo, N. Y.	Kansas City, Mo.
Chicago, Ill.	Louisville, Ky.
Cincinnati, Ohio.	Memphis, Tenn.
Dallas, Tex.	Milwaukee, Wis.
Denver, Colo.	Minneapolis, Minn.
Des Moines, Iowa.	Omaha, Nebr.
Duluth, Minn.	Peoria, Ill.
Enid, Okla.	St. Joseph, Mo.
Fort Worth, Tex.	St. Louis, Mo.
Hutchinson, Kans.	Salina, Kans.
Indianapolis, Ind.	Sioux City, Iowa.
	Toledo, Ohio.

Regardless of any of the provisions of this supplement, division of commission charges may be made with and paid to exchange members in accordance with rules of the respective exchanges which were in effect January 1, 1943, and sellers of barley who are members may receive such divisions.

(14) "Terminal base point" means any city listed in section 6, and includes all points within the corporate or switching limits of such city.

(15) "Interior point" means any point other than a terminal base point, except that with respect to any particular lot of barley it does not include the farm where such barley was grown.

(16) "Interior rail point" means any point other than a terminal base point having facilities for the loading of railroad freight cars and from which railroad freight rates are published as provided by law.

(17) "Base price" means the price per bushel, with adjustments for grade and quality, as provided in section 6. These base prices shall not be used independently as maximum prices nor shall they be used in any other method than is specifically provided in the maximum pricing provisions (sections 7 to 11, inclusive).

(c) General explanation of the pricing provisions in this supplement. This supplement provides a maximum price for every kind of seller and for every kind of sale not exempted under other provisions of this supplement. You may not always be the same type of seller on different lots of barley that you sell, and you must consult the definitions to learn the type of seller you are in connection with any particular sale. In order that pricing provisions should be fair to every kind of handler, it has been necessary to define types of sellers more closely by reference

to the functions they perform in each transaction rather than by popular terminology used by the trade. You must, therefore, be careful to study the definitions in connection with the particular sale you want to price. After you have decided the type of seller you are on a particular sale, you look in the following sections for your maximum price.

If you are a producer, see section 7.

If you are a trucker-merchant, see section 8.

If you are a country shipper, see section 9.

If you are a merchandiser, see section 10.

If you are an importer, see section 11.

If you are a retailer, you will find your maximum price in Supplement No. 1 to Food Products Regulation No. 2.

If you are selling mixed grain, your maximum price is provided in Article IV of Food Products Regulation No. 2.

In some cases, you will find that your maximum price depends on your supplier's maximum price. In other cases, as in sections 7, 9, 10, or 11, you will find that your maximum price for the sale of a particular lot of barley depends on what is called a "base price," which you will find in section 6. Base prices are not maximum prices although sometimes you will find that the maximum price on a particular lot is the same as the base price; but more often the maximum pricing provisions provide that you deduct something from, or add something to, the base price in computing your maximum price.

SEC. 6. Base price. As explained in the preceding section, "base prices" are not maximum prices but are used in the determination of maximum prices. All barley does not have the same value because of variations in grade and quality, and also because barley located at one point may command a different price than barley located at another point. Base prices are, accordingly, worked out to reflect differences in grade and quality and differences in location. Generally speaking, this supplement starts any lot of barley into marketing channels with a maximum price at or near its origin, and these base prices are for the purpose of arriving at such initial maximum price for the particular grade, quality, and location. At different levels of marketing the supplement permits the addition to base prices of transportation costs, markups, and similar incidents to distribution.

In order to provide a base price for domestic barley at every point in the United States for every grade and quality, it is necessary to establish base prices by location for a "standard grade" of barley and provide premiums and discounts from that "standard grade" for other grades and qualities. The "standard grade" is No. 2 barley having a test weight of 46 pounds per bushel. Base prices for other grades and qualities are determined by adding or subtracting the premiums and discounts provided in Table I of Appendix A to or from the corresponding price for the

"standard grade;" Except, that barley grown in California and Nevada and in the counties of Lake and Klamath in Oregon is not required to be sold on grade and the base prices in paragraph (a) shall apply on all sales of such barley without discount or premium for grade: *Provided*, That the premium allowed for malting barley or pearling barley may be charged and paid.

(a) Base prices by location for the "standard grade" of barley, and for other barley not required to be sold on grade, shall be as follows:

(1) At the following terminal base points, the prices per bushel as shown:

Terminal base point:	Price per bushel
Chicago, Ill.	\$1.20
Milwaukee, Wis.	1.20
Minneapolis and St. Paul, Minn.	1.14
Duluth, Minnesota, and Superior, Wis.	1.14
Omaha, Nebraska, and Council Bluffs, Iowa	1.14
Sioux City, Iowa	1.12½
San Francisco, Calif.	1.23
Los Angeles, Calif.	1.24
Portland, Oreg.	1.13
Seattle and Tacoma, Wash.	1.13
Ogden, Utah	1.15

(2) At any interior rail point in Area A the highest price determined by deducting from the base price at any terminal base point the transportation charges per bushel from such interior rail point to such terminal base point at the lowest domestic carload freight rate.

(3) At any interior point in Area A, other than an interior rail point, the base price at the nearest interior rail point.

(4) At any interior point in Area B, the price set forth in Table III of Appendix A opposite the state and county or parish wherein the interior point in question is situated. If any interior point lies in the two price zones, its base price shall be the price of the higher zone. If any interior point lies in a zone for which no price is named, its base price shall be the highest base price in any county or parish abutting such zone.

(5) At the farm where grown, the base price of the nearest interior rail point less 4 cents per bushel.

(b) For base prices on imported barley, see section 11 of this supplement.

SEC. 7. Maximum prices for sales by producers. You will find that the term "producer" has been defined to include several persons. It includes a person who grew or harvested the lot of barley, and a landlord who received the barley as or in lieu of rent for the farm where grown. In addition, for the purposes of the maximum pricing provisions, it includes any other person who delivers the barley to his customer on the farm where grown or at roadside near such farm, the price result of this being that you must deliver the barley to your customer away from the farm where grown or roadside nearby in order to secure a higher price than the person who grew the barley could have received.

You will not be acting as a producer in selling barley, but as a country shipper, merchandiser, or retailer, as the case may be. *Provided*, That before selling the barley you have it transported to a store, elevator, or warehouse operated by you at which you carry on a regular business of buying and selling grain produced by others, and in the operation of which business you employ, at such place, one or more full-time salaried employees, or yourself work in that business at that place on substantially a full-time basis. Under such circumstances, your maximum price shall be determined as though you purchased the barley from another producer at that producer's maximum price on his delivery made to your store, elevator, or warehouse.

In connection with any delivery by you as a producer, if your customer performs any service or incurs any expense in connection with growing, threshing, harvesting, collecting from field, or assembling at point where available for ready transportation from farm, the reasonable value of all such services performed and the expense so incurred must be deducted when he pays you the appropriate maximum price.

The maximum price of a producer is as follows:

(a) If you deliver any lot of barley on the farm where grown or at roadside near the farm, your maximum price per bushel, bulk, shall be the base price at the farm where grown, with the following two exceptions:

(1) If there is an interior rail point on the farm, and you deliver the barley to your customer at a rail loading facility at such interior rail point, your maximum price shall be the base price at the interior rail point, less one cent per bushel if delivered to your customer loaded in a rail car or less 2½ cents per bushel if not so loaded.

(2) If you are a landlord and you receive the barley from your tenant as or in lieu of rent, and if the lease or rental agreement between you provides for delivery of the barley at some point other than the farm where grown, then your maximum price for the sale of the barley to your tenant for delivery at the farm shall be the base price at the farm plus 1½ cents per bushel.

(b) If you deliver the barley by truck or wagon from the farm where grown to an elevator or warehouse (not including a delivery to a feeder, store, or processing plant, which is covered in paragraph (e) separately), your maximum price per bushel, bulk, shall be the base price at that point less 2½ cents per bushel.

(c) If you store the barley in any elevator or warehouse located at an interior point and deliver it to your customer in storage, your maximum price shall be the base price at that point less one cent per bushel, but you must either pay or have deducted from the payment of the maximum price to you all accrued storage and handling charges, including the loading out charges. If your cus-

tomer is also the warehouseman, the deduction for handling and loading out shall be not less than 1½ cents per bushel.

(d) (1) If you deliver the barley by truck or wagon from the farm where grown to your customer at a rail loading facility at an interior rail point, without loading into cars, your maximum price per bushel, bulk, shall be the base price at that point less 2½ cents per bushel; or

(2) If you deliver the barley to your customer loaded aboard a rail car or barge, and if it is delivered at point of loading, your maximum price shall be the base price at point of loading less 1 cent per bushel; or

(3) If after so loading the barley on a rail car or barge, you deliver it to your customer following a rail or barge movement, your maximum price shall be the base price at point of loading less 1 cent per bushel but plus your transportation cost from the point of loading: *Provided*, That if after a rail or barge movement you store the barley, you must either pay or have deducted from the payment of the maximum price to you all accrued storage and handling charges, and the loading out charge. If your customer is also the warehouseman, the deduction for handling and loading out shall be not less than 1 cent per bushel.

(e) You may deliver the barley by truck or wagon to either a feeder, store, or processing plant, in which case your maximum price per bushel, bulk, shall be the base price at the farm where grown plus your transportation cost from the farm to the point of delivery to your customer.

(f) If you deliver the barley to your customer in any manner other than as provided above, your maximum price shall be the base price on the farm where grown plus 1½ cents per bushel.

Sec. 8. Maximum prices for sales by trucker-merchants. Trucker-merchant is defined as one who purchases barley for resale and, without loading it into a barge or railroad car or unloading it into an elevator or warehouse for his own account and use, transports and delivers the barley to his customer in a truck or wagon owned or leased and operated by him.

If you are a trucker-merchant under this definition, your maximum price per bushel, bulk, for the sale of any lot of barley is your supplier's maximum price on the sale and delivery to you plus your hauling allowance from the point where you received delivery from your supplier to the point of delivery to your customer: *Provided*, That if you deliver the barley to a terminal base point, your maximum price shall not exceed the base price at such point less 1¼ cents per bushel.

Every trucker-merchant shall, with respect to every lot of barley transported by him as a trucker-merchant, procure or prepare a statement of information

which shall accompany the barley while in transit on the truck. Such statement shall set forth the name and address of the trucker-merchant and of his supplier, the date of purchase, the point where he received delivery, and the grade and purchase price of the barley. Upon delivery of the barley by the trucker-merchant, a copy of the statement of information signed by the trucker-merchant shall be given to his customer showing also the point of delivery to his customer and the transportation charge being made. Copies of this statement shall be retained by the trucker-merchant and by his customer as a part of their records.

For enforcement purposes, it is necessary that both the shipments themselves and the records of the trucker-merchant covering such shipments be inspected while in transit. Failure of a trucker-merchant to stop for such inspection in response to instructions in a sign conspicuously posted at roadside or upon signal by an Office of Price Administration enforcement official shall be a violation of this supplement, subject to all penalties of the Emergency Price Control Act of 1942, as amended.

Sec. 9. Maximum prices for sales by country shippers. "Country shipper" is defined in section 5 (b) (7) to mean, with respect to any lot of barley, a person who purchases and receives the barley from a producer in any quantity before any movement by rail or barge and delivers it to his customer at a point which is neither on the farm where grown nor at roadside near the farm, in any manner other than as a trucker-merchant or retailer.

This section sets forth the maximum prices for the ordinary "country shipper" marketing transactions.

If, however, your transaction is a sale and delivery of malting barley, you may add 1¼ cents per bushel to the maximum price which would otherwise apply under this section, but in that case you are subject to all the rules and restrictions set forth in section 2.7 of Food Products Regulation No. 2. This extra markup for malting barley is not subject to the limitation on markups provided in section 12 of this supplement.

To the prices determined under this section, you may add various charges which you incur, or allowances for special handling of the barley, under the rules provided in section 13. Subject to such additions, the maximum prices per bushel, bulk, for sales by a country shipper are as follows:

(a) If you deliver the barley in a lot of 60,000 pounds or more, or as a carload shipment, loaded in a rail car or barge, or after a movement by rail or barge, your maximum price per bushel, bulk, shall be the base price at the point where first so loaded plus your transportation cost, if any, from the point of loading: *Provided*, (1) That if, after a rail or barge movement you store the barley, you must

either pay or have deducted from the payment to you of the maximum price, all accrued storage and handling charges, and the loading out charge. If your customer is also the warehouseman, the deductions for handling and loading out shall be not less than 1 cent per bushel.

(b) If your delivery, after any movement by rail car or barge, is in a less-than-carload quantity, you shall add 2½ cents per bushel if delivered to a feeder, or 1¼ cents per bushel if delivered to any other person, to your maximum price for a carload shipment as computed in paragraph (a), and plus your transportation cost, if any: *Provided*, That if you do your own hauling and, therefore, your transportation cost is the hauling allowance set forth in section 5 (b) (5), and if the distance you haul the barley is more than 60 miles, you shall not then add the markups provided in this paragraph because the scale is so established that for that distance or more, it includes an adequate profit on the sale of the barley hauled.

The additional markups in this paragraph will not be subject to the limitation on markups provided in section 12 of this supplement.

(c) (1) If you deliver the barley in any quantity stored in the elevator or warehouse to which it was hauled by truck or wagon from the farm where grown, your maximum price per bushel, bulk, shall be the base price at the point where the elevator or warehouse is located, but you must either pay, or have deducted from payment of the maximum price to you, all accrued storage and handling charges, and the loading out charges. If your customer is also the warehouseman, the deduction for handling and loading out shall be not less than 1½ cents per bushel.

(2) If you deliver the barley from such elevator or warehouse, in a less-than-carload quantity, your maximum price shall be the base price at that point plus 2½ cents per bushel if delivered to a feeder, or plus 1¼ cents per bushel if delivered to any other person, and plus your transportation cost, if any: *Provided*, That if in making delivery you do your own hauling, you shall add the hauling allowance set forth in section 5 (b) (5), but if the distance is more than 60 miles, you shall not add the extra markup provided in this subparagraph for the reason explained in paragraph (b) of this section.

The additional markups in this subparagraph will not be subject to the limitation on markups provided in section 12 of this supplement.

(d) If you deliver the barley from the farm where grown by a for-hire truck or wagon to a store, feeder, or processor, your maximum price shall be the base price at the farm, plus 2½ cents per bushel, and plus your transportation cost. (If so delivered in your own truck, you would come under the

definition of "trucker-merchant" and price accordingly.)

(e) The maximum price for the sale by a country shipper of any lot of barley handled in any manner not specified above shall be the base price at the farm where grown plus $1\frac{1}{2}$ cents per bushel.

Sec. 10. *Maximum prices for sales by merchandisers.* With the exception of persons acting as producers or country shippers, all sellers who deliver barley in any manner other than as trucker-merchants or retailers, are "merchandisers" by definition.

This section sets forth the maximum prices for the ordinary "merchandise" marketing transactions. If, however, your transaction is a sale and delivery of malting barley, you may add $1\frac{1}{4}$ cents per bushel to your maximum price which would otherwise apply under this section, but in that case you are subject to all the rules and restrictions set forth in section 2.7 of Food Products Regulation No. 2. This extra markup for malting barley, and the less-than-carload extra markups in paragraph (a) (3), are not subject to the limitation on markups provided in section 12 of this supplement, but all other markups provided in this section are subject to those limitations. To these prices you may be entitled to add various charges which you may incur, or allowances for special handling of the barley, under the rules provided in section 13 of this supplement. Subject to such additions, the maximum prices per bushel, bulk, for sales by a merchandiser are as follows:

(a) (1) For all deliveries of barley which you receive and deliver in quantities of 60,000 pounds or more, or as a carload shipment, you calculate your maximum price by adding to your supplier's maximum price on the sale and delivery to you (or to the price of a withdrawal of grain as determined under section 2.3 of Food Products Regulation No. 2) your transportation cost and a markup of $1\frac{1}{4}$ cents per bushel.

(2) If you receive any lot of barley from your supplier by truck or wagon, and his maximum price on the sale and delivery to you exceeds the base price at the point where he delivered the barley to you, less $1\frac{1}{4}$ cents per bushel, you must, if you reship the barley by rail or barge or sell it in storage, use such base price less $1\frac{1}{4}$ cents per bushel in place of your supplier's maximum price, and after such adjustment you calculate your maximum price as provided in subparagraph (1).

(3) If you deliver any lot of barley in a less-than-carload quantity, your maximum price shall be as computed in subparagraph (1) plus $2\frac{1}{2}$ cents per bushel if delivered to a feeder or plus $1\frac{1}{4}$ cents per bushel if delivered to any other person, and plus your transportation cost, if any: *Provided*, That if you do your own hauling and, therefore, your transportation cost is the hauling allowance set forth in section 5 (b) (5), and if the distance you haul the barley is more than 60 miles, you shall not then add the markups provided above because the scale is so established that for that dis-

tance or more, it includes markups for the sale of the barley hauled.

(b) If you deliver the barley to your customer in storage, you must either pay or have deducted from the payment of the maximum price to you all accrued storage and handling charges, and the loading out charges. If your customer is also the warehouseman, such deduction for handling and loading out shall be not less than 1 cent per bushel.

Sec. 11. *Maximum prices of purchases and sales by importers.* (a) (1) "Importer" means, with respect to any lot of barley grown outside the United States, the first person who owns the lot after entry into the United States, and who sells it through his office located in the United States or who processes it at his plant located within the United States. When he sells the barley, the importer will be either a merchandiser, trucker-merchant, or retailer, according to the manner in which he sells.

(2) "Imported barley" means any lot of barley grown outside the United States which is either

(i) To be imported into the United States, or

(ii) Is still owned by the importer of such lot.

(3) "Cif" (cost, insurance, freight) means, with respect to the price of any lot of barley delivered by vessel, the price delivered alongside or on the vessel at the port where discharged, the seller having paid all customary expenses to that point and also marine insurance and freight to the delivery port, together with any export taxes, or other fees or charges, if any, levied because of exportation. The buyer shall receive the barley upon arrival, handle and pay for all subsequent movement of the barley, including taking delivery from the vessel in accordance with bill of lading clauses and terms; pay all costs of landing, including any duties, taxes, and other expenses at the named point of destination. The buyer must also pay for war risk insurance, if any, provided by the seller and for certificates of origin, consular invoices, or any other documents issued in the country of origin, or of shipment, or both, which may be required for importation of the barley into the United States.

(b) (1) The base price per bushel, bulk, for imported barley which enters the United States by truck or wagon shall be the base price on domestic barley of the same grade and quality at the point of delivery.

(2) Base prices for imported barley entering the United States other than by truck or wagon via different points of entry shall be determined with reference to certain base points which may be established by order of the Administrator at any time.

(3) Base prices for imported barley may be provided by order of the Administrator, in United States dollars, bulk, per bushel of 48 pounds at certain base points for specified grades and qualities according to the circumstances connected with any anticipated importation. Such base prices shall be calculated to

equalize as nearly as practicable the prices of imported barley at its expected final destination or destinations with estimated maximum prices for domestic barley of the same grade and quality delivered at those points, under the provisions of this supplement.

Importers of barley shall make application to the Price Administrator for issuance of such orders before entering imported barley into the United States other than by truck or wagon as provided above.

(c) If you are an importer, the maximum price per bushel, bulk, at which you can purchase any lot of imported barley shall be:

(1) For vessel shipment to the United States:

(i) If purchased Cif the port of discharge, the base price at such point, or

(ii) If purchased loaded aboard rail cars, barges or trucks, the base price at the port of discharge plus the expenses incurred by your supplier (not in excess of any published rates therefor) for taking delivery of the barley from the vessel; costs of landing; inspection and weighing from vessel into elevator or warehouse; elevation, including loading into conveyances for inland transportation; clearing through customs, including any taxes and tolls assessed against the barley at port of discharge; and plus your supplier's transportation cost, if any, from the port of discharge, or

(iii) If purchased in storage at any point, the maximum price as calculated in subdivision (ii) for such point, but your supplier must either pay or have deducted from the payment of the maximum price to him all accrued storage and handling charges, including loading out charges, and the out-inspection and weighing charges.

(2) If purchased for rail shipment into the United States, the base price at the destination to which your supplier incurs the freight: *Provided*, That if purchased in storage after rail shipment into the United States, your supplier must either pay or have deducted from the payment of the maximum price to him all accrued storage and handling charges, and the loading out charges.

(3) (i) If purchased for shipment or after shipment into the United States by truck or wagon, the base price at the point of delivery to you in the United States less $2\frac{1}{2}$ cents per bushel: *Provided*, That if purchased in storage after such movement, the maximum price is the base price less 1 cent per bushel, but your supplier must either pay or have deducted from the payment of the maximum price to him all accrued storage and handling charges, and the loading out charge, or

(ii) If purchased loaded aboard rail cars after shipment into the United States by truck or wagon, the base price at the rail point where so loaded less 1 cent per bushel, and plus your supplier's transportation cost, if any, on his sale and delivery to you.

(d) If you are an importer, your maximum price per bushel, bulk, for the sale

of any lot of imported barley shall be determined under section 8 of this supplement if you sell as a trucker-merchant, or section 10 if you sell as a merchandiser, or under Supplement No. 1 to Food Products Regulation No. 2 if you sell as a retailer, by substituting your maximum purchase price as computed in this section, for "your supplier's" maximum price.

Sec. 12. *Limitations on total markups of country shippers and merchandisers, and on service charges of commission merchants and brokers which may be included in a maximum price.* In order to prevent undue accumulation of markups for distribution services, all markups (except the extra markups for sales of malting barley, and for less-than-carload sales, provided in sections 9 and 10) which merchandisers may add under this supplement or under Food Products Regulation No. 2, also all service charges of commission merchants and brokers and all merchandising markups of country shippers under Food Products Regulation No. 2, are subject to the limitations provided in this section. These limitations apply to the total of all such markups, and service charges for commission merchants and brokers.

(a) The maximum price for the sale of any lot of barley shall never include an amount in excess of $4\frac{3}{4}$ cents per bushel as a total of all merchandising markups and of all service charges for brokers and commission merchants, but this maximum of $4\frac{3}{4}$ cents per bushel shall be subject to the following zoning limitations as to transactions in Areas A and B:

(1) If you are the first person who contracts to deliver into Area A to a customer located in Area A a lot of barley originating or which has originated in Area B, such total shall not exceed $1\frac{3}{4}$ cents per bushel: *Provided*, That this zoning limitation shall not apply to sales in Area A by a selling office located in Area A of a merchandiser otherwise entitled to a greater markup under section 2.5 of Food Products Regulation No. 2.

(2) When barley is delivered to anyone in Area A, except as provided in (1), such total shall not exceed 3 cents per bushel.

(3) If you are the first person who contracts to deliver into Area B to a customer located in Area B barley originating in Area A or barley which previously has been marketed in Area A, such total shall not exceed 3 cents per bushel: *Provided*, That this zoning limitation shall not apply to sales in Area B by a selling office located in Area B of a merchandiser otherwise entitled to a greater markup under section 2.5 of Food Products Regulation No. 2.

These are limitations on the total of markups and service charges which may be included in any maximum price. They may lessen, but will never increase, the amount of any single maximum markup or maximum service charge.

Sec. 13. *Rules relating to additions to the maximum price—(a) Maximum charges for services of brokers and commission merchants, also provision for adding such charges subject to limitations.* (1) Notwithstanding the provisions of any other regulation, the maximum charge which a broker or a commission merchant may charge for all services in connection with any purchase and sale of a lot of barley shall be as set forth below. These are maximum service charges regardless of whether the barley is sold at its maximum price and regardless of whether the markups may be added to any maximum price.

(i) *Brokers.* The maximum service charge for all services of a broker with respect to a purchase and sale of any lot of barley is $\frac{1}{2}$ cent per bushel.

(ii) *Commission merchants.* The maximum service charge for all services of commission merchants with respect to a purchase and sale of any lot of barley is $1\frac{1}{4}$ cents per bushel.

(2) Subject to the limitations set forth in section 12 of this supplement, any seller may add the service charge of a broker and any seller may add the service charge of a commission merchant to the maximum price he would otherwise be entitled to charge: *Provided*, That the seller actually incurs such charge and provided that no maximum price shall ever include more than 1 cent per bushel for total service charges of brokers and $1\frac{1}{4}$ cents per bushel for commission merchant's charges.

(b) *Elevation charges which may be added to your maximum price.* (1) Except as provided in subparagraph (2), if barley is unloaded into an elevator or warehouse in the United States from a rail car, barge, or vessel, the maximum price of the seller shall be increased by 1 cent per bushel provided the seller has actually incurred the expense of such elevation or handling, including loading out, except that if the seller is not the warehouseman and the expense he incurs or bears is less than 1 cent per bushel, he shall add to his maximum price only the actual amount so incurred or borne.

(2) When any lot of barley is transferred in the United States from rail cars or barge through an elevator or warehouse to lake vessel, the elevation or handling charges actually incurred by the seller (but not exceeding the charges in effect December 6, 1943) may be added to his maximum price: *Provided*, That if the barley is handled through an elevator or warehouse operated by the seller, he may add 1 cent per bushel.

(c) *Inspection and weighing charges.* (1) Where to complete a contract of sale of barley official inspection is necessary, the cost thereof shall be borne by the seller.

(2) Where to complete a contract of sale of barley official weighing is necessary, the cost thereof may be borne by either seller or buyer as the parties may agree: *Provided*, That if paid by the

buyer, said expenditure shall not be added to the maximum price for any resale of said barley.

(d) *Sacks and sacking.* (1) When barley is sold in sacks and the seller furnishes both the sacks and the sacking, there may be added to the appropriate maximum price the reasonable market value of the sacks used (not exceeding any maximum price established thereon) plus, except where the seller is the producer, a sacking charge of 3 cents per bushel.

(2) When barley is sold in sacks by any seller other than the producer, and the sacks are furnished by the buyer and the seller does the sacking, there may be added to the appropriate maximum price a sacking charge of 3 cents per bushel.

(3) These charges may be added to the appropriate maximum price for succeeding sales while the barley is sold in sacks.

(4) Where any state law or trade custom requires that sacked grain be sold on gross weights (with the weight of the bag being paid for as grain) the addition to the maximum price for sacks or for sacking shall be reduced by the amount paid for the weight of the sacks.

(e) *Storage and carrying charges.*

(1) If the seller, under a contract of sale, agrees to carry the barley beyond the date of sale, there may be added to the maximum price otherwise applicable a storage and carrying charge of not to exceed $\frac{1}{25}$ of a cent per bushel per day, commencing at any agreed time after the date of sale and continuing to the date of delivery or shipment, or until five days after the date which the buyer names as the shipping or delivery date, whichever is earlier, provided that the buyer incurs no other cost of storage and carrying charge upon the barley during that period.

(2) For any resale, the maximum price of the seller shall not be increased for any such storage and carrying charges so added.

(3) This provision for the addition of storage and carrying charges shall have no application to barley stored or remaining on the farm where grown.

(f) Under certain special conditions persons performing several marketing functions may add to their maximum price merchandising markups for special services. These markups, and the conditions under which they may be added, are set forth in section 2.5 of Food Products Regulation No. 2.

Sec. 14. *Separate invoicing of charges, markups, and costs.* All service charges, markups, elevation and handling costs, and transportation costs permitted in respect to distributors in carload quantities shall be separately stated on the invoice to each purchaser of 60,000 pounds or more, or a carload shipment of barley.

APPENDIX A

TABLE I

(a) Schedule of premiums and discounts over or under standard grade and quality.

Grade (all grades and special grade designations)	Minimum test weights per bushel								
	Under 35#	35#	38#	40#	43#	45#	46#	47#	50#
#1 Barley	-7	-5	-3	-1	0	+1	+1	+1	+2
#2 Barley	-8	-6	-4	-2	-1	0	0	0	+1
#3 Barley	-9	-7	-5	-3	-2	-1	-1	-1	0
#4 Barley	-10	-8	-6	-4	-3	-2	-2	-2	-1
#5 Barley	-11	-9	-7	-5	-4	-3	-3	-3	-2
Sample grade account factors other than moisture	-12	-10	-8	-6	-5	-4	-4	-4	-3

After applying the above schedule, further discounts shall be taken for other grade notations as follows:

Weevily—1 cent; Smutty—2 cents; Garlicky—2 cents; Tough—1 cent; Ergoty—2 cents; Blighted—1 cent; Mixed—1 cent. These discounts shall be cumulative.

The base price or the maximum price of barley containing over 16 percent moisture, or over 15 percent if Western barley, shall be the price for like barley without reference to this provision, minus 1 cent per bushel for each $\frac{1}{2}$ percent by which the moisture content exceeds 16 percent (or 15 percent if Western barley).

Premiums for special barley.

"Malting barley", as defined in this supplement may be sold, subject to all the provisions of section 2.7 of Food Products Regulation No. 2 for sales of such special commodities, at premiums as follows:

For two-rowed Western barley: Hannchen variety grown in the Tule Lake and Klamath districts of southern Oregon and northern California; 25 cents per bushel. Hanna, Hannchen and Chevalier varieties grown in eastern Washington, eastern Oregon and northern Idaho; 25 cents per bushel.

All other malting barley: 15 cents per bushel.

Pearling barley: "Pearling barley", as defined in this supplement may be sold, subject to all the provisions and restrictions of section 2.7 of Food Products Regulation No. 2 for sales of such special grains, at a premium of 5 cents per bushel.

(b) Method of adjusting prices for grade and quality. The premiums and discounts in paragraph (a) of this table are used to adjust the price for the standard grade and quality (No. 2 barley, testing 46 pounds per bushel) so as to arrive at the price for a lot of barley grading other than standard. When barley is shipped out of a place of business, such outbound lot may be of different grade and quality than the inbound lot whose history you are using for the purpose of pricing the outbound lot. In such cases it is necessary to make a price adjustment to reflect such differences in grade and quality. This is done by adjusting the price of the inbound lot to a No. 2—46 pound (standard grade and quality) basis, by applying the schedule of premiums and discounts set forth in paragraph (a) of this table, and then adjusting that price in the same manner to determine the correct price for the grade and quality of the outbound shipment.

TABLE II—DESCRIPTION OF AREA A—BARLEY

All of North Dakota; all counties in South Dakota east of the Missouri River; the following counties in Nebraska: Knox, Antelope, Boone, Nance, Merrick, Polk, Butler, Saunders, Sarpy, and all counties north and east thereof; the following counties in Iowa: Dickinson, Clay, Buena Vista, Sac, Crawford, Shelby, Pottawattamie, and all counties north and west thereof; the following counties in Minnesota: Kittson, Marshall, Pennington, Red Lake, Polk, Norman, Mahanomen, Clay, Becker, Wilkin, Otter Tail, Traverse, Grant, Stevens, Douglas, Pope, Stearns, Wright, Hennepin,

The base price of the standard grade and quality, No. 2 barley with a test weight of 46 pounds per bushel, shall be adjusted for other grades and qualities by the following discounts and premiums:

Dakota, Goodhue, Wabasha, Winona, Houston, and all counties south and west thereof; the following counties in Wisconsin: Pierce, Pepin, Buffalo, Trempealeau, Jackson, Juneau, Adams, Waushara, Winnebago, Outagamie, Brown, Kewaunee, and all counties south thereof; the following counties in Illinois: Lake, Cook, DuPage, Kane, McHenry, Boone, and De Kalb; the following counties in Montana: Wibaux, Prairie, Garfield, Petroleum, Fergus, Judith Basin, Cascade, Teton, Pondera, Glacier and all counties north and east thereof; the following counties in Idaho: Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis, Idaho, Custer, Camas, Blaine, Butte, Clarke, Fremont, Teton, Madison, Jefferson, Bonneville, Bingham, Power, Oneida, Bannock, Franklin, Caribou, and Bear Lake; the following counties in Utah: Box Elder, Cache, Rich, and Weber; the following counties in Washington: Klickitat, Douglas, Grant, Benton, Lincoln, Adams, Franklin, Walla Walla, Spokane, Whitman, Columbia, Garfield and Asotin; the following counties in Oregon: Wasco, Sherman, Gilliam, Morrow, Umatilla, Union, and Wallowa; the following counties in California: Glenn, Butte, Colusa, Sutter, Yuba, Yolo, Sacramento, Solano, Contra Costa, San Joaquin, Stanislaus, Merced, Madera, Fresno, San Benito, Monterey, Kings, Tulare, Kern, San Luis Obispo.

TABLE III—LIST OF STATE AND COUNTY BASE PRICES IN AREA B

State and county	Price per bushel
Alabama:	
Clobert	1.37
Cullman	1.37
Fayette	1.37
Franklin	1.37
Lamar	1.37
Lauderdale	1.37
Lawrence	1.37
Limestone	1.37
Madison	1.37
Marion	1.37
Morgan	1.37
Walker	1.37
Winston	1.37
All other counties	1.38
Arizona:	
All counties	1.20
Arkansas:	
Ashley	1.27
Baxter	1.26
Benton	1.24
Boone	1.25
Bradley	1.27
Calhoun	1.27
Carroll	1.24
Chicot	1.27
Clark	1.27
Clay	1.26
Cleburne	1.26
Cleveland	1.27
Columbia	1.27
Conway	1.26
Craighead	1.26
Crawford	1.24
Crittenden	1.26
Cross	1.26
Dallas	1.27

TABLE III—continued

State and county	Price per bushel
Arkansas—Continued	
Desha	1.27
Drew	1.27
Faulkner	1.26
Franklin	1.25
Fulton	1.26
Garland	1.27
Grant	1.27
Greene	1.26
Hempstead	1.27
Hot Spring	1.27
Howard	1.27
Independence	1.26
Izard	1.26
Jackson	1.26
Jefferson	1.26
Johnson	1.25
Lafayette	1.27
Lawrence	1.26
Lee	1.27
Lincoln	1.27
Little River	1.26
Logan	1.25
Lonoke	1.26
Madison	1.24
Marion	1.26
Miller	1.28
Mississippi	1.26
Monroe	1.26
Montgomery	1.27
Nevada	1.27
Newton	1.25
Ouachita	1.27
Perry	1.26
Philips	1.27
Pike	1.27
Poinsett	1.26
Polk	1.26
Pope	1.26
Prairie	1.26
Pulaski	1.26
Randolph	1.26
St. Francis	1.26
Saline	1.27
Scott	1.25
Searcy	1.26
Sebastian	1.24
Sevier	1.26
Sharp	1.23
Stone	1.26
Union	1.27
Van Buren	1.26
Washington	1.24
White	1.23
Woodruff	1.26
Yell	1.26
California:	
Alameda	1.23
Alpine	1.19
Amador	1.17
Calaveras	1.19
Del Norte	1.22
Eldorado	1.17
Humboldt	1.24
Imperial	1.23
Inyo	1.19
Lake	1.24
Lassen	1.16
Los Angeles	1.24
Marin	1.23
Mariposa	1.18
Mendocino	1.24
Modoc	1.13
Mono	1.19
Napa	1.21
Nevada	1.17
Orange	1.25
Placer	1.17
Plumas	1.17
Riverside	1.23
San Bernardino	1.23
San Diego	1.26
San Francisco	1.23
San Mateo	1.23
Santa Barbara	1.21
Santa Clara	1.21
Santa Cruz	1.23
Shasta	1.14
Sierra	1.17

TABLE III—continued

State and county	Price per bushel
California—Continued.	
Siskiyou	\$1.13
Sonoma	1.23
Tehama	1.14
Trinity	1.14
Tuolumne	1.19
Ventura	1.23
All other counties in Area A.	
Colorado:	
Adams	1.10
Alamosa	1.12
Arapahoe	1.10
Archuleta	1.12
Baca	1.10
Bent	1.10
Boulder	1.11
Chaffee	1.12
Cheyenne	1.10
Clear Creek	1.11
Conejos	1.12
Costilla	1.11
Crowley	1.10
Custer	1.11
Delta	1.12
Denver	1.10
Dolores	1.15
Douglas	1.11
Eagle	1.11
Elbert	1.10
El Paso	1.10
Fremont	1.11
Garfield	1.11
Gilpin	1.11
Grand	1.11
Gunnison	1.12
Hinsdale	1.12
Huerfano	1.11
Jackson	1.10
Jefferson	1.11
Kiowa	1.10
Kit Carson	1.10
Lake	1.12
La Plata	1.15
Larimer	1.10
Las Animas	1.11
Lincoln	1.10
Logan	1.10
Mesa	1.12
Mineral	1.12
Moffat	1.10
Montezuma	1.15
Montrose	1.15
Morgan	1.10
Otero	1.10
Ouray	1.15
Park	1.11
Phillips	1.10
Pitkin	1.12
Prowers	1.10
Pueblo	1.10
Rio Blanco	1.11
Rio Grande	1.12
Routt	1.10
Saguache	1.12
San Juan	1.15
San Miguel	1.15
Sedgwick	1.10
Summit	1.11
Teller	1.11
Washington	1.10
Weid	1.10
Yuma	1.10
Connecticut:	
All counties	1.34
Delaware:	
All counties	1.32
District of Columbia	1.31
Florida:	
Bay	1.41
Calhoun	1.41
Escambia	1.41
Franklin	1.41
Gulf	1.41
Holmes	1.41
Jackson	1.41
Liberty	1.41
Okaloosa	1.41
Santa Rosa	1.41

TABLE III—continued

State and county	Price per bushel
Florida—Continued.	
Walton	\$1.41
Washington	1.41
All other counties	1.44
Georgia:	
Catoosa	1.38
Chattooga	1.38
Dade	1.38
Dawson	1.38
Fannin	1.38
Floyd	1.38
Gilmer	1.38
Gordon	1.38
Habersham	1.38
Lumpkin	1.38
Murray	1.38
Pickens	1.38
Rabun	1.38
Towns	1.38
Union	1.38
Walker	1.38
White	1.38
Whitefield	1.38
All other counties	1.41
Idaho:	
Ada	1.07
Adams	1.01
Boise	1.04
Bonner	1.02
Boundary	1.02
Canyon	1.07
Cassia	1.09
Elmore	1.07
Gem	1.07
Gooding	1.07
Jerome	1.07
Lenhi	1.01
Lincoln	1.07
Minidoka	1.07
Owyhee	1.09
Payette	1.07
Shoshone	1.02
Twin Falls	1.09
Valley	1.01
Washington	1.03
All other counties in Area A.	
Illinois:	
Adams	1.17
Alexander	1.24
Bond	1.20
Brown	1.17
Bureau	1.13
Calhoun	1.19
Carroll	1.12
Cass	1.17
Champaign	1.17
Christian	1.18
Clark	1.19
Clay	1.21
Clinton	1.21
Coles	1.19
Crawford	1.20
Cumberland	1.19
DeWitt	1.17
Douglas	1.18
Edgar	1.18
Edwards	1.22
Effingham	1.20
Fayette	1.20
Ford	1.16
Franklin	1.23
Fulton	1.15
Gallatin	1.24
Greene	1.19
Grundy	1.14
Hamilton	1.23
Hancock	1.16
Hardin	1.24
Henderson	1.15
Henry	1.13
Iroquois	1.16
Jackson	1.23
Jasper	1.20
Jefferson	1.22
Jersey	1.20
Jo Davless	1.12
Johnson	1.23
Kankakee	1.15

TABLE III—continued

State and county	Price per bushel
Illinois—Continued.	
Kendall	\$1.14
Knox	1.14
La Salle	1.13
Lawrence	1.21
Lee	1.13
Livingston	1.15
Logan	1.17
McDonough	1.16
McLean	1.16
Macon	1.18
Macoupin	1.20
Madison	1.20
Marion	1.21
Marshall	1.14
Mason	1.16
Massac	1.24
Menard	1.17
Mercer	1.14
Monroe	1.22
Montgomery	1.19
Morgan	1.18
Moultrie	1.18
Ogle	1.14
Peoria	1.15
Perry	1.22
Piatt	1.18
Pike	1.18
Pope	1.24
Pulaski	1.24
Putnam	1.13
Randolph	1.22
Richland	1.21
Rock Island	1.13
Saint Clair	1.21
Saline	1.23
Sangamon	1.18
Schuyler	1.17
Scott	1.18
Shelby	1.19
Stark	1.14
Stephenson	1.13
Tazewell	1.16
Union	1.23
Vermillion	1.17
Wabash	1.22
Warren	1.15
Washington	1.22
Wayne	1.22
White	1.23
Whiteside	1.12
Will	1.15
Williamson	1.23
Winnebago	1.14
Woodford	1.15
All other counties in Area A.	
Indiana:	
Adams	1.24
Allen	1.23
Bartholomew	1.25
Benton	1.17
Blackford	1.22
Boone	1.20
Brown	1.24
Carroll	1.18
Cass	1.18
Clark	1.27
Clay	1.21
Clinton	1.19
Crawford	1.26
Davless	1.23
Dearborn	1.26
Decatur	1.25
De Kalb	1.22
Delaware	1.23
Dubois	1.24
Elkhart	1.18
Fayette	1.25
Floyd	1.27
Fountain	1.19
Franklin	1.26
Fulton	1.18
Gibson	1.24
Grant	1.21
Greene	1.23
Hamilton	1.21
Hancock	1.21
Harrison	1.27

TABLE III—continued

State and county	Price per bushel
Indiana—Continued.	
Hendricks.....	\$1.22
Henry.....	1.23
Howard.....	1.19
Huntington.....	1.21
Jackson.....	1.25
Jasper.....	1.17
Jay.....	1.24
Jefferson.....	1.26
Jennings.....	1.25
Johnson.....	1.24
Knox.....	1.23
Kosciusko.....	1.19
Lagrange.....	1.20
Lake.....	1.16
La Porte.....	1.17
Lawrence.....	1.25
Madison.....	1.21
Marion.....	1.22
Marshall.....	1.18
Martin.....	1.24
Miami.....	1.19
Monroe.....	1.24
Montgomery.....	1.19
Morgan.....	1.24
Newton.....	1.16
Noble.....	1.20
Ohio.....	1.26
Orange.....	1.26
Owen.....	1.22
Parke.....	1.19
Perry.....	1.26
Pike.....	1.24
Porter.....	1.17
Posey.....	1.25
Pulaski.....	1.18
Putnam.....	1.20
Randolph.....	1.24
Ripley.....	1.26
Rush.....	1.24
Saint Joseph.....	1.18
Scott.....	1.26
Shelby.....	1.23
Spencer.....	1.26
Starke.....	1.17
Steuben.....	1.22
Sullivan.....	1.21
Switzerland.....	1.26
Tippecanoe.....	1.18
Tipton.....	1.20
Union.....	1.25
Vanderburgh.....	1.25
Vermillion.....	1.19
Vigo.....	1.20
Wabash.....	1.19
Warren.....	1.18
Warrick.....	1.26
Washington.....	1.26
Wayne.....	1.24
Wells.....	1.23
White.....	1.18
Whitley.....	1.21
Iowa:	
Adair.....	1.11
Adams.....	1.11
Allamakee.....	1.11
Appanoosa.....	1.14
Audubon.....	1.10
Benton.....	1.11
Blackhawk.....	1.10
Boone.....	1.10
Bremer.....	1.10
Buchanan.....	1.10
Butler.....	1.10
Calhoun.....	1.09
Carroll.....	1.10
Cass.....	1.10
Cedar.....	1.12
Cerro Gordo.....	1.10
Chickasaw.....	1.10
Clarke.....	1.13
Clayton.....	1.11
Clinton.....	1.12
Dallas.....	1.11
Davis.....	1.15
Decatur.....	1.13
Delaware.....	1.10
Des Moines.....	1.14

TABLE III—continued

State and county	Price per bushel
Iowa—Continued.	
Dubuque.....	\$1.11
Emmet.....	1.09
Fayette.....	1.10
Floyd.....	1.10
Franklin.....	1.10
Frederick.....	1.12
Greene.....	1.10
Grundy.....	1.10
Guthrie.....	1.11
Hamilton.....	1.10
Hancock.....	1.10
Hardin.....	1.10
Henry.....	1.14
Howard.....	1.11
Humboldt.....	1.09
Iowa.....	1.12
Jackson.....	1.11
Jasper.....	1.12
Jefferson.....	1.14
Johnson.....	1.12
Jones.....	1.11
Keokuk.....	1.13
Kossuth.....	1.09
Lee.....	1.15
Linn.....	1.11
Louisa.....	1.14
Lucas.....	1.13
Madison.....	1.12
Mahaska.....	1.13
Marion.....	1.13
Marshall.....	1.11
Mills.....	1.11
Mitchell.....	1.10
Monroe.....	1.14
Montgomery.....	1.11
Muscatine.....	1.13
Page.....	1.12
Palo Alto.....	1.03
Pocahontas.....	1.09
Polk.....	1.11
Poweshiek.....	1.12
Ringgold.....	1.13
Scott.....	1.12
Story.....	1.11
Tama.....	1.11
Taylor.....	1.12
Union.....	1.12
Van Buren.....	1.15
Wapello.....	1.14
Warren.....	1.12
Washington.....	1.13
Wayne.....	1.14
Webster.....	1.09
Winnebago.....	1.10
Winneshiek.....	1.11
Worth.....	1.10
Wright.....	1.10
All other counties in Area A.	
Kansas:	
Allen.....	1.17
Anderson.....	1.17
Atchison.....	1.14
Barber.....	1.12
Barton.....	1.11
Bourbon.....	1.18
Brown.....	1.13
Butler.....	1.15
Chase.....	1.15
Chautauqua.....	1.16
Cherokee.....	1.19
Cheyenne.....	1.09
Clark.....	1.10
Clay.....	1.12
Cloud.....	1.10
Coffey.....	1.16
Comanche.....	1.11
Cowley.....	1.15
Crawford.....	1.19
Decatur.....	1.09
Dickinson.....	1.13
Doniphan.....	1.14
Douglas.....	1.16
Edwards.....	1.11
Elk.....	1.16
Ellis.....	1.09
Ellsworth.....	1.11
Finney.....	1.09
Ford.....	1.10

TABLE III—continued

State and county	Price per bushel
Kansas—Continued.	
Franklin.....	\$1.16
Geary.....	1.13
Gove.....	1.09
Graham.....	1.09
Grant.....	1.09
Gray.....	1.09
Greeley.....	1.09
Greenwood.....	1.16
Hamilton.....	1.09
Harper.....	1.13
Harvey.....	1.14
Haskell.....	1.09
Hodgeman.....	1.10
Jackson.....	1.13
Jefferson.....	1.15
Jewell.....	1.09
Johnson.....	1.17
Kearny.....	1.09
Kingman.....	1.13
Kiowa.....	1.11
Labette.....	1.18
Lane.....	1.09
Leavenworth.....	1.15
Lincoln.....	1.10
Linn.....	1.18
Logan.....	1.09
Lyon.....	1.15
McPherson.....	1.13
Marion.....	1.14
Marshall.....	1.11
Meade.....	1.09
Miami.....	1.17
Mitchell.....	1.10
Montgomery.....	1.17
Morris.....	1.14
Morton.....	1.09
Nemaha.....	1.12
Neosho.....	1.18
Ness.....	1.09
Norton.....	1.09
Osage.....	1.15
Osborne.....	1.10
Ottawa.....	1.11
Pawnee.....	1.11
Phillips.....	1.09
Pottawatomie.....	1.13
Pratt.....	1.12
Rawlins.....	1.09
Reno.....	1.13
Republic.....	1.10
Rice.....	1.12
Riley.....	1.13
Rooks.....	1.09
Rush.....	1.10
Russell.....	1.10
Salina.....	1.12
Scott.....	1.09
Sedgwick.....	1.14
Seward.....	1.09
Shawnee.....	1.14
Sheridan.....	1.09
Sherman.....	1.09
Smith.....	1.09
Stafford.....	1.12
Stanton.....	1.09
Stevens.....	1.09
Sumner.....	1.14
Thomas.....	1.09
Trego.....	1.09
Wabaunsee.....	1.14
Wallace.....	1.09
Washington.....	1.10
Wichita.....	1.09
Wilson.....	1.17
Woodson.....	1.16
Wyandotte.....	1.17
Kentucky:	
Adair.....	1.36
Allen.....	1.32
Anderson.....	1.32
Ballard.....	1.25
Barren.....	1.32
Bath.....	1.35
Bell.....	1.36
Boone.....	1.28
Bourbon.....	1.34
Boyd.....	1.33
Boyle.....	1.36

TABLE III—continued

State and county	Price per bushel
Kentucky—Continued.	
Bracken	\$1.30
Breathitt	1.36
Breckinridge	1.28
Bullitt	1.29
Butler	1.31
Caldwell	1.28
Calloway	1.27
Campbell	1.28
Carlisle	1.26
Carroll	1.28
Carter	1.35
Casey	1.36
Christian	1.30
Clark	1.35
Clay	1.36
Clinton	1.36
Crittenden	1.26
Cumberland	1.36
Davless	1.28
Edmonson	1.32
Elliott	1.35
Estill	1.36
Fayette	1.35
Fleming	1.32
Floyd	1.36
Franklin	1.32
Fulton	1.27
Gallatin	1.28
Garrard	1.36
Grant	1.30
Graves	1.26
Grayson	1.30
Green	1.34
Greenup	1.33
Hancock	1.28
Hardin	1.30
Harlan	1.36
Harrison	1.32
Hart	1.32
Henderson	1.27
Henry	1.30
Hickman	1.27
Hopkins	1.29
Jackson	1.36
Jefferson	1.29
Jessamine	1.35
Johnson	1.35
Kenton	1.28
Knott	1.36
Knox	1.36
Larue	1.32
Laurel	1.36
Lawrence	1.33
Lee	1.36
Leslie	1.36
Letcher	1.36
Lewis	1.32
Lincoln	1.36
Livingston	1.25
Logan	1.31
Lyon	1.26
McCracken	1.25
McCreary	1.36
McLean	1.29
Madison	1.36
Magoffin	1.36
Marion	1.34
Marshall	1.26
Martin	1.33
Mason	1.30
Meade	1.28
Menifee	1.36
Mercer	1.34
Metcalfe	1.34
Monroe	1.34
Montgomery	1.35
Morgan	1.36
Muhlenberg	1.29
Nelson	1.32
Nicholas	1.34
Ohio	1.29
Oldham	1.29
Owen	1.31
Owsley	1.36
Pendleton	1.30
Perry	1.36
Pike	1.34

TABLE III—continued

State and county	Price per bushel
Kentucky—Continued.	
Powell	\$1.36
Pulaski	1.36
Robertson	1.32
Rockcastle	1.36
Rowan	1.35
Russell	1.36
Scott	1.33
Shelby	1.31
Simpson	1.32
Spencer	1.31
Taylor	1.34
Todd	1.31
Trigg	1.29
Trimble	1.28
Union	1.26
Warren	1.32
Washington	1.34
Wayne	1.36
Webster	1.27
Whitley	1.36
Wolfe	1.36
Woodford	1.33
Louisiana:	
Acadia	1.31
Allen	1.31
Ascension	1.33
Assumption	1.33
Avoyelles	1.31
Beauregard	1.31
Bienville	1.28
Bossier	1.28
Caddo	1.28
Calcasieu	1.31
Caldwell	1.29
Cameron	1.31
Catahoula	1.29
Claiborne	1.28
Concordia	1.29
De Soto	1.29
East Baton Rouge	1.33
East Carroll	1.28
East Feliciana	1.36
Evangeline	1.31
Franklin	1.29
Grant	1.29
Iberia	1.31
Iberville	1.33
Jackson	1.29
Jefferson	1.34
Jefferson Davis	1.31
Lafayette	1.31
Lafourche	1.33
La Salle	1.29
Lincoln	1.28
Livingston	1.35
Madison	1.28
Morehouse	1.28
Natchitoches	1.29
Orleans	1.33
Ouachita	1.28
Plaquemines	1.34
Pointe Coupee	1.33
Rapides	1.29
Red River	1.29
Richland	1.28
Sabine	1.29
St. Bernard	1.34
St. Charles	1.33
St. Helena	1.35
St. James	1.35
St. John The Baptist	1.33
St. Landry	1.31
St. Martin	1.31
St. Mary	1.31
St. Tammany	1.35
Tangipahoa	1.35
Tensas	1.29
Terrebonne	1.29
Union	1.28
Vermillion	1.31
Vernon	1.31
Washington	1.35
Webster	1.28
West Baton Rouge	1.33
West Carroll	1.28
West Feliciana	1.35
Winn	1.29

TABLE III—continued

State and county	Price per bushel
Maine:	
All counties	\$1.34
Maryland:	
Allegany	1.31
Anne Arundel	1.31
Baltimore	1.31
Calvert	1.31
Carroll	1.31
Charles	1.31
Frederick	1.31
Garrett	1.31
Harford	1.31
Howard	1.31
Montgomery	1.31
Prince Georges	1.31
Saint Marys	1.31
Washington	1.31
All other counties	1.32
Massachusetts:	
All counties	1.34
Michigan:	
Alcona	1.27
Alger	1.19
Allegan	1.24
Alpena	1.24
Antrim	1.24
Arenac	1.27
Baraga	1.17
Barry	1.26
Bay	1.27
Benzie	1.26
Berrien	1.19
Branch	1.24
Calhoun	1.24
Cass	1.21
Charlevoix	1.24
Cheboygan	1.24
Chippewa	1.21
Clare	1.26
Clinton	1.26
Crawford	1.27
Delta	1.19
Dickinson	1.18
Eaton	1.26
Emmet	1.24
Genesee	1.27
Gladwin	1.27
Gogebic	1.16
Grand Traverse	1.26
Gratiot	1.26
Hillsdale	1.26
Houghton	1.17
Huron	1.27
Ingham	1.26
Ionia	1.26
Iosco	1.27
Iron	1.17
Isabella	1.26
Jackson	1.26
Kalamazoo	1.24
Kalkaska	1.26
Kent	1.26
Keweenaw	1.18
Lake	1.26
Lapeer	1.27
Leelanau	1.26
Lenawee	1.26
Livingston	1.26
Luce	1.21
Mackinac	1.21
Macomb	1.27
Manistee	1.26
Marquette	1.18
Mason	1.26
Mecosta	1.26
Menominee	1.18
Midland	1.27
Missaukee	1.26
Monroe	1.26
Montcalm	1.26
Montmorency	1.24
Muskegon	1.26
Newaygo	1.26
Oakland	1.26
Oceana	1.26
Ogemaw	1.27
Ontonagon	1.16
Osceola	1.26
Oscoda	1.27

TABLE III—continued

State and county	Price per bushel
Michigan—Continued.	
Otsego	\$1.24
Ottawa	1.26
Presque Isle	1.24
Roscommon	1.27
Saginaw	1.27
Saint Clair	1.27
Saint Joseph	1.24
Sanilac	1.27
Schoolcraft	1.20
Shiawassee	1.27
Tuscola	1.27
Van Buren	1.22
Washtenaw	1.26
Wayne	1.26
Wexford	1.26
Minnesota:	
Aitkin	1.11
Anoka	1.12
Beltrami	1.06
Benton	1.10
Carlton	1.11
Cass	1.09
Chisago	1.12
Clearwater	1.07
Cook	1.14
Crow Wing	1.10
Hubbard	1.08
Isanti	1.12
Itasca	1.09
Kanabec	1.11
Koochiching	1.08
Lake	1.12
Lake of the Woods	1.06
Mille Lacs	1.11
Morrison	1.10
Pine	1.11
Ramsey	1.11
Roseau	1.05
St. Louis	1.10
Sherburne	1.11
Todd	1.09
Wadena	1.08
Washington	1.11
All other counties in Area A.	
Mississippi:	
Adams	1.31
Alcorn	1.30
Amite	1.34
Attala	1.33
Benton	1.30
Bolivar	1.28
Calhoun	1.33
Carroll	1.31
Chickasaw	1.33
Choctaw	1.34
Claiborne	1.30
Clarke	1.37
Clay	1.35
Coahoma	1.28
Copiah	1.32
Covington	1.34
De Soto	1.28
Forrest	1.36
Franklin	1.32
George	1.37
Greene	1.37
Grenada	1.31
Hancock	1.37
Harrison	1.37
Hinds	1.31
Holmes	1.31
Humphreys	1.29
Issaquena	1.29
Itawamba	1.35
Jackson	1.37
Jasper	1.35
Jefferson	1.30
Jefferson Davis	1.33
Jones	1.36
Kemper	1.37
Lafayette	1.30
Lamar	1.35
Lauderdale	1.37
Lawrence	1.33
Leake	1.33
Leflore	1.30
Lincoln	1.32

TABLE III—continued

State and county	Price per bushel
Mississippi—Continued.	
Lowndes	\$1.35
Madison	1.31
Marion	1.34
Marshall	1.29
Monroe	1.35
Montgomery	1.31
Neshoba	1.35
Newton	1.35
Noxubee	1.35
Oktibbeha	1.35
Panola	1.30
Pearl River	1.37
Perry	1.36
Pike	1.34
Pontotoc	1.33
Prentiss	1.31
Quitman	1.29
Rankin	1.33
Scott	1.34
Sharkey	1.29
Simpson	1.33
Smith	1.34
Stone	1.37
Sunflower	1.29
Tallahatchie	1.30
Tate	1.29
Tippah	1.30
Tishomingo	1.33
Tunica	1.28
Union	1.31
Walthall	1.34
Warren	1.29
Washington	1.28
Wayne	1.37
Webster	1.33
Wilkinson	1.33
Winston	1.35
Yalobusha	1.31
Yazoo	1.31
Missouri:	
Adair	1.16
Andrew	1.14
Atchison	1.13
Audrain	1.19
Barry	1.22
Barton	1.20
Bates	1.19
Benton	1.19
Bollinger	1.24
Boone	1.19
Buchanan	1.15
Butler	1.25
Caldwell	1.16
Callaway	1.19
Camden	1.20
Cape Girardeau	1.24
Carroll	1.17
Carter	1.24
Cass	1.18
Cedar	1.20
Chariton	1.17
Christian	1.22
Clark	1.16
Clay	1.17
Clinton	1.16
Cole	1.20
Cooper	1.19
Crawford	1.22
Dade	1.21
Dallas	1.21
Davies	1.15
De Kalb	1.15
Dent	1.22
Douglas	1.23
Dunklin	1.26
Franklin	1.21
Gasconade	1.20
Gentry	1.14
Greene	1.22
Grundy	1.15
Harrison	1.14
Henry	1.19
Hickory	1.20
Holt	1.13
Howard	1.18
Howell	1.24
Iron	1.23

TABLE III—continued

State and county	Price per bushel
Missouri—Continued.	
Jackson	\$1.18
Jasper	1.21
Jefferson	1.22
Johnson	1.18
Knox	1.17
Laclede	1.21
Lafayette	1.18
Lawrence	1.21
Lewis	1.17
Lincoln	1.20
Linn	1.16
Livingston	1.16
McDonald	1.22
Macon	1.17
Madison	1.23
Maries	1.21
Marion	1.18
Mercer	1.14
Miller	1.20
Mississippi	1.25
Moniteau	1.19
Monroe	1.19
Montgomery	1.19
Morgan	1.19
New Madrid	1.25
Newton	1.22
Nodaway	1.13
Oregon	1.24
Osage	1.20
Ozark	1.24
Pemiscot	1.26
Perry	1.23
Pettis	1.18
Phelps	1.22
Pike	1.19
Platte	1.16
Polk	1.21
Pulaski	1.21
Putnam	1.15
Ralls	1.19
Randolph	1.18
Ray	1.17
Reynolds	1.23
Ripley	1.24
St. Charles	1.21
St. Clair	1.19
St. Francois	1.22
St. Genivieve	1.22
St. Louis	1.22
Saline	1.18
Schuyler	1.15
Scotland	1.16
Scott	1.25
Shannon	1.23
Shelby	1.18
Stoddard	1.25
Stone	1.22
Sullivan	1.15
Taney	1.23
Texas	1.22
Vernon	1.19
Warren	1.20
Washington	1.22
Wayne	1.24
Webster	1.22
Worth	1.13
Wright	1.22
Montana:	
Beaverhead	1.01
Big Horn	.99
Broadwater	.95
Carbon	.99
Carter	.99
Custer	.99
Deer Lodge	.99
Fallon	.99
Flathead	.96
Gallatin	.97
Golden Valley	.94
Granite	.99
Jefferson	.97
Lake	.99
Lewis and Clark	.95
Lincoln	.99
Madison	1.00
Meagher	.95
Mineral	.99
Missoula	.99

TABLE III—continued

State and county	Price per bushel
Montana—Continued.	
Musselshell	\$0.94
Park	.99
Powder River	.99
Powell	.97
Ravalli	.99
Rosebud	.98
Sanders	.99
Silver Bow	.99
Stillwater	.97
Sweet Grass	.97
Treasure	.96
Wheatland	.94
Yellowstone	.97
All other counties in Area A.	
Nebraska:	
Adams	1.08
Arthur	1.08
Banner	1.09
Blaine	1.08
Box Butte	1.07
Boyd	1.06
Brown	1.07
Buffalo	1.08
Cass	1.10
Chase	1.08
Cherry	1.07
Cheyenne	1.09
Clay	1.08
Custer	1.08
Dawes	1.07
Dawson	1.08
Deuel	1.09
Dundy	1.08
Fillmore	1.09
Franklin	1.08
Frontier	1.08
Furnas	1.08
Gage	1.10
Garden	1.08
Garfield	1.07
Gosper	1.08
Grant	1.08
Greeley	1.07
Hall	1.07
Hamilton	1.07
Harlan	1.08
Hayes	1.08
Hitchcock	1.08
Holt	1.06
Hooker	1.08
Howard	1.07
Jefferson	1.09
Johnson	1.11
Kearney	1.08
Keith	1.08
Keyapaha	1.07
Kimball	1.09
Lancaster	1.09
Lincoln	1.08
Logan	1.08
Loup	1.08
McPherson	1.08
Morrill	1.08
Nemaha	1.12
Nuckolls	1.08
Otoe	1.10
Pawnee	1.11
Perkins	1.08
Phelps	1.08
Redwillow	1.08
Richardson	1.12
Rock	1.07
Saline	1.09
Scotts Bluff	1.08
Seward	1.09
Sheridan	1.07
Sherman	1.08
Sioux	1.07
Thayer	1.09
Thomas	1.08
Valley	1.08
Webster	1.08
Wheeler	1.07
York	1.08
All other counties in Area A.	

TABLE III—continued

State and county	Price per bushel
Nevada:	
Churchill	\$1.18
Clark	1.21
Douglas	1.18
Elko	1.12
Esmeralda	1.18
Eureka	1.15
Humboldt	1.12
Lander	1.15
Lincoln	1.18
Lyons	1.18
Mineral	1.18
Nye	1.18
Ormsby	1.18
Pershing	1.15
Storey	1.18
Washoe	1.16
White Pine	1.15
New Hampshire:	
All counties	1.34
New Jersey:	
All counties	1.32
New Mexico:	
Bernalillo	1.16
Catron	1.18
Chaves	1.14
Colfax	1.13
Curry	1.13
De Baca	1.14
Dona Ana	1.16
Eddy	1.14
Grant	1.18
Guadalupe	1.14
Harding	1.13
Hidalgo	1.18
Lea	1.14
Lincoln	1.16
Luna	1.16
McKinley	1.18
Mora	1.14
Otero	1.16
Quay	1.13
Rio Arriba	1.14
Roosevelt	1.14
Sandoval	1.16
San Juan	1.16
San Miguel	1.14
Santa Fe	1.16
Sierra	1.16
Socorro	1.16
Taos	1.13
Torrance	1.16
Union	1.13
Valencia	1.18
New York:	
Allegany	1.31
Cattaraugus	1.31
Cayuga	1.31
Chautauqua	1.29
Chemung	1.31
Cortland	1.31
Erie	1.29
Genesee	1.31
Livingston	1.31
Monroe	1.31
Niagara	1.29
Onondaga	1.31
Ontario	1.31
Orleans	1.31
Schuyler	1.31
Seneca	1.31
Steuben	1.31
Tompkins	1.31
Wayne	1.31
Wyoming	1.31
Yates	1.31
All other counties	1.32
North Carolina:	
Alamance	1.34
Beaufort	1.34
Bertie	1.34
Camden	1.34
Carteret	1.34
Caswell	1.34
Chowan	1.34
Craven	1.34
Currituck	1.34

TABLE III—continued

State and county	Price per bushel
North Carolina—Continued.	
Dare	\$1.34
Durham	1.34
Edgecombe	1.34
Franklin	1.34
Gates	1.34
Granville	1.34
Greene	1.34
Guilford	1.34
Halifax	1.34
Hertford	1.34
Hyde	1.34
Johnston	1.34
Jones	1.34
Lenoir	1.34
Martin	1.34
Nash	1.34
Northampton	1.34
Orange	1.34
Pamlico	1.34
Pasquotank	1.34
Perquimans	1.34
Person	1.34
Pitt	1.34
Rockingham	1.34
Tyrrell	1.34
Vance	1.34
Wake	1.34
Warren	1.34
Washington	1.34
Wayne	1.40
Wilson	1.34
All other counties	1.38
North Dakota:	
All counties in Area.	
Ohio:	
Adams	1.29
Allen	1.26
Ashland	1.27
Ashtabula	1.29
Athens	1.28
Auglaize	1.26
Belmont	1.29
Brown	1.28
Butler	1.26
Carroll	1.28
Champaign	1.26
Clark	1.26
Clermont	1.26
Clinton	1.26
Columbiana	1.29
Coshocton	1.28
Crawford	1.27
Cuyahoga	1.28
Darke	1.26
Defiance	1.24
Delaware	1.27
Erie	1.27
Fairfield	1.27
Fayette	1.27
Franklin	1.27
Fulton	1.26
Gallia	1.28
Geauga	1.28
Greene	1.26
Guernsey	1.28
Hamilton	1.26
Hancock	1.26
Hardin	1.26
Harrison	1.28
Henry	1.26
Highland	1.27
Hocking	1.27
Holmes	1.28
Huron	1.27
Jackson	1.28
Jefferson	1.29
Knox	1.27
Lake	1.28
Lawrence	1.29
Licking	1.27
Logan	1.26
Lorain	1.27
Lucas	1.26
Madison	1.27
Mahoning	1.29

TABLE III—continued

State and county	Price per bushel
Ohio—Continued.	
Marion	\$1.27
Medina	1.28
Meigs	1.28
Mercer	1.26
Miami	1.26
Monroe	1.29
Montgomery	1.26
Morgan	1.28
Morrow	1.27
Muskingum	1.28
Noble	1.28
Ottawa	1.27
Paulding	1.25
Perry	1.27
Pickaway	1.27
Pike	1.28
Portage	1.28
Preble	1.26
Putnam	1.26
Richland	1.27
Ross	1.27
Sandusky	1.27
Scioto	1.30
Seneca	1.27
Shelby	1.26
Stark	1.28
Summit	1.28
Trumbull	1.29
Tuscarawas	1.28
Union	1.27
Van Wert	1.26
Vinton	1.28
Warren	1.26
Washington	1.29
Wayne	1.28
Williams	1.24
Wood	1.26
Wyandot	1.27
Oklahoma:	
Adair	1.22
Alfalfa	1.14
Atoka	1.19
Beaver	1.11
Beckham	1.13
Blaine	1.14
Bryan	1.19
Caddo	1.14
Canadian	1.14
Carter	1.17
Cherokee	1.22
Choctaw	1.21
Cimarron	1.11
Cleveland	1.15
Coal	1.19
Comanche	1.15
Cotton	1.15
Craig	1.20
Creek	1.18
Custer	1.14
Delaware	1.22
Dewey	1.14
Ellis	1.13
Garfield	1.15
Garvin	1.16
Grady	1.15
Grant	1.15
Greer	1.13
Harmon	1.13
Harper	1.12
Haskell	1.22
Hughes	1.18
Jackson	1.13
Jefferson	1.16
Johnson	1.19
Kay	1.17
Kingfisher	1.14
Kiowa	1.14
Latimer	1.22
Le Flore	1.24
Lincoln	1.16
Logan	1.15
Love	1.17
McClain	1.15
McCurtain	1.24

TABLE III—continued

State and county	Price per bushel
Oklahoma—Continued.	
McIntosh	\$1.20
Major	1.14
Marshall	1.19
Mayes	1.21
Murray	1.17
Muskogee	1.20
Noble	1.16
Nowata	1.19
Okfuskee	1.18
Oklahoma	1.15
Okmulgee	1.19
Osage	1.18
Ottawa	1.21
Pawnee	1.18
Payne	1.16
Pittsburg	1.20
Pontotoc	1.17
Pottawatomie	1.16
Pushmataha	1.21
Roger Mills	1.13
Rogers	1.20
Seminole	1.16
Sequoyah	1.22
Stephens	1.16
Texas	1.11
Tillman	1.14
Tulsa	1.19
Wagoner	1.20
Washington	1.19
Washita	1.14
Woods	1.13
Woodward	1.13
Oregon:	
Baker	1.03
Benton	1.16
Clackamas	1.15
Clatsop	1.13
Columbia	1.13
Coos	1.18
Crook	1.11
Curry	1.18
Deschutes	1.11
Douglas	1.17
Grant	1.07
Harney	1.07
Hood River	1.11
Jackson	1.18
Jefferson	1.09
Josephine	1.18
Klamath	1.13
Lake	1.11
Lane	1.17
Lincoln	1.17
Linn	1.16
Malheur	1.07
Marion	1.15
Multnomah	1.13
Polk	1.16
Tillamook	1.17
Washington	1.15
Wheeler	1.09
Yamhill	1.15
All other counties in Area A.	
Pennsylvania:	
Adams	1.31
Allegheny	1.29
Armstrong	1.31
Beaver	1.29
Bedford	1.31
Blair	1.31
Butler	1.29
Cambria	1.31
Cameron	1.31
Centre	1.31
Clarion	1.31
Clearfield	1.31
Clinton	1.31
Crawford	1.29
Cumberland	1.31
Dauphin	1.31
Elk	1.31
Erie	1.29
Fayette	1.31
Forest	1.31

TABLE III—continued

State and county	Price per bushel
Pennsylvania—Continued.	
Franklin	\$1.31
Fulton	1.31
Greene	1.29
Huntingdon	1.31
Indiana	1.31
Jefferson	1.31
Juniata	1.31
Lawrence	1.29
Lycoming	1.31
McKean	1.31
Mercer	1.29
Mifflin	1.31
Montour	1.31
Northumberland	1.31
Perry	1.31
Potter	1.31
Snyder	1.31
Somerset	1.31
Tioga	1.31
Union	1.31
Venango	1.29
Warren	1.31
Washington	1.29
Westmoreland	1.31
York	1.31
All other counties	1.32
Rhode Island:	
All counties	1.34
South Carolina:	
Cherokee	1.40
Chester	1.40
Chesterfield	1.40
Clarendon	1.40
Darlington	1.40
Dillon	1.40
Fairfield	1.40
Florence	1.40
Georgetown	1.40
Greenville	1.40
Horry	1.40
Kershaw	1.40
Lancaster	1.40
Laurens	1.40
Lee	1.40
Marion	1.40
Marlboro	1.40
Newberry	1.40
Richland	1.40
Spartanburg	1.40
Sumter	1.40
Union	1.40
Williamsburg	1.40
York	1.40
All other counties	1.42
South Dakota:	
Armstrong	1.02
Bennett	1.06
Butte	1.03
Corson	1.02
Custer	1.06
Dewey	1.02
Fall River	1.06
Gregory	1.05
Haakon	1.04
Harding	1.01
Jackson	1.05
Jones	1.05
Lawrence	1.03
Lyman	1.04
Meade	1.03
Mellette	1.06
Pennington	1.04
Perkins	1.01
Shannon	1.06
Stanley	1.03
Todd	1.06
Tripp	1.05
Washabaugh	1.06
Washington	1.06
Ziebach	1.03
All other counties in Area A.	
Tennessee:	
Anderson	1.37
Bedford	1.36

TABLE III—continued

State and county	Price per bushel
Tennessee—Continued.	
Benton	\$1.30
Bledsoe	1.36
Blount	1.38
Bradley	1.38
Campbell	1.37
Cannon	1.36
Carroll	1.29
Carter	1.39
Cheatham	1.32
Chester	1.31
Claiborne	1.38
Clay	1.36
Cocke	1.40
Coffee	1.36
Crockett	1.28
Cumberland	1.36
Davidson	1.32
Decatur	1.31
De Kalb	1.36
Dickson	1.32
Dyer	1.28
Fayette	1.28
Fentress	1.36
Franklin	1.37
Gibson	1.28
Giles	1.36
Grainger	1.38
Greene	1.40
Grundy	1.36
Hamblen	1.38
Hamilton	1.37
Hancock	1.38
Hardeman	1.28
Hardin	1.33
Hawkins	1.38
Haywood	1.28
Henderson	1.31
Henry	1.29
Hickman	1.33
Houston	1.31
Humphreys	1.32
Jackson	1.36
Jefferson	1.38
Johnson	1.39
Knox	1.37
Lake	1.28
Lauderdale	1.28
Lawrence	1.36
Lewis	1.35
Lincoln	1.36
Loudon	1.37
McMinn	1.38
McNairy	1.31
Macon	1.34
Madison	1.28
Marion	1.37
Marshall	1.36
Maury	1.35
Meigs	1.36
Monroe	1.38
Montgomery	1.32
Moore	1.36
Morgan	1.36
Obion	1.28
Overton	1.36
Perry	1.33
Pickett	1.36
Polk	1.38
Putnam	1.36
Rhea	1.36
Roane	1.37
Robertson	1.32
Rutherford	1.35
Scott	1.36
Sequatchie	1.36
Sevier	1.40
Shelby	1.28
Smith	1.35
Stewart	1.31
Sullivan	1.39
Sumner	1.32

TABLE III—continued

State and county	Price per bushel
Tennessee—Continued.	
Tipton	\$1.28
Trousdale	1.34
Unicoi	1.39
Union	1.37
Van Buren	1.36
Warren	1.36
Washington	1.39
Wayne	1.35
Weakley	1.28
White	1.36
Williamson	1.36
Wilson	1.34
Texas:	
Anderson	1.21
Andrews	1.14
Angelina	1.24
Aransas	1.23
Archer	1.15
Armstrong	1.13
Atascosa	1.21
Austin	1.21
Ball	1.14
Bandera	1.17
Bastrop	1.19
Baylor	1.14
Bee	1.21
Bell	1.17
Bexar	1.19
Blanco	1.17
Borden	1.14
Bosque	1.17
Bowie	1.25
Brazoria	1.26
Brazos	1.21
Brewster	1.16
Briscoe	1.13
Brooks	1.23
Brown	1.16
Burleson	1.19
Burnet	1.17
Caldwell	1.19
Calhoun	1.23
Callahan	1.14
Cameron	1.23
Camp	1.24
Carson	1.13
Cass	1.25
Castro	1.13
Chambers	1.26
Cherokee	1.23
Childress	1.13
Clay	1.16
Cochran	1.14
Coke	1.14
Coleman	1.14
Collin	1.17
Collingsworth	1.13
Colorado	1.21
Comal	1.17
Comanche	1.16
Concho	1.14
Cooke	1.17
Coryell	1.17
Cottle	1.14
Crane	1.14
Crockett	1.16
Crosby	1.14
Culberson	1.16
Dallam	1.13
Dallas	1.17
Dawson	1.14
Deaf Smith	1.13
Delta	1.23
Denton	1.17
De Witt	1.21
Dickens	1.14
Dimmit	1.21
Donley	1.13
Duval	1.23
Eastland	1.14
Ector	1.14
Edwards	1.17

TABLE III—continued

State and county	Price per bushel
Texas—Continued.	
Ellis	\$1.19
El Paso	1.16
Erath	1.16
Falls	1.19
Fannin	1.20
Fayette	1.21
Fisher	1.14
Floyd	1.14
Foard	1.14
Fort Bend	1.23
Franklin	1.24
Freestone	1.21
Frio	1.21
Gaines	1.14
Galveston	1.26
Garza	1.14
Gillespie	1.17
Glasscock	1.14
Goliad	1.21
Gonzales	1.21
Gray	1.13
Grayson	1.17
Gregg	1.24
Grimes	1.21
Guadalupe	1.19
Hale	1.14
Hall	1.13
Hamilton	1.16
Hansford	1.13
Hardeman	1.13
Hardin	1.26
Harris	1.24
Harrison	1.25
Hartley	1.13
Haskell	1.14
Hays	1.17
Hemphill	1.13
Henderson	1.21
Hidalgo	1.23
Hill	1.19
Hockley	1.14
Hood	1.16
Hopkins	1.23
Houston	1.21
Howard	1.14
Hudspeth	1.16
Hunt	1.20
Hutchinson	1.13
Irion	1.14
Jack	1.16
Jackson	1.23
Jasper	1.23
Jeff Davis	1.16
Jefferson	1.28
Jim Hogg	1.23
Jim Wells	1.23
Johnson	1.17
Jones	1.14
Karnes	1.21
Kaufman	1.19
Kendall	1.17
Kenedy	1.23
Kent	1.14
Kerr	1.17
Kimble	1.16
King	1.14
Kinney	1.19
Kleberg	1.23
Knox	1.14
Lamar	1.23
Lamb	1.14
Lampasas	1.16
La Salle	1.21
Lavaca	1.21
Lee	1.19
Leon	1.21
Liberty	1.24
Limestone	1.19
Lipscomb	1.13
Live Oak	1.21
Llano	1.17
Loving	1.14
Lubbock	1.14

TABLE III—continued

State and county	Price per bushel
Texas—Continued.	
Lynn	\$1.14
McCulloch	1.16
McLennan	1.19
McMullen	1.21
Madison	1.21
Marion	1.25
Martin	1.14
Mason	1.16
Matagorda	1.26
Maverick	1.21
Medina	1.19
Menard	1.16
Midland	1.14
Milam	1.19
Mills	1.16
Mitchell	1.14
Montague	1.16
Montgomery	1.21
Moore	1.13
Morris	1.25
Motley	1.14
Nacogdoches	1.24
Navarro	1.21
Newton	1.28
Nolan	1.14
Nueces	1.23
Ochiltree	1.13
Oldham	1.13
Orange	1.28
Palo Pinto	1.16
Panola	1.25
Parker	1.16
Parmer	1.13
Pecos	1.16
Polk	1.24
Potter	1.13
Presidio	1.16
Rains	1.23
Randall	1.13
Reagan	1.14
Real	1.17
Red River	1.24
Reeves	1.16
Refugio	1.23
Roberts	1.13
Robertson	1.19
Rockwall	1.19
Runnels	1.14
Rusk	1.24
Sabine	1.26
San Augustine	1.26
San Jacinto	1.21
San Patricio	1.23
San Saba	1.16
Schleicher	1.16
Scurry	1.14
Shackelford	1.14
Shelby	1.25
Sherman	1.13
Smith	1.23
Somervell	1.16
Star	1.23
Stephens	1.14
Sterling	1.14
Stonewall	1.14
Sutton	1.16
Swisher	1.13
Tarrant	1.17
Taylor	1.14
Terrell	1.16
Terry	1.14
Throckmorton	1.14
Titus	1.24
Tom Green	1.14
Travis	1.17
Trinity	1.23
Tyler	1.25
Upshur	1.24
Upton	1.14

TABLE III—continued

State and county	Price per bushel
Texas—Continued.	
Uvalde	\$1.19
Val Verde	1.16
Van Zandt	1.21
Victoria	1.23
Walker	1.21
Waller	1.21
Ward	1.14
Washington	1.21
Webb	1.23
Wharton	1.23
Wheeler	1.13
Wichita	1.15
Wilbarger	1.14
Willacy	1.23
Williamson	1.17
Wilson	1.21
Winkler	1.14
Wise	1.16
Wood	1.23
Yoakum	1.14
Young	1.15
Zapata	1.23
Zavala	1.21
Utah:	
Beaver	1.17
Carbon	1.12
Daggett	1.10
Davis	1.12
Duchesne	1.12
Emery	1.15
Garfield	1.18
Grand	1.15
Iron	1.13
Juab	1.15
Kane	1.20
Millard	1.17
Morgan	1.12
Plute	1.17
Salt Lake	1.12
San Juan	1.18
Sanpete	1.15
Sevier	1.15
Summit	1.10
Tooele	1.12
Uintah	1.12
Utah	1.12
Wasatch	1.12
Washington	1.20
Wayne	1.17
All other counties in Area A.	
Vermont:	
All counties	1.34
Virginia:	
Bland	1.33
Brunswick	1.34
Buchanan	1.35
Carroll	1.35
Dickenson	1.35
Floyd	1.33
Franklin	1.34
Giles	1.33
Grayson	1.37
Greensville	1.34
Halifax	1.34
Henry	1.34
Lee	1.37
Mecklenburg	1.34
Montgomery	1.33
Nansemond	1.34
Patrick	1.33
Pittsylvania	1.34
Pulaski	1.36
Russell	1.36
Scott	1.37
Smyth	1.37
Southampton	1.34
Tazewell	1.35
Washington	1.37
Wise	1.36

TABLE III—continued

State and county	Price per bushel
Virginia—Continued.	
Wythe	\$1.35
All other counties	1.31
Washington:	
Chelan	1.07
Clallam	1.17
Clark	1.13
Cowlitz	1.13
Ferry	1.04
Grays Harbor	1.15
Island	1.14
Jefferson	1.17
King	1.13
Kitsap	1.17
Kittitas	1.04
Lewis	1.13
Mason	1.15
Okanogan	1.09
Pacific	1.15
Pend Oreille	1.04
Pierce	1.13
San Juan	1.17
Skagit	1.13
Skamania	1.11
Snohomish	1.13
Stevens	1.04
Thurston	1.13
Wahkiakum	1.13
Whatcom	1.13
Yakima	1.06
All other counties in Area A	
West Virginia:	
Brooke	1.28
Hancock	1.28
McDowell	1.32
Marshall	1.28
Mercer	1.32
Mingo	1.32
Ohio	1.28
All other counties	1.31
Wisconsin:	
Ashland	1.14
Barron	1.12
Bayfield	1.13
Burnett	1.12
Chippewa	1.13
Clark	1.14
Door	1.14
Douglas	1.12
Dunn	1.12
Eau Claire	1.13
Florence	1.16
Forest	1.16
Iron	1.15
Langlade	1.15
Lincoln	1.15
Marathon	1.15
Marinette	1.16
Oconto	1.15
Oneida	1.15
Polk	1.12
Portage	1.15
Price	1.14
Rusk	1.13
St. Croix	1.11
Sawyer	1.13
Shawano	1.15
Taylor	1.14
Vilas	1.16
Washburn	1.12
Waupaca	1.15
Wood	1.14
All other counties in Area A.	
Wyoming:	
Albany	1.08
Big Horn	1.01
Campbell	1.01
Carbon	1.08
Converse	1.05
Crook	1.01

TABLE III—continued

State and county	Price per bushel
Wyoming—Continued.	
Fremont	\$1.05
Goshen	1.07
Hot Springs	1.03
Johnson	1.03
Laramie	1.08
Lincoln	1.06
Natrona	1.05
Niobrara	1.05
Park	1.01
Platte	1.07
Sheridan	1.01
Sublette	1.05
Sweetwater	1.08
Teton	1.03
Uinta	1.08
Washakie	1.03
Weston	1.03
Yellowstone National Park	1.01

This regulation shall become effective August 1, 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 27th day of July 1944.

CHESTER BOWLES,
Administrator.

Approved: July 19, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-11200; Filed, July 27, 1944;
11:29 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,¹ Amdt. 36]

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 respect:

Section 1407.142 (b) is amended to read as follows:

(b) A registering unit or primary distributor to which stamps are surrendered by a consumer must either paste the stamps on gummed sheets (OPA Form R-120-A or a similar sheet) or enclose them in sealed envelopes. If the stamps are pasted on gummed sheets, the information required on the face of the sheet shall be filled in by the registering unit before it surrenders such sheet for the purpose of authorizing a delivery of sugar to it, and the name and address of the registering unit, Collector of Customs or primary distributor to whom the sheet is being surrendered shall be written on

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

¹ 9 F.R. 1433, 1534, 2233, 2826, 2828, 3031, 3513, 3579, 3847, 3944, 4099, 4350, 4474, 4880, 5220, 5254, 5220, 5166, 5426, 5346, 5805, 5829, 6233, 6562, 6563, 6564, 7080, 6881, 7202, 7343, 7773, 7601, 7857.

the back of the sheet by the registering unit surrendering the sheet. Before a sheet may be surrendered for the purpose of deposit, the person surrendering the sheet shall, if he affixed the stamps to the sheet, fill in the information required on the face of the sheet, or, if he received the sheet with stamps affixed, endorse it by writing his name on its back. Only stamps of the same weight value which authorize the delivery of sugar to the registering unit at the time they are surrendered, may be pasted on the same sheet. If the stamps are enclosed in sealed envelopes they must be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelopes.

This amendment shall become effective July 31, 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. 1-E, 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 27th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11201; Filed, July 27, 1944;
11:31 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165,¹ Amdt. 1]

SERVICES

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.*

Appendix A is amended by the deletion of the affidavits.

This amendment shall become effective August 1, 1944.

Issued this 27th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11202; Filed, July 27, 1944;
11:29 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 15² to GMPR, Amdt. 30]

FLUID MILK

A statement of the considerations involved in the issuance of this amend-

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.75 (a) (9) (ii) (c) is added to read as follows:

(c) *Authorization in writing from the National Administrator.* Any regional office, when specifically so authorized in writing by the Administrator, may adjust or establish, in accordance with such authority, any maximum price under the General Maximum Price Regulation or Supplementary Regulation No. 14A (formerly Supplementary Regulation 14) to the General Maximum Price Regulation for fluid milk sold at retail, and at wholesale in glass or paper containers.

This amendment shall become effective August 1, 1944.

Issued this 27th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11203; Filed, July 27, 1944;
11:31 a. m.]

Chapter XIV—War Contracts Price Adjustment Board

RENEGOTIATION REGULATIONS

The changes and additions to Parts 1601 to 1608, inclusive, of this chapter set forth below are also contained in Revision 8 of the Renegotiation Regulations, dated July 15, 1944.

JOSEPH M. DODGE,
Chairman.

PART 1601—AUTHORITY AND ORGANIZATION FOR RENEGOTIATION¹

SUBPART A—SUMMARY OF RENEGOTIATION ACT OF 1943 AND RELATED STATUTES

Sections 1601.103 (b), 1601.107 and 1601.108 (f) are amended to read as follows:

§ 1601.103 *Coverage.* * * *

(b) Subcontracts include purchase orders or agreements to perform all or any part of the work, or to make or furnish any article, required for the performance of any other contract or subcontract but do not include any purchase order or agreement to furnish office supplies. A contract or arrangement to procure a contract with a Department or a subcontract thereunder is also a subcontract. Subcontracts are not limited to those made by a prime contractor but include those made by a subcontractor or sub-subcontractor down through the various tiers (subsection (a) (5), discussed in § 1603.333).

§ 1601.107 *Renegotiation by fiscal years.* The 1943 act applies to fiscal years ending after June 30, 1943, and re-

¹ 9 F.R. 4135, 6154.

quires that renegotiation be conducted on an overall fiscal year basis. Renegotiation may relate to any period other than a full fiscal year only with the consent of the contractor or subcontractor. The 1943 act requires that renegotiation relate to the aggregate of the contractor's war business for the year unless the contractor requests and the War Contracts Board agrees to the renegotiation of separate contracts (subsection (c) (1), discussed in §§ 1601.301 to 1601.303). [RR 107]

§ 1601.108 Renegotiation procedure. * * *

(f) *Eliminating excessive profits.* When the amount of excessive profits accumulated by a contractor has been determined, either by agreement or order, the War Contracts Board or its authorized agency shall eliminate such excessive profits. In eliminating such excessive profits there is allowed a credit for Federal income and excess profits taxes in accordance with section 3806 of the Internal Revenue Code (subsection (c) (2), discussed in § 1604.440 and following). [RR 108.6]

SUBPART C—ORGANIZATION AND FUNCTIONS OF THE PRICE ADJUSTMENT BOARDS AND SECTIONS

Sections 1601.132 (b) and 1601.137 are amended to read as follows:

§ 1601.132 War Department Organization. * * *

(b) *Organization and functions of War Department Price Adjustment Sections.* There has been established a Price Adjustment Section in each of the Technical Services of the Army Service Forces and in the Army Air Forces. The Army Services Forces have Sections in the Technical Services of Chemical Warfare, Engineers, Ordnance, Quartermaster, Signal Corps, Surgeon General, and Transportation. With the exception of the Price Adjustment Section of Chemical Warfare, located in Baltimore, the main Sections of the Technical Services are located in Washington. Headquarters for renegotiation in the Army Air Forces are shared by Washington and Wright Field, Dayton, Ohio. District Price Adjustment Sections have been established by the Technical Services and the Army Air Forces at various procurement centers, and this decentralization allows renegotiation to be conducted close to the location of the company involved. [RR 132.2]

§ 1601.137 RFC Price Adjustment Board. The boards of directors of Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company have established the RFC Price Adjustment Board. The office of this Board is located in Washington, D. C. [RR 137]

PART 1602—PROCEDURE FOR RENEGOTIATION¹

SUBPART A—ASSIGNMENTS FOR RENEGOTIATION AND CANCELLATIONS

Sections 1602.201 (b) and 1602.203 (b) are amended to read as follows.

§ 1602.201 In general. * * *

(b) *Effect of assignment.* The issuance of an assignment shall evidence the authority and duty of the Department or Service to which the assignment is issued to conduct statutory renegotiation with the contractor thereby assigned on an over-all basis with respect to the aggregate of the amounts received or accrued during the fiscal year to which the assignment relates, provided, however, that, upon request of the contractor, pursuant to subsection (c) (1) of the 1943 act, the Department or Service to which the assignment is issued may, in its discretion, agree to renegotiate with respect to amounts received or accrued under one or more contracts or subcontracts. [RR 201.2]

§ 1602.203 Selection of contractors for assignment. * * *

(b) *Contractors not previously assigned.* In order that unnecessary assignments may be avoided, initial assignments will not ordinarily be made without the prior receipt and consideration by the Assignments and Statistics Branch on behalf of the War Contracts Board of the information required in the appropriate "Standard Form of Contractor's Report" (see §§ 1602.222 and 1607.701). Exceptions to this rule will be made at the request of any agency authorized to conduct renegotiation upon an indication of urgency in point of time, lack of necessity for preliminary review, or other considerations deemed appropriate. Unless the required preliminary information is available through mandatory filing or otherwise, it will be obtained by the Assignments and Statistics Branch on behalf of the War Contracts Board by causing to be sent to the contractor a "Letter of Preliminary Inquiry" together with the appropriate "Standard Form of Contractor's Report" (see §§ 1602.222 and 1607.701, 1607.702 (a)). In the event that the contractor fails to make satisfactory response within a reasonable time to the "Letter of Preliminary Inquiry," the case may be assigned for renegotiation to the Department or Service believed appropriate. Should the information required by the "Standard Form of Contractor's Report" be received by the War Contracts Board subsequent to the issuance of the assignment, the assignment may be reassigned or cancelled if such action be found by the War Contracts Board to be appropriate; otherwise, the information will be transmitted to the assignee Department or Service. [RR 203.2]

¹ 9 F.R. 4140, 6157.

appropriate; otherwise, the information will be transmitted to the assignee Department or Service. [RR 203.2]

SUBPART B—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

Section 1602.222 (d) is amended to read as follows:

§ 1602.222 Filing of mandatory financial statement. * * *

(d) *Availability of forms.* Copies of the forms above mentioned may be obtained upon request to the Assignments and Statistics Branch or to any of the Price Adjustment Boards or Sections of the several Departments authorized to conduct renegotiation proceedings. [RR 222.4]

SUBPART E—COMPLETION OF RENEGOTIATION

Sections 1602.252 and 1602.253 are amended to read as follows:

§ 1602.252 Preparation of statement to contractor. Subpart B of Part 1605 deals with the furnishing of a statement to the contractor. [RR 252]

§ 1602.253 Administration of agreements. Administration of voluntary agreements or of unilateral determinations by the Department to which the contractor was assigned for renegotiation is referred to in § 1605.509. [RR 253]

PART 1603—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS¹

SUBPART A—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

Sections 1603.301 to 1603.303, inclusive, are amended to read as follows:

§ 1603.301 Fiscal year basis for renegotiation—(a) Statutory provisions. Subsection (c) (1) of the Renegotiation Act of 1943 provides in part:

* * * The Board shall exercise its powers with respect to the aggregate of the amounts received or accrued during the fiscal year (or such other period as may be fixed by mutual agreement) by a contractor or subcontractor under contracts with the Departments and subcontracts, and not separately with respect to amounts received or accrued under separate contracts with the Departments or subcontracts, except that the Board may exercise such powers separately with respect to amounts received or accrued by the contractor or subcontractor under any one or more separate contracts with the Departments or subcontracts at the request of the contractor or subcontractor.

[RR 301.1]

(b) *Use of fiscal year basis; in general.* (1) This provision requires the War Contracts Board to renegotiate on a fiscal year basis (or such other period as may be fixed by mutual agreement). It also requires that renegotiation be conducted upon an over-all basis

¹ 9 F.R. 6158, 7020.

unless the contractor or subcontractor requests, and the War Contracts Board agrees, that such renegotiation be conducted with respect to his contracts and subcontracts separately or as two or more groups.

(2) Generally, renegotiation will be conducted on the basis of the amounts received or accrued by a contractor from his renegotiable contracts and subcontracts for a past fiscal year. Under this method excessive profits are determined by examining the contractor's financial position and the profits from such contracts and subcontracts taken as a whole for a particular fiscal year rather than by separate analysis of each contract or subcontract. This avoids problems of allocation of costs and profits, as between each contract and subcontract, allows the contractor to offset the results of one contract against another and simplifies administration. [RR 301.2]

(c) *Renegotiation on a completed contract fiscal year basis; construction contracts.* (1) Contractors having construction contracts or subcontracts may have used a completed contract method of accounting for Federal income tax purposes with respect to some or all of such contracts or subcontracts. With respect to the contracts and subcontracts for which the completed contract method of accounting was used, such method of accounting will be followed for all purposes of the Renegotiation Act and the regulations and interpretations promulgated thereunder. In the case of any contract or subcontract for which the completed contract method of accounting is followed, all amounts received or accrued thereunder and all costs paid or incurred with respect thereto will be treated as having been received or accrued or paid or incurred within the fiscal year in which the contract or subcontract was completed.

(2) A contractor who has used the completed contract method of accounting for Federal income tax purposes with respect to some of his construction contracts and subcontracts and who desires the use of such method with respect to his other construction contracts and subcontracts, or a contractor who has not used such method of accounting for Federal income tax purposes with respect to any of his contracts or subcontracts, may, nevertheless, request that the completed contract method of accounting be used for the purposes of renegotiation with respect to all of his construction contracts and subcontracts completed or terminated within the fiscal year. If such request is approved by the Department to which the contractor has been assigned, the contractor will be deemed to have adopted the completed contract method of accounting with respect to such contracts and subcontracts, for the purposes of renegotiation. The form to be used in making such a request is set forth in § 1603.723.

The Department concerned will not approve such request unless (i) it appears that the effect of granting such a request would not be inconsistent with the general purposes of the Act, (ii) the contractor agrees to all the terms and conditions stated in § 1603.723, and (iii) the request relates to all construction contracts and subcontracts completed or terminated within the fiscal year being renegotiated. If such request is approved, the Renegotiation Act, and the regulations and interpretations promulgated thereunder other than those dealing with the allowance of tax credits, will be applied in all respects to such construction contracts and subcontracts and the profits derived therefrom as though, with respect to them, the contractor had used the completed contract basis of accounting in keeping his books and in making his Federal income tax return. The \$500,000 fiscal-year exemption provided in subsection (c) (6) of the Renegotiation Act, the interpretation relating to the \$500,000 "floor" as set forth in § 1603.348 (c), as well as all other provisions of the 1943 act, will be applied in like manner. The contracts or subcontracts renegotiated on the completed contract basis are subject to such separate treatment as may be required because of the different types of contracts involved (such as fixed-price, cost-plus-fixed fee, price-minus contracts, contracts subject to contractual or statutory fixed profit limitations and contracts providing for retermination or revision of the contract price during the life of the contracts). In this connection, attention is directed to §§ 1603.306 and 1603.307. [RR 301.3]

(d) *Renegotiation of completed or terminated contracts on a completed contract basis where a contractor is out of war business.* Completed contract renegotiation under the principles set forth in paragraphs (c) and (f) of this section may also be granted upon the request of a contractor or subcontractor although certain amounts received or accrued under one or more of the contracts or subcontracts involved have been included in renegotiation for a prior fiscal year, provided that any amounts received or accrued and costs paid or incurred which have been included in any previous renegotiations shall be excluded from consideration in the completed contract renegotiation. No such request shall be granted, however, unless (1) only a limited number of contracts and subcontracts are involved, (2) all such contracts and subcontracts have been completed or terminated at the time renegotiation takes place, and (3) the contractor or subcontractor then holds no additional contracts or subcontracts subject to renegotiation. If more than five contracts or subcontracts are involved in such a case, express approval of the War Contracts Board must be obtained before granting the contractor's request. In all such cases the final agreement

must contain appropriate provision for the protection of the interest of the Government in the event the contractor enters into contracts or subcontracts for additional renegotiable business at some subsequent time during the latest fiscal period of the contractor with which the completed contract renegotiation is concerned. [RR 301.4]

(e) *Ascertainment of date of completion of contracts.* For the purposes of this section a contract shall be regarded as having been completed when the performance by the contractor thereunder has been completed unless there are exceptional circumstances or contractual provisions which justify or require the application of a different principle in a particular case. [RR 301.5]

(f) *Contracts to be included in a completed contract renegotiation.* Subject to the provisions of subparagraph (2) of paragraph (c) of this section with respect to separate treatment of different types of contracts, contracts and subcontracts to be renegotiated on a completed contract basis will be renegotiated as a group when completed within a given fiscal year, but contracts completed in one fiscal year may not be grouped with contracts completed in a different fiscal year. In the event that contracts to be renegotiated on a completed contract basis are uncompleted at the termination date of the 1943 act, the Department to which the contractor is assigned for renegotiation will be guided by the provisions of § 1603.302 as well as by the principles of subsection (h) of the 1943 Act (see § 1603.370 and following). [RR 301.6]

(g) *Renegotiation of related contracts.* Contracts and subcontracts under which architectural, engineering or management services or any combination thereof are rendered and which are related to a contract or subcontract which is renegotiable on a completed contract basis under these regulations may also be renegotiated on a completed contract basis. [RR 301.7]

§ 1603.302 *Differing accounting methods.* Should there be employed a method of computing profit in a renegotiation for any fiscal year which is different from that employed in renegotiation for the fiscal year immediately preceding, the Department conducting the renegotiation must make adequate provision in the agreement or otherwise so that renegotiable business will not escape renegotiation because of the change. The interest of the Government in connection with the year which is the subject of renegotiation and for future years must also be protected and generally no item of cost which has been allowed in a previous renegotiation should be allowed in any subsequent renegotiation. These principles apply to renegotiation conducted with respect to a fiscal year, to a period other than a fiscal year or on a contract-by-contract basis. Under ordinary circumstances a contractor will be

renegotiated on the same basis as that used for the determination of his income for Federal income tax purposes and, where a contractor requests and is allowed to renegotiate on some other basis, he will be required to agree that future renegotiations will be conducted on the same basis unless the War Contracts Board approves a variation of this proceeding by reason of unusual circumstances in a particular case. [RR 302]

§ 1603.303 Long-term ship construction contracts and certain types of utility contracts. The renegotiation of long-term ship construction contracts and of certain classes of utility contracts which are subject to renegotiation by reason of their particular size or character (see § 1603.842) may with the consent of the contractor be conducted on such basis as, in the opinion of the Department conducting the renegotiation, will be most appropriate for the determination of excessive profits. In determining such basis, consideration will be given to the basis of renegotiation used by such Department in prior renegotiations where the contractor concerned has been renegotiated for a prior period or with respect to other contracts. [RR 303]

SUBPART B—METHODS FOR SEGREGATING SALES BETWEEN RENEGOTIABLE AND NON-RENEGOTIABLE BUSINESS

Section 1603.322 (e) (3) is amended to read as follows:

§ 1603.322 Methods of segregating sales. * * *

(e) *Applicable basis for percentages of allocation.* * * *

(3) Percentages developed through spot check of the end use of the products for one or more months of the year. The selection of the month or months should be made only after a thorough review of the equity of the choice by the Department and by the contractor. [RR 322.5]

SUBPART C—CONTRACTS AND SUB-CONTRACTS WITHIN THE SCOPE OF THE 1943 ACT

Section 1603.331 (d) is added, and §§ 1603.333 (d) (1), 1603.335 (b) (3) and (4) are amended to read as follows:

§ 1603.331 General coverage of 1943 act. * * *

(d) *Interpretation.* The 1943 act is construed to be inapplicable to sales by the Departments and contracts therefor. [RR 331.4]

§ 1603.333 General interpretation of subcontracts. * * *

(d) *General effect of interpretation.*

(1) In general it is intended to include as subject to statutory renegotiation the sale of all machinery, equipment, materials and other articles which contribute directly to the actual production of an end item or an article incorporated therein, in connection with the physical handling of the item from the time of entry of the component materials to departure of the item from the plant in

question and to include all machinery which similarly contributed directly to the actual production of other machinery so used. Packaging materials and containers are included only when they are furnished in connection with end-products delivered to a Department.

§ 1603.335 Contracts and subcontracts involving real property. * * *

(b) *Agreements for fixtures, construction and improvements on real property.* * * *

(3) Where a contract for the construction of a building or improvements on or to real property is made by a Department, or if not made by a Department the Government acting through a Department is to obtain title to such building or improvements either immediately or ultimately (such as contracts for plant and facilities), then such contract is renegotiable unless exempted. Likewise all subcontracts under such a renegotiable contract for furnishing services, or articles, such as building materials and structural steel, which are personal property when furnished, but which became real property during the course of construction, are renegotiable unless exempted, and so are subcontracts for furnishing any machinery and equipment installed in the building.

(4) Where, however, an agreement is for the construction of a building or improvement on or to real property for a contractor or subcontractor for the purpose of performing a renegotiable contract or subcontract and the Government acting through a Department is not to acquire title to such building or improvements, either immediately or ultimately, then except as provided in (2) above, such agreement and subcontracts thereunder are not subject to renegotiation even though the improvements may be covered by Certificates of Necessity.

SUBPART D—MANDATORY EXEMPTIONS AND EXCLUSIONS FROM RENEGOTIATION

Sections 1603.344 (d) (2) (ii) (e) and (f), 1603.344 (d) (2) (iii) and (iv), 1603.346 (b) (1) (i) and (ii), 1603.346 (b) (3), and 1603.348 (c) (4) are amended and §§ 1603.346 (b) (1) (iii) and 1603.348 (c) (5) are added to read as follows:

§ 1603.344 Contracts and subcontracts for certain raw materials and agricultural commodities. * * *

(d) *Profits from increment in value of excess inventories.* * * *

(2) *Interpretation and application.* * * *

(ii) *Definitions.* For the purposes of this subparagraph the following definitions shall apply:

(e) *Replacement value.* Replacement value of excess inventory is the value of such excess inventory calculated by determining as of the date on which the contractor or subcontractor enters into a contract with a Department or subcon-

tract, under which the amounts received or accrued are subject to renegotiation, the market value of the materials of the grade, of the quality, and in the quantities to be used by the contractor or subcontractor in fulfilling the contract or subcontract. Any factors tending to establish a fair market value may be taken into consideration. If purchase prices or quotations for the particular grade, class and type are used, it will be required that the source of the information be satisfactory, and that the date of the quotation or sale be within a reasonable time of the date of the contract. Inasmuch as the calculation of excess inventory is made on a monthly basis, a weighted average of the market prices existing during each month may be used.

(f) *Increment in value.* Increment in value is the amount by which the replacement value of the portion of the excess inventory (such excess being applied first to the inventory of material before any processing, to the extent that it can be absorbed thereby), allocated to the fulfillment of renegotiable contracts or subcontracts, exceeds the cost of such portion of the excess inventory as determined by the method of accounting which was or is being used in actual renegotiation.

(iii) *Time for determining excess inventory.* Accounting for the purposes of determining excess inventory will commence as of the beginning of the month, four weeks period, or other similar period of accounting employed by the contractor or subcontractor, in which the contractor or subcontractor entered into the first contract with a Department or subcontract under which any part of the amounts received or accrued were subject to renegotiation. Subsequently, excess inventory will be determined as of the beginning of each month, four weeks period, or other similar accounting period in which the contractor or subcontractor enters into contracts with a Department or subcontracts under which the amounts received or accrued are subject to renegotiation. If no excess inventory is found to exist at the beginning of the month, it shall be deemed that none existed throughout the month. If excess inventory is found to exist at the beginning of the month, transactions within that month shall not be deemed to increase the amount of such excess inventory as computed at the beginning of the month, until new computations at the beginning of the succeeding month shall be made. It will not be necessary to calculate actual physical inventories and orders on hand at the beginning of each month; a cumulative calculation may be made by applying the purchases made and orders taken in each month to the position at the beginning thereof, until the date of the succeeding physical inventory.

(iv) *Treatment of excess inventory.* Upon the establishment of the existence of the excess inventory, such inventory is deemed to be the inventory first used by the contractor or subcontractor thereafter, and shall be allocated pro rata between contracts with the Department and subcontracts taken during the month under which the amounts received or accrued are subject to renegotiation, and other contracts, to the extent that such contracts and subcontracts require the use of the material, up to the end of the month in which the excess inventory is exhausted.

§ 1603.346 *Construction contracts awarded as a result of competitive bidding.* * * *

(b) *Interpretation and application of exemption.* (1) The exclusion from renegotiation of construction contracts with a Department awarded as a result of competitive bidding applies only to contracts for the construction of buildings, structures, improvements and other similar facilities let to the lowest qualified bidder and which were entered into after advertisement and for which bids have been received from two or more independent, responsible and qualified contractors in actual competition with each other. (See § 1603.355 (c))

(i) As used herein "advertisement" shall be interpreted as meaning published advertising or such other solicitation for bids as has opened the bidding to all probable bidders under the circumstances of the particular case. "All probable bidders" shall be deemed to include all qualified bidders who could have been reasonably expected to bid on a job of the size, character and location concerned.

(ii) The determination with respect to any contract of the type included under subparagraph (1) as to whether or not such contract is exempt under the provisions of this subparagraph (1) shall be made by the Department or Service conducting the renegotiation of such contract.

(iii) In any case involving the renegotiable status of a subcontract under a prime contract the exempt status of which is the subject of question by reason of the possible application of this subparagraph (1), where no determination has been made as to whether such prime contract is so exempt, the procedure shall be as follows: The Department or Service conducting the renegotiation of such subcontract shall advise the Assignments and Statistics Branch of the identity of the prime contract, the exempt status of which is subject to question. The Assignments and Statistics Branch shall thereupon inform the Department or Service to which the prime contractor has been assigned for renegotiation and such Department or Service shall thereupon determine whether such prime contract is exempt under the provisions of this subparagraph (1) and shall notify the Assignments and Statistics Branch of such determination and the said Branch shall thereupon notify the Department or Service conducting the renegotiation of the subcontract. In the event that such prime contractor has not been, and will

not be, assigned for renegotiation, or if previously assigned and such assignment has been cancelled, the Assignments and Statistics Branch shall so notify the Department or Service conducting the renegotiation of the subcontract and such Department or Service shall determine whether the prime contract would be entitled to exemption under the provisions of this subparagraph (1) and shall notify the Assignments and Statistics Branch of such determination.

(3) Contracts for the furnishing of materials or supplies or for the lease, sale or manufacture of machinery or equipment are not within the scope of this exemption. In determining whether a particular contract constitutes a contract for the construction of a building, structure, improvement or other similar facility or constitutes a contract for the lease, sale or manufacture of machinery or equipment, the essential character of the performance under the contract will control. In those cases where the items to be furnished under the contract have a predominantly prefabricated character at the time of installation or assembly, the contract will ordinarily be regarded as one of sale or manufacture rather than of "construction". This question arises most frequently in connection with contracts for the sale and installation of machinery or equipment where both the furnishing of the machinery or equipment and its installation are embraced within a single contract. In cases of this character an undertaking to furnish the article may be severed from an agreement to install and an appropriate finding made as to that portion of the contract undertaking which might properly be exempted. On the other hand, where an item to be furnished under a contract has no substantial existence as such until its construction from materials at the site and time of installation so that the contract in its essence is one of construction as distinguished from manufacture or sale, the exemption will be applicable. The essential distinction does not depend upon whether the item involved does or does not become part of the real estate, but depends rather on whether the contract is essentially one for "construction" as distinguished from a contract for manufacture or sale. (See § 1603.335 (b)) [RR 346.1]

§ 1603.348 *Annual receipts under statutory minimum.* * * *

(c) *No reduction by refund below exemption.* * * *

(4) In the renegotiation of contractors who are subject to renegotiation by reason of the common control provisions of the 1943 act (see paragraph (a)) the aggregate of the recoveries from such contractors must not reduce the combined adjusted sales of the contractors below the minimum referred to in this paragraph. Subject to observance of the rule in this subparagraph (4), on separate renegotiation of a contractor who is a member of a group under common control, the refund may reduce the aggregate

amount of gross receipts or accruals of any such member below the floor specified in subparagraph (1) or (2) of this paragraph.

(5) Except in those cases where prior to the commencement or renegotiation a contractor makes a retroactive price reduction or refund, applicable to the period which is the subject of renegotiation, in an amount at least equivalent to the maximum recovery permitted under the preceding provisions of this paragraph (so that if renegotiation proceedings were conducted there could be no recovery by reason of such limitation) the amount of excessive profits will be estimated by the renegotiating agency in the first instance without regard to the possible final effect of the above limitation on the amount of recovery. [RR 348.3]

SUBPART E—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

Section 1603.353 (b) is added and §§ 1603.352 (b), 1603.354 (b) and 1603.356 (b) are amended to read as follows:

§ 1603.352 *Contracts and subcontracts where profits determinable when price established.* * * *

(b) *Exemptions.* In the opinion of the War Contracts Board, the profits from:

(1) Contracts and subcontracts for the purchase or lease of any interest in real estate (see § 1603.335 (a)), or

(2) Contracts for the purchase of capital assets, where the sale of such assets is not a part of or connected with the ordinary course of business of the vendor,

can be determined with reasonable certainty when the contract price is established, and such contracts and subcontracts are accordingly exempted from the provisions of the Renegotiation Act of 1943. For an exemption relating to certain contracts and subcontracts involving electric power, gas, transportation and communications and subcontracts thereunder, see § 1608.842. [RR 352.2]

§ 1603.353 *When contract provisions adequate to prevent excessive profits.* * * *

(b) *Requests for exemption.* Requests for exemption of particular contracts and subcontracts should be directed to the procurement officials of the Department concerned, and not to the War Contracts Board. [RR 353.2]

§ 1603.354 *Contracts and subcontracts for standard commercial articles.* * * *

(b) *Interpretation and application.* (1) Exemption of standard commercial articles will be made on the basis of "articles" by types or classes and not on the basis of individual contracts or individual contractors. Exemptions will be effective with respect to such date as may be specified in the exemption and will apply to amounts received or accrued or to contracts entered into after the specified date.

(2) Studies made with respect to the existence of excessive profits in the standard commercial article field in con-

nection with the Congressional hearings on the amendments to the Renegotiation Act indicated that the production of standard commercial articles purchased in substantial volume for war purposes had generally resulted in excessive profits on renegotiable business both in 1942 and in 1943. The Congress rejected the suggestion that a basis for exemption existed by reason of the fact a particular article constituted a standard commercial article or was sold under OPA ceiling prices. Furthermore, it is to be noted that the fact that an individual contractor may not be making excessive profits on such an article is of little significance. The status of the individual contractor is more readily dealt with through renegotiation where he can be given a clearance if after examination it is found that no excessive profits exist in the particular case. Accordingly, in order that useless requests for exemption may be avoided, it should be noted that exemptions under section 403 (1) (4) (D) can only be made where competitive conditions have been such as reasonably to protect the Government against excessive prices and on the basis of broad national conditions and considerations and after complete research and development of the factual and legal questions involved.

(3) For exemptions under the standard commercial article exemption, see § 1603.845. [RR 354.2]

§ 1603.356 *Subcontracts as to which it is not administratively feasible to determine and segregate profits.* * * *

(b) *Exemption.* For an exemption relating to subcontracts under certain contracts and subcontracts involving electric power, gas, transportation and communications, see § 1603.842. [RR 356.2]

SUBPART F—LIMITATIONS ON COMMENCEMENT AND COMPLETION OF RENEGOTIATION

Section 1603.363 is amended to read as follows:

§ 1603.363 *Completion of renegotiation proceedings.* Renegotiation must be completed by the making of an agreement or the entry of an order within one year following the commencement of the renegotiation proceeding, or the liability of the contractor or subcontractor for the fiscal year involved will be discharged. The one year period of limitation on completion of renegotiation proceedings does not apply, however, to the review by the War Contracts Board of an order made by a Secretary of a Department or any officer or agency to whom his authority in this respect has been redelegated. Also, the one year period may be extended by mutual agreement. A form which may be used for such extension is set out in § 1607.725. The formalities for its execution are similar to the formalities for the execution of a renegotiation agreement (see § 1605.502 (1) including subparagraph (5)). [RR 363]

SUBPART H—COSTS ALLOCABLE AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

Section 1603.381 (d) (4) is added and § 1603.381 (d) (1), 1603.385 (b), 1603.

387 (a) and (b) (3), and 1603.389 (a) are amended to read as follows:

§ 1603.381 *Statutory provisions and general regulations.* * * *

(d) *Profit, cost allocation and allowance; general.*—(1) *Profit.* The term "profits derived from contracts with the Departments and subcontracts" is defined by the act as the excess of the amount received or accrued under contracts and subcontracts over the costs paid or incurred with respect thereto. The term "costs" includes selling, general and administrative expenses. In connection with renegotiation on an over-all fiscal-year basis income received or accrued and items of cost paid or incurred will be considered as having been received or accrued or paid or incurred in the fiscal year to which such items are to be attributed in accordance with the method of accounting employed by the contractor or subcontractor in keeping his books or in accordance with such other method of accounting as the contractor and the Department conducting the renegotiation may agree upon pursuant to the provisions of §§ 1603.301 and 1603.303. The method of accounting employed in determining the net income of the contractor or subcontractor for Federal income tax purposes shall be deemed to be the method of accounting employed by him in keeping his books. When the contractor requests that renegotiation be conducted on a completed contract basis, receipts and accruals and costs paid or incurred will be determined in accordance with the method agreed upon in connection with the granting of such request.

(4) *Conditional allowance of cost.* The estimate of the renegotiating agency as to whether an item is allowable as a deduction or exclusion under Chapters 1 and 2E of the Internal Revenue Code will, with the exception discussed hereafter in this subparagraph, be final for the purposes of renegotiation regardless of the difficulty of making such an estimate. However, in a few special cases it may be impossible for the agency to make any reasonable estimate as to whether or to what extent a particular item is allowable as a deduction or exclusion under the Internal Revenue Code for the fiscal year under renegotiation. In such special cases where the item is substantial in relation to the profits to be eliminated, the renegotiating agency may, subject to the restrictions set forth below, allow the item as a cost in renegotiation on the condition that in the renegotiation agreement the contractor will agree to refund as additional excessive profits, the amount so allowed as a cost of renegotiable business which is finally determined to be not allowable as a deduction or exclusion under the Internal Revenue Code for the fiscal year in which it was so allowed in renegotiation. If such conditional allowance is desirable, the renegotiating agency will observe the following procedure:

(i) The renegotiating agency, prior to making the conditional allowance, shall transmit to the Chairman of the Price Adjustment Board of the Department

concerned, a statement setting forth the approximate amount of excessive profits to be finally eliminated and the amount of the item to be conditionally allowed in determining such excessive profits, a full description of the facts and the reasons why the agency is unable to determine whether the item should be allowed or disallowed as a cost, and a copy of the special clause proposed to be included in the renegotiation agreement.

(ii) The renegotiating agency shall, at the same time, advise the Chairman of the Price Adjustment Board of the Department concerned whether the financial condition of the contractor appears to be such as to justify postponement of final determination of the allowability of the item as a cost.

(iii) The Chairman of the Price Adjustment Board of the Department concerned, in his discretion, may authorize the conditional allowance and the use of a special clause, or may advise the renegotiating agency that the item should be unconditionally allowed or disallowed as a cost in renegotiation, or may instruct the renegotiating agency to treat the item in such other manner as the Chairman, in his discretion, may consider appropriate. Additional provisions may be prescribed for insertion in the renegotiation agreement to assure payment by the contractor of any amounts which may become due in the future by reason of the special clause, if, in the opinion of the Chairman, the financial condition of the contractor is such that the interests of the Government require the same. [RR 381.4]

§ 1603.385 *Losses.* * * *

(b) *War losses.* Section 127 of the Internal Revenue Code provides that the amount of the loss on account of property destroyed or seized on or after December 7, 1941, in the course of military or naval operations by the United States or any other country engaged in the present war may be allowed as a deduction from income in the year in which such destruction or seizure occurs. The fact that the property has been destroyed or seized in the course of the war does not of itself, however, establish that the loss is properly allocable to renegotiable business. Such a loss may be recognized in renegotiation only to the extent it is properly chargeable against renegotiable business. [RR 385.2]

§ 1603.387 *Advertising expenses.*—(a) *Allocation.* Institutional advertising (designed to keep the advertiser's name or the identity of his peacetime products before the public) should ordinarily be allocated between renegotiable (including business done under cost-plus-fixed-fee or other similar contractual arrangements) and non-renegotiable business on a pro rata basis in the amount allowed in accordance with the provision of paragraph (b) hereof. Product advertising (specifically offering individual products for current sale) is ordinarily allocable to non-renegotiable business. However, where a contractor's normal volume of peacetime products has been wholly or partly replaced by war products, an amount of product advertising not inconsistent with the past practice of the

business may be considered as essentially institutional advertising and allocated on the same basis. [RR 387.1]

(b) *Allowance.* * * *

(3) In considering advertising expenditures in connection with the determination of the "reasonableness of costs" of the contractor's business, the relationship between advertising costs and sales in present and past periods should be considered and a determination made as to whether or not the total advertising costs are reasonable and proper under the circumstances. [RR 387.2]

§ 1603.389 *State income taxes*—(a) *In general.* Under subsection (a) (4) (B) of the 1943 act, taxes measured by income cannot be allowed as items of cost for purposes of renegotiation. However, this subsection provides specifically that in determining the amount of excessive profits to be eliminated, proper adjustment shall be made on account of the taxes measured by income (other than Federal taxes) so excluded, which are attributable to non-excessive renegotiable profits. The amount of any such adjustment will in no case exceed that part of such taxes actually payable which is payable because of the inclusion in income of the non-excessive renegotiable profits. The term "taxes measured by income" is interpreted to mean taxes which vary in accordance with the amount of net income of the taxpayer. Such term does not include taxes imposed upon or measured by gross income, gross receipts or sales. Such taxes measured by net income are herein referred to generally as "state income taxes" although actually they may not be designated as "income taxes" in the legislation imposing such taxes, and although they may be imposed by political subdivisions other than a state. [RR 389.1]

PART 1604—DETERMINATION AND ELIMINATION OF EXCESSIVE PROFITS¹

SUBPART A—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Section 1604.403 (e) (3) is added and §§ 1604.406, 1604.412 (b), and the heading of § 1604.403 (e) are amended to read as follows:

§ 1603.403 *Specific considerations.* * * *

(e) *Significance of settlements, or profits or losses of other years.* * * *

(3) In the case of renegotiation conducted on a fiscal year basis, the contractor's profits or losses on renegotiable sales in a year prior or subsequent to the year subject to renegotiation shall not be used as an off-set or adjustment in the determination of excessive profits for the year which is the subject of renegotiation. (See § 1603.385 (c).) [RR 403.5]

§ 1604.406 *Minimum refund.* No refund of excessive profits should, in the absence of unusual circumstances, be required in an amount less than \$10,000 before credit for the adjustment for state income taxes (see § 1603.389). The provisions of this section shall not apply, however, to subcontracts under subsec-

tion (a) (5) (B) of the 1943 act or to cases where the provisions of § 1603.348 (c) operate to limit the amount of the refund. [RR 406]

§ 1604.412 *Capital employed.* * * *

(b) *Comment.* Consideration is to be given to the amount and source of capital employed. This should include establishing and considering the proportion of plant or equipment or materials supplied by Government agencies or other contractors; the amount of production from plant and equipment furnished by the Government or others; the amount and proportion of investment covered by certificates of necessity; the amount of private capital at the beginning of the year; the extent and source of additional investment during the year in fixed assets; and loans, advances or Government guarantees. The relationship of the profit before taxes realized before and after renegotiation from the use of capital employed in renegotiable business to the value thereof at the beginning of the year should be used as a check to determine the return being realized on such investment. A contractor using his own capital is generally entitled to more favorable consideration than a contractor largely dependent upon Government financing or Government furnished facilities. Where a large part of the capital or facilities is supplied by the Government, the contractor's contribution tends to become one of the management only and the profit margin should be considered accordingly. [RR 412.2]

SUBPART B—RECOVERY OF EXCESSIVE PROFITS ALREADY REALIZED

Section 1604.423 (d) is added and paragraphs (a) and (g) of § 1604.422 are amended to read as follows:

§ 1604.422 *Recovery by voluntary repayment*—(a) *In general.* In renegotiation with respect to a completed fiscal period, the elimination of excessive profits will ordinarily be effected pursuant to an agreement providing for a refund. This refund may be made by the contractor in a single payment or in installments as the agreement may provide (see §§ 1603.323 and 1605.502 (e)). [RR 422.1]

(g) *Authority to enforce payment.* The authority to enforce payment is dealt with in §§ 1604.421, 1606.626 (a) and 1608.821 (a). (See also §§ 1604.423 and 1605.502 (e) (4).) [RR 422.7]

§ 1604.423 *Withholding as a method of recovery.* * * *

(d) A form which may be used to direct a contractor to withhold and a form which may be used to direct a contractor to pay over amounts withheld are found in §§ 1607.748 (a) and (b). [RR 423]

SUBPART D—RENEGOTIATION AND TAXES

Section 1604.440 is amended to read as follows:

§ 1604.440 *Scope of subpart.* This subpart deals with the effect of renegotiation upon a contractor's Federal income and excess profits taxes. With reference to adjustment for state taxes see § 1603.389. [RR 440]

PART 1605—AGREEMENTS AND STATEMENTS¹

SUBPART A—AGREEMENTS AND CLEARANCES

Sections 1605.506 (d) and (e), and 1605.508 (b) (3) are added, § 1605.506 (d) is redesignated (f) [RR 506.5], and §§ 1605.502 (e), 1605.506 (b), 1605.507 (c) and 1605.508 (c) are amended to read as follows:

§ 1605.502 *Standard form of agreement.* * * *

(e) *Article 4: Terms of payment.* (1) The schedule of the payments to be made will be set forth in Article 4. A suggested form of such schedule is set forth in § 1607.741 (b) (5) of these regulations. The Department or Service which has conducted the renegotiation will also provide, in this article, for the place of payment. In the event that the profits agreed in Article 1 to be eliminated are derived in part from prime contracts with Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company or any of such corporations, the payment provision, in accordance with the footnote to Article 4 on the standard form will require payment of the amount thereof to the RFC Price Adjustment Board.

(2) For the purpose of determining the portion of the profits which are to be eliminated which were derived from such prime contracts, the Department conducting renegotiation will segregate the amounts received or accrued under such contracts from amounts received or accrued under other renegotiable contracts and subcontracts involved in the renegotiation of a particular contractor. It will also generally segregate the profits derived from such prime contracts. Where, however, it is indicated that the margin of profit attributable to contracts with the RFC subsidiaries is substantially the same as that attributable to other contracts and subcontracts involved in the renegotiation, a fair allocation of the profits to be eliminated may be effected by prorating the amount of the refund on the basis of the amount of renegotiable business attributable to contracts with the RFC subsidiaries and the amount of such business attributable to other contracts and subcontracts. Accordingly, the Department conducting renegotiation may determine the amount of the renegotiation refund to be paid to the RFC Price Adjustment Board on such basis where it is believed that the application of the same will result in a fair and reasonably accurate result.

(3) Responsibility for the collection of, and for the maintenance of records concerning, any amounts due the RFC Price Adjustment Board under renegotiation agreements, shall rest with the RFC Price Adjustment Board, and any such agreements providing for refunds to the RFC under the 1943 act shall be referred to the RFC Price Adjustment Board for the collection of that portion of the refund payable to that Board. The Department conducting the renegotiation will retain responsibility for the collection of only that portion of the refund which is payable into the Treasury

¹ 9 F.R. 6175.

¹ 9 F.R. 6181.

of the United States. In such cases, an authenticated copy of the renegotiation agreement shall be forwarded to the RFC Price Adjustment Board, through the Assignments and Statistics Branch, Renegotiation Division, ASF. The Assignments and Statistics Branch should be promptly notified of any default in the collection of any installment due under such agreements and the enforcement of the obligations under the agreement properly coordinated under the supervision of the War Contracts Price Adjustment Board.

(4) In the case of suit for the collection of any amounts due under any renegotiation agreements in which the RFC is entitled to a portion of the refund, under ordinary circumstances the Assignments and Statistics Branch should assign such case for collection to the Department then having the predominant interest in the balance of the refund.

(5) If a portion of the refund is to be made to the RFC Price Adjustment Board, any such tax credit should be apportioned ratably between the portion of the refund payable to the RFC Price Adjustment Board and the portion payable to the Treasurer of the United States.

(6) Specially detailed terms for elimination of excessive profits may be set forth on an Exhibit C and incorporated by reference in Article 4 (see § 1605.505). If no subsidiaries are involved and there is, therefore, no Exhibit B referring to such subsidiaries, this exhibit setting forth the terms of payment should, of course, be designated "Exhibit B," instead of "Exhibit C."

(7) Limitations upon the period of time beyond which the schedule of payments must not extend are set forth in § 1604.422 of these regulations. [RR 502.5]

§ 1605.506 Additional provisions; variations. * * *

(b) *Forward pricing clause.* The Renegotiation Act of 1943 specifically authorizes provision in the renegotiation agreement, by agreement with the contractor, for the elimination of excessive profits likely to be received or accrued in the future. When agreement cannot be reached upon specific price reductions, use may be made in the renegotiation contract of the article set forth at § 1607.741 (b) (1). In this connection reference is made to § 1604.430 and following. If specific price reductions are agreed upon, the agreement should clearly identify the contracts affected by such price reductions in order that the Department administering the agreement can determine whether the contractor has complied therewith. [RR 506.2]

(d) *Clause to be used in certain cases where renegotiation is conducted on completed contract basis.* Whenever renegotiation is conducted on a completed contract basis pursuant to the request of a contractor in the form thereof which is set forth in § 1607.723, the clause set forth in § 1607.741 (b) (6) must be included in the renegotiation agreement. In each such case, a copy of such form

executed by the contractor requesting renegotiation on a completed contract basis (§ 1607.723) must be attached to the renegotiation agreement as an exhibit as provided in the clause set forth in § 1607.741 (b) (6). [RR 506.4]

(e) *Clause covering conditional allowance of cost.* If pursuant to the procedure set forth in § 1603.331 (d) (4) of these Regulations, an item of cost is allowed conditionally pending final determination of its allowability as a deduction or exclusion under Chapters 1 and 2E of the Internal Revenue Code, an appropriate clause will be inserted in the renegotiation agreement. The form of the clause may vary, but essentially it will consist of an agreement by the contractor to repay, as additional excessive profits, the amount of the item allowed as a cost in renegotiation which is finally determined to be not allowable as a deduction or exclusion under Chapters 1 and 2E of the Internal Revenue Code. As pointed out in § 1603.331 (d) (4), the clause must be approved by the chairman of the Price Adjustment Board of the Department concerned before it can be used in the renegotiation agreement. [RR 506.5]

§ 1605.507 Prohibited provisions. * * *

(c) *Periodic refunds of future excessive profits.* As part of the general policy of discouraging excessive prices and of encouraging price reductions, final agreements in renegotiation should not contain provisions for any periodic or other refunds by contractors of excessive profits realized after the date of such agreements. However, it is appropriate for such agreements to contain provisions for future price reductions or stated discounts from an agreed upon price. [RR 507.3]

§ 1605.508 Clearances. * * *

(b) Use and form of clearance notice. * * *

(3) Whenever renegotiation is conducted on a completed contract basis pursuant to the request of the contractor made in the form thereof which is set forth in § 1607.723, the clearance notice will not be used. In such cases where it is determined that no excessive profits have been received or accrued, a clearance agreement (§ 1605.508 (c)) will be used. [RR 508.2]

(c) *Use and form of clearance agreement.* Upon request of the contractor, a clearance agreement executed by the contractor and the Government may be used in place of the clearance notice. Such agreement should follow the general structure of the standard form of renegotiation agreement (see §§ 1605.506 and 1607.741 (a)) except that Articles 3, 4, 5 and 9 of the standard agreement should be omitted. The articles used should be renumbered consecutively. The first article should be substantially the same as that contained in the standard form, except that the finding and agreement should be that no profits should be refunded pursuant to the act. Whenever renegotiation is conducted upon a completed contract basis pursuant to the request of the contractor in the form there-

for which is set forth in § 1607.723, the alternative clause set forth in § 1607.741 (b) (6) will be included in the clearance agreement. [RR 508.3]

PART 1606—IMPASSE PROCEDURE¹

SUBPART B—FAILURE TO AGREE

Sections 1606.623, 1606.625 (b) and (c), and 1606.626 (a) are amended to read as follows:

§ 1606.623 *Authority of departments to make unilateral determinations.* The War Contracts Board has delegated to each Secretary the authority to issue and enter an order determining the amount of the excessive profits of a contractor who has not entered into an agreement to eliminate the same. (See § 1608.821 (a).) Successive redelegations of such authority are authorized and have been made. Any such order entered pursuant to such delegated authority is, however, subject to review by the War Contracts Board. Upon the entry of such an order notice will be given forthwith by registered mail to the contractor and a copy of such order and notice shall be sent to the Secretary of the War Contracts Board at the address specified in § 1607.791 (f). Such order will become final (that is, be deemed the determination of the War Contracts Board) when and as prescribed in subsection d (5) of the 1943 act. (See §§ 1606.621 and 1606.625.) Forms which may be used with reference to such unilateral determinations under delegated authority are set out in § 1607.746, namely: order under delegated authority determining excessive profits (see § 1607.746 (a)), notice thereof (see § 1607.746 (b)), and notice of such order having become the determination of the War Contracts Price Adjustment Board (see § 1607.746 (c)). [RR 623]

§ 1606.625 Finality of orders determining excessive profits. * * *

(b) *Orders entered by the War Contracts Board.* Upon any review by the War Contracts Board whether pursuant to request by the contractor or initiated by the Board on its own motion, the Board will enter an order determining as the amount of excessive profits an amount either less than, equal to, or greater than that determined by the order which has been reviewed. Such order of the War Contracts Board is final immediately upon its entry. A form which may be used for such order is set out in § 1607.741 (a). [RR 625.2]

(c) *Notice of final order to be given to the contractor.* When an order determining excessive profits made by delegated authority has become final or an order is entered by the War Contracts Board determining excessive profits (which, as stated in § 1606.625 (b), is final upon entry), notice thereof will be given forthwith by registered mail to the contractor. Forms which may be used with reference to such notices are set out in §§ 1607.746 (c) and 1607.747 (b). [RR 625.3]

¹ 9 F.R. 6184.

§ 1606.626 *Elimination of excessive profits determined by order*—(a) *Authorization to Secretaries to eliminate excessive profits.* (1) All of the powers, functions and duties conferred upon the War Contracts Board by subsection (c) (2) of the 1943 Act have been delegated by the Board under the date of February 26, 1944 to each Secretary with right of successive redelegation (see §§ 1608.801 and 1608.821 (a)). Among the methods available to each Secretary to eliminate excessive profits are reductions in amounts otherwise payable to the contractor under contracts with the Departments, withholding of amounts otherwise due the contractor, directing a contractor to withhold amounts otherwise due to a subcontractor, recovering through repayment, credit or suit, or any combination of the methods specified in such subsection as is deemed desirable.

(2) The power of each of the Secretaries to eliminate excessive profits by any of the methods or any combination of the methods referred to in subsection (c) (2) of the 1943 act, including clauses (A), (B), (C), (D) and (E) thereof, may be exercised by each Secretary in his discretion (or by such person or persons as may have authorization to act by delegation, subdelegation or otherwise) immediately upon the making of an agreement by or on behalf of the War Contracts Board, or the entry of an order which is, or which is deemed to be the determination of the War Contracts Board, or the entry of an order under subsection (e) by The Tax Court of the United States. Such power may be so exercised without further action by the War Contracts Board.

(3) The delegation dated February 26, 1944 by the War Contracts Board delegated all the authority referred to in this paragraph. (See § 1608.821 (a)).

(4) A form which may be used to direct a contractor to withhold and a form which may be used to direct a contractor to pay over amounts withheld are found in §§ 1607.748 (a) and (b). See also §§ 1604.423 and 1605.502 (e) (4). [RR 626.1]

PART 1607—FORMS FOR RENEGOTIATION¹

SUBPART A—FORMS RELATING TO IDENTIFICATION, ASSIGNMENT AND CANCELLATION OF CASES

Section 1607.702 (c) and (d) is added, and § 1607.704 (a) is amended to read as follows:

§ 1607.702 *Letters of preliminary inquiry.* * * *

(c) *Inquiry concerning non-filing of mandatory financial statement.*

WAR CONTRACTS PRICE ADJUSTMENT BOARD

3D 573—The Pentagon

Washington 25, D. C.

GENTLEMEN: Subsection (c) (5) (A) of the Renegotiation Act of 1943 requires con-

cerns which are subject to that Act to file financial statements in accordance with the regulations prescribed by the War Contracts Price Adjustment Board. A penalty is prescribed for non-compliance. Copies of the Act and pertinent Regulations are enclosed herewith as well as the required form of Report.

The records of this office do not indicate that you have filed such a financial statement. Although without authority to waive or extend the requirements of the Act with respect to time of filing, we bring this matter to your attention with the suggestion that, if your business exceeded the statutory minimum as defined in subsection (c) (6) of the Act, you should file the required financial statement with the least possible delay.

Clearance and Assignment Officer on behalf of—

WAR CONTRACTS PRICE ADJUSTMENT BOARD.

Enclosures:

Standard Form of Contractor's Report Pamphlet entitled "Renegotiation" Excerpts from Renegotiation Regulations pertaining to filing of Mandatory Financial Statements

[RR 702.3]

(d) *Follow-up to letter of preliminary inquiry from Assignments and Statistics Branch.*

In reply refer to:

LPI No.-----

WAR CONTRACTS PRICE ADJUSTMENT BOARD

3D 573—The Pentagon

Washington 25, D. C.

GENTLEMEN: We attach a copy of a communication sent to you under date of ----- by which we requested that you file with this office the "Standard Form of Contractor's Report" which was enclosed therewith. We have no record of your having filed such a Report nor of the receipt of a statement from you that the Renegotiation Act of 1943 is not applicable in your case.

Your attention is called to the fact that by the provisions of subsection (c) (5) (A) of the Act, the "Standard Form of Contractor's Report" is required to be filed by all concerns subject to that Act. A penalty is prescribed for non-compliance.

Although without authority to waive or extend the requirements of the Act with respect to the time for filing of Reports, we suggest that, if your business exceeded the statutory minimum as defined in subsection (c) (6) of the Act, you should file the Report with the least possible delay.

On the other hand, if your business did not exceed the statutory minimum as defined in subsection (c) (6) of the Act, you are not required to file the "Standard Form of Contractor's Report" to which we refer. In that event, it would be helpful for the maintenance of our records if you would file, in duplicate, the enclosed form entitled "Statement by Contractor, Non-Applicability of the Renegotiation Act of 1943".

Clearance and Assignment Officer on behalf of—

WAR CONTRACTS PRICE ADJUSTMENT BOARD.

Enclosures:

(Budget Bureau No. 49-R182) (LPI Letter) Standard Form of Contractor's Report Pamphlet entitled "Renegotiation" Excerpts from Renegotiation Regulations pertaining to filing of Mandatory Financial Statements

Statement by Contractor, Non-Applicability of the Renegotiation Act of 1943

[RR 702.4]

§ 1607.704 *Forms for cancellation of assignment*—(a) *Statement by contractor of non-applicability.*

STATEMENT BY CONTRACTOR

NON-APPLICABILITY OF THE RENEGOTIATION ACT OF 1943

To the War Contracts Price Adjustment Board:

We acknowledge receipt of a copy of the pamphlet entitled "Renegotiation" containing the text of the Renegotiation Act of 1943 and have noted particularly the provisions of subsections (a) (5), (c) (5) (A) and (c) (6) of that Act.

We certify that the aggregate receipts or accruals of the undersigned and of all persons, firms or corporations under the control of or controlling or under common control with the undersigned under contracts with the War Department, Navy Department, Treasury Department, Maritime Commission, War Shipping Administration, Defense Plant Corporation, Defense Supplies Corporation, Metals Reserve Company and Rubber Reserve Company and under subcontracts as defined in the Act, including those which are exempted under subsection (1) of the Act or which expressly provide that they are not subject to renegotiation pursuant to the authority granted by said subsection (1) (but not including commissions and other income within the meaning of subsection (a) (5) (B) of the Act), did not exceed \$500,000 for the fiscal year ended ----- 194-; and we further certify that commissions and other income within the meaning of subsection (a) (5) (B) of the Renegotiation Act of 1943 received or accrued by the undersigned and by all persons, firms or corporations under the control of or controlling or under common control with the undersigned under contracts and subcontracts above referred to did not exceed \$25,000 for the same fiscal year.

In making this certification recognition is given to the fact that in order to qualify for exemption it is necessary that both of the above conditions should be met; i. e., that the total of receipts and accruals under contracts with the above-named departments or agencies or subcontracts as defined in the Act (excluding commissions and other income below mentioned) does not exceed \$500,000 and that the total of commissions and other income within the meaning of subsection (a) (5) (B) of the Act does not exceed \$25,000. Accordingly, we do not intend to file a financial statement in conformity with the provisions of the first sentence of subsection (c) (5) (A) of the Act. If we have been assigned for statutory renegotiation, we request that such assignment be cancelled.

Very truly yours,

Name of Contractor

By
(Principal officer, partner or proprietor)

Title of officer

Address of Contractor

Dated ----- 194-.

In preparing this form, there will be printed on reverse side, subsections (c) (5) (A), (c) (6) and (a) (5) of the 1943 Act.

[RR 704.1]

SUBPART B—FORMS RELATING TO OPERATION OF RENEGOTIATION

Sections 1607.723 and 1607.725 are added as set forth below:

§ 1607.723 *Contractor's request for renegotiation on completed contract basis.*

¹ 9 F.R. 4143, 6188, 7021.

² The reporting requirements in this part have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

To: _____
(Insert name of Price Adjustment Board or Section.)

1. _____
(Insert correct legal name of contractor and indicate whether an individual, partnership, joint venture or corporation.)
(hereinafter referred to as "the contractor") represents as follows:

(a) that the contractor has a fiscal year ended _____ (hereinafter referred to as "said fiscal year");

(b) that all of the contractor's construction contracts and subcontracts which have been completed within said fiscal year are as follows:

Description and date	Amount
2. Pursuant to subsection (c) (1) of the Renegotiation Act, the contractor hereby requests that all of the construction contracts and subcontracts described in paragraph 1 (b) above be renegotiated as a group and that the powers of the War Contracts Price Adjustment Board be exercised with respect to such group.	

3. If the foregoing request is approved, the contractor hereby agrees to the following terms and conditions:

(a) The Renegotiation Act, and all regulations and interpretations made thereunder, other than those dealing with the allowance of tax credits, will be applied in all respects to the construction contracts and subcontracts described in paragraph 1 (b) above and in determining profits derived therefrom, as though the contractor had kept (its) (his) books and had filed (its) (his) Federal income tax returns with respect to such contracts and subcontracts on a completed contract basis, including the application of the \$500,000 exemption set forth in subsection (c) (6) of the Renegotiation Act and the application of the \$500,000 "floor" as interpreted in paragraph 348.3 of the Renegotiation Regulations.

(b) With respect to any subsequent fiscal year, all of the contractor's construction contracts and subcontracts completed within such fiscal year, which are by law subject to renegotiation, may at the option of the renegotiating agency be renegotiated as a group and the powers of the War Contracts Price Adjustment Board may at such option be exercised with respect to such group, and in any such renegotiation, the principles set forth in subparagraph 3 (a) above will be applied.

4. The undersigned agrees that this request, after having been delivered to the renegotiating agency, cannot be withdrawn without the written consent of the renegotiating agency.

In witness whereof, the undersigned has executed this request as of the _____ day of _____ 194__.

By _____
(Title of Officer)

Attest: _____
(Secretary)
(To be used if executed by a corporation.)

Approved: _____
(Insert name and official title of person executing the approval in behalf of the government.)

NOTE: If the contractor is a corporation, the request will be accompanied by a certified copy of the resolution of the Board of Directors authorizing the request and the agreements therein contained. If a partnership or joint venture the request will be executed by all members of the partnership or joint venture.

[RR 723]

§ 1607.725 Agreement extending time for completion of renegotiation.

It is hereby stipulated and agreed by and between the United States of America and _____
with principal business office at _____
(hereinafter referred to as the "Contractor"), as follows:

(1) Renegotiation pursuant to the Renegotiation Act between the War Contracts Price Adjustment Board or its duly authorized representative and the Contractor with respect to amounts received or accrued by the Contractor for the Contractor's fiscal year ended _____ was commenced _____ 194__.

(2) In accordance with the provisions of clause (B) of the second sentence of subsection (c) (3) of the Renegotiation Act, the time within which a determination of the amount of excessive profits, if any, derived by the Contractor from contracts with the Departments and subcontracts for the Contractor's fiscal year ended _____ may be made by agreement or order is hereby extended to and including _____ 194__.

(Name of Contractor)
By _____
(Title)

If a corporation add _____
(Corporate Seal)

Attest: _____
(Secretary)

By _____
Acting on behalf of the War Contracts Price Adjustment Board created by the Renegotiation Act, under due delegations of authority made pursuant to subsection (d) (4) of the Renegotiation Act.

[RR 725]

SUBPART D—FORMS RELATING TO AGREEMENTS AND UNILATERAL DETERMINATIONS

1. Section 1607.741 (a) is amended by the modification of Article 4 as set forth below.

§ 1607.741 Agreement forms—(a) Standard form of agreement. * * *

4. Terms of payment. The Contractor agrees to pay to the Government the sum of _____ Dollars (\$_____), being the amount determined in Article 1 hereof to be eliminated, as follows:

Payment shall be made by check to the order of the Treasurer of the United States and forwarded _____.

** All unpaid installments hereunder may, at the option of the Government be declared and thereupon shall become immediately due and payable, in the event of a default continuing for twenty days in the payment of any amount required to be paid under this agreement. Interest at the rate provided by law in the District of Columbia as the rate which is applicable in the absence of express contract as to the rate of interest, shall accrue and shall be payable upon each payment due _____.

** If any part of the profits to be eliminated were derived from prime contracts with Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation or Rubber Reserve Company, insert here: "to the extent of \$_____ and by check to the order of and delivered to the RFC Price Adjustment Board, 811 Vermont Avenue, Washington 25, D. C., to the extent of \$_____."

under this agreement from and after the due date thereof, whether original or accelerated.

2. Section 1607.741 (b) (1) is amended to read as follows:

(b) Variations in the standard form—
(1) Forward pricing. When agreement cannot be reached upon specific price reductions, use may be made of the following clause:

The Contractor agrees that so long as it shall have contracts and subcontracts which are by law subject to renegotiation, it will from time to time adjust its prices under such contracts and subcontracts to eliminate the accumulation of profits thereunder regarded by the Contractor as excessive. Within twenty days after the close of that quarter of the Contractor's current fiscal year in which the Contractor has received a fully executed counterpart of this agreement, the Contractor agrees to file with _____

a report setting forth the price reductions, if any, made during all then expired quarters of such current fiscal year applicable to its contracts and subcontracts subject to renegotiation. The Contractor further agrees to file a similar report within twenty days following each subsequent quarter of its current fiscal year setting forth its price reductions, if any, made during such quarter. Each such report may be in such general terms or in such detail as the Contractor deems necessary to an intelligent appraisal thereof, but shall set forth, if feasible, the unit prices before and after each such reduction, and shall set forth an estimate of the aggregate reduction effected thereby for such fiscal year under contracts and subcontracts subject to renegotiation; and shall include, if available, a summary profit and loss statement for the period covered by the report. It is understood and agreed that price reductions will be taken into consideration in any renegotiation which may hereafter be conducted with the Contractor with respect to its current fiscal year, but that, with respect to periods subsequent to the date of this agreement, the obligations of the Contractor under this article will not be deemed to be satisfied by refunds or retroactive price reductions.

Failure on the part of the Contractor to comply fully with this article shall not constitute grounds for reopening this agreement or for setting aside the discharge provided for in Article 8 hereof.

3. Section 1607.741 (b) (5) is amended to read as follows, and § 1607.741 (b) (6) is added as set forth below.

(5) Variations in Article 4 of the standard form. (i) If the profits to be eliminated are to be paid in installments, and the amount of the tax credit has not been ascertained, Article 4 may be drafted to read as follows:

4. Terms of Payments. The Contractor agrees to pay to the Government the amount agreed in Article 1 hereof to be eliminated, less the tax credit, if any, applicable thereto pursuant to Article 3, as follows:

(a) \$_____, less the pro rata portion of the tax credit applicable thereto, within ten days after the Contractor shall have received a fully executed counterpart of this agreement or written notice of the amount of the tax credit, whichever is later; and

(b) \$_____, less the pro rata portion of the tax credit applicable thereto, on or before _____ or the due date of the

first scheduled payment, whichever shall be later.

Payment shall be made by check to the order of the Treasurer of the United States and forwarded _____.

All unpaid installments hereunder may at the option of the Government be declared and thereupon shall become, immediately due and payable, in the event of a default continuing for twenty days in the payment of any amount required to be paid under this agreement. Interest at the rate provided by law in the District of Columbia as the rate which is applicable in the absence of express contract as to the rate of interest, shall accrue and shall be payable upon each payment, due under this agreement from and after the due date thereof, whether original or accelerated.

(ii) If the amount of the tax credit has been ascertained before the agreement is drawn, Article 4 may be drafted to read as follows:

4. Terms of Payment. The Contractor agrees to pay to the Government the sum of _____ (\$_____), being the difference between the amount agreed in Article 1 hereof to be eliminated and the amount of the tax credit referred to in Article 3 which has been determined to be applicable thereto, as follows:

\$_____ within ten days after the Contractor shall have received a fully executed counterpart of this agreement, and

\$_____ on or before _____; and

\$_____ on or before _____.

Payment shall be made by check to the order of the Treasurer of the United States and forwarded _____.

All unpaid installments hereunder may at the option of the Government be declared and thereupon shall become, immediately due and payable, in the event of a default continuing for twenty days in the payment of any amount required to be paid under this agreement. Interest at the rate provided by law in the District of Columbia as the rate which is applicable in the absence of express contract as to the rate of interest, shall accrue and shall be payable upon each payment, due under this agreement from and after the due date thereof, whether original or accelerated.

(6) Clause to be used in connection with renegotiation on a completed contract basis in certain cases. Whenever renegotiation is conducted on a completed contract basis pursuant to the request of the contractor in the form thereof which is set forth in § 1607.723, the following clause will be inserted in the renegotiation agreement:

Renegotiation of Construction Contracts and Subcontracts on Completed Contract Basis. At the request of the contractor and with the consent of the renegotiating agency, the renegotiation concluded by this agreement was conducted on a completed contract basis with respect to the construction contracts and subcontracts of the contractor completed within said fiscal year. A copy of

*If any part of the profits to be eliminated were derived from prime contracts with Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation or Rubber Reserve Company, appropriate provision should be made so that the portion of the profits eliminated allocable to such prime contracts is paid by check payable and delivered to the RFC Price Adjustment Board, 811 Vermont Avenue, Washington 25, D. C.

said request dated _____ is attached hereto as Exhibit _____, incorporated herein by reference as though set forth herein, and the contractor hereby agrees to be bound by all of the undertakings and conditions set forth in said request.

[RR 741.2]

4. Section 1607.742 is amended by the addition of a note at the end of the form, as follows.

§ 1607.742 Clearance Notice. * * *

NOTE: If subsidiaries of the contractor with like fiscal years are to be included in the clearance notice, add the following sentence:

"This instrument also applies to the _____ subsidiaries of Contractor listed (Insert number)

on the reverse hereof, as if each were named as Contractor in a separate instrument of like tenor."

Then list the names of the subsidiaries on the reverse side of the clearance notice. If space permits, it is preferable to list them in the inserted paragraph on the face and vary the insertion appropriately. Should corporations with like fiscal years which are affiliated with the Contractor be included in the clearance notice, the suggested insertion should be varied accordingly.

[RR 742]

5. Sections 1607.746 to 1607.748, inclusive, are added as set forth below.

§ 1607.746 Unilateral determination; delegated authority—(a) Order under delegated authority determining excessive profits.

ORDER UNDER DELEGATED AUTHORITY DETERMINING EXCESSIVE PROFITS

Pursuant to authority duly delegated by the War Contracts Price Adjustment Board, a renegotiation proceeding was duly commenced with _____ (hereinafter called the "Contractor") with respect to the aggregate of the amounts received or accrued by the Contractor under contracts with the Departments and subcontracts as defined in the Renegotiation Act (such contracts and subcontracts being hereinafter collectively referred to as "said contracts with the Departments and subcontracts") for the Contractor's fiscal year ended _____ (hereinafter called "said fiscal year").

In connection with such renegotiation proceeding, a conference was held with the Contractor at or in connection with which there were submitted by the Contractor and obtained from governmental or other reliable sources, certain financial, operating and other data relating to the Contractor's business and the Contractor's profits derived from said contracts with the Departments and subcontracts during said fiscal year. At and in connection with such conference the Contractor has been afforded full opportunity to submit such additional information and to present such contentions as the Contractor deemed material to a determination of excessive profits within the meaning of the Renegotiation Act.

In determining the excessive profits hereinafter determined, due consideration has been given to all such financial, operating and other data and information so furnished or obtained, to each of the contentions so presented, and to all of the factors referred to in subsection (a) (4) (A) of the Renegotiation Act.

As a result of such renegotiation it is hereby determined that _____ Dollars (\$_____) represents the portion of the Contractor's profits derived from said contracts with the Departments and subcon-

tracts for said fiscal year, which is excessive within the meaning of the Renegotiation Act. After proper adjustment on account of taxes, other than Federal taxes, measured by income which are attributable to that portion of the Contractor's profits derived from said contracts with the Departments and subcontracts for said fiscal year which is not excessive, it is hereby determined that the amount of excessive profits of the Contractor which should be eliminated is _____ Dollars (\$_____).

This order will be deemed the determination of the War Contracts Price Adjustment Board upon the conditions prescribed in subsection (d) (5) of the Renegotiation Act. If, and as soon as, this order shall be deemed the determination of the War Contracts Price Adjustment Board, pursuant to subsection (d) (5) of the Renegotiation Act, then _____ (or such official or (Secretary of a Department) officials in such Department to whom the power, function and duty of exercising such authority and carrying out such direction may be or have been delegated or successively redelegated) is hereby authorized and directed to take such action (including the authorization and direction of any other Secretary or Secretaries to take such action) as is provided by the Renegotiation Act and as he deems appropriate to eliminate such excessive profits to be eliminated.

In connection with the payment or discharge by any means of such excessive profits to be eliminated, the Renegotiation Act provides that the Contractor shall be allowed the applicable credit, if any, for Federal income and excess profits taxes as provided in Section 3806 of the Internal Revenue Code.

Dated _____
Issued and Entered on _____ 194__

Title

Acting on behalf of the War Contracts Price Adjustment Board created by the Renegotiation Act, under due delegations of authority made pursuant to subsection (d) (4) of the Renegotiation Act.

[RR 746.1]

(b) Notice of order under delegated authority determining excessive profits.

NOTICE OF ORDER UNDER DELEGATED AUTHORITY DETERMINING EXCESSIVE PROFITS

_____ 194__

GENTLEMEN:

You are hereby notified by registered mail that pursuant to renegotiation under the Renegotiation Act, and in accordance with authority delegated by the War Contracts Price Adjustment Board, _____ acting in its behalf, issued and entered an order on _____ 1944, determining that of your profits derived from contracts with the Departments and subcontracts for your fiscal year ended _____ Dollars (\$_____) represents excessive profits which should be eliminated. A copy of such order is enclosed herewith.

As provided in the Renegotiation Act such order may, in the discretion of the War Contracts Price Adjustment Board, be reviewed by such Board upon your request or upon its own motion, but unless such review shall have been initiated within the time prescribed by the Renegotiation Act, such order shall be deemed the determination of the War Contracts Price Adjustment Board.

Yours very truly,

Title

Acting on behalf of the War Contracts Price Adjustment Board created by the Renegotiation Act, under due delegations of authority made pursuant to subsection (d) (4) of the Renegotiation Act.

[RR 746.2]

(c) Notice of order having become the determination of the War Contracts Price Adjustment Board.

NOTICE OF ORDER HAVING BECOME THE DETERMINATION OF THE WAR CONTRACTS PRICE ADJUSTMENT BOARD

194. GENTLEMEN: You are hereby notified that no review having been initiated by the War Contracts Price Adjustment Board, either on your request or on its own motion, of the order dated, issued and entered on

194., pursuant to renegotiation under the Renegotiation Act, by acting on behalf of the War Contracts Price Adjustment Board in accordance with authority delegated by it, determining that of your profits derived from contracts with the Departments and subcontracts for your fiscal year ended

Dollars (\$.....) represents excessive profits which should be eliminated, such order is deemed the determination of the War Contracts Price Adjustment Board.

A copy of such order is enclosed herewith.

This notice is being mailed to you by registered mail on

The payment date for discharge of your obligation under such order is (Here insert date approximately 15 days from the date such order is deemed the determination of the War Contracts Price Adjustment Board.) Unless payment is made on or before such payment date, interest shall be paid at the rate of 6% per annum from such payment date.

Demand is hereby made that you repay, on or before such payment date, such excessive profits to be eliminated less the tax credit, if any, referred to in such order. Any check should be drawn to the order of the Treasurer of the United States and delivered to

Yours very truly,

WAR CONTRACTS PRICE ADJUSTMENT BOARD,

By

Title

Acting on behalf of the

(Secretary of a Department)

[RR 746.3]

§ 1607.747 Action by the War Contracts Price Adjustment Board after review—(a) Order.

ORDER BY THE WAR CONTRACTS PRICE ADJUSTMENT BOARD AFTER REVIEW

194. Upon review of an order issued and entered 194., by acting on behalf of the War Contracts Price Adjustment Board in accordance with authority delegated by it, determining Dollars (\$.....) as the amount of excessive profits which should be eliminated, derived by (hereinafter called the

* If any part of the profits to be eliminated were derived from prime contracts with Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation or Rubber Reserve Company, appropriate provision should be made so that the portion of the profits eliminated allocable to such prime contracts is paid by check payable and delivered to the RFC Price Adjustment Board, 811 Vermont Avenue, Washington 25, D. C.

† Insert address within Department to which the Contractor is assigned for renegotiation.

** Countersignature on behalf of the Secretary of a Department to which the Contractor is assigned for renegotiation.

"Contractor") from contracts with the Departments and subcontracts as defined in the Renegotiation Act, for the Contractor's fiscal year ended and after taking into consideration all of the factors referred to in subsection (a) (4) (A) of the Renegotiation Act, the War Contracts Price Adjustment Board has determined that Dollars (\$.....) represents the portion of the Contractor's profits derived from said contracts with the Departments and subcontracts for the Contractor's fiscal year ended which is excessive within the meaning of the Renegotiation Act. After proper adjustment on account of taxes, other than Federal taxes, measured by income which are attributable to that portion of the profits of the Contractor derived from said contracts with the Departments and subcontracts for said fiscal year which is not excessive, the War Contracts Price Adjustment Board hereby determines that the amount of excessive profits of the Contractor for said fiscal year which should be eliminated is Dollars (\$.....).

This order constitutes a determination by the War Contracts Price Adjustment Board upon review as provided by subsection (d) (5) of the Renegotiation Act. The

(Secretary

(or such official or officials in of a Department)

such Department to whom the power, function and duty of exercising such authority and carrying out such direction may be or have been delegated or successively redelegated is hereby authorized and directed to take such action (including the authorization and direction of any other Secretary or Secretaries to take such action) as is provided by the Renegotiation Act and as he deems appropriate to eliminate such excessive profits to be eliminated.

In connection with the payment or discharge by any means of such excessive profits to be eliminated, the Renegotiation Act provides that the Contractor shall be allowed the applicable credit, if any, for Federal income and excess profits taxes as provided in Section 3806 of the Internal Revenue Code, Dated

Issued and entered on 194.

WAR CONTRACTS PRICE ADJUSTMENT BOARD,

By

[RR 747.1]

(b) Notice.

NOTICE OF DETERMINATION BY ORDER ENTERED BY WAR CONTRACTS PRICE ADJUSTMENT BOARD UPON REVIEW

194. GENTLEMEN: You are hereby notified that upon review of an order dated, issued and entered on 194., by acting on behalf of the War Contracts Price Adjustment Board in accordance with authority delegated by it, pursuant to renegotiation under the Renegotiation Act, the War Contracts Price Adjustment Board has issued and entered its order determining that of your profits derived from contracts with the Departments and subcontracts for your fiscal year ended Dollars (\$.....) represents excessive profits which should be eliminated.

A copy of such order is enclosed herewith. This notice is being mailed to you by registered mail on

The payment date for discharge of your obligation under such order is (Here insert date approximately 15 days from the date of such order.) Unless payment is made on or before such payment date, interest shall be paid at the rate of 6% per annum from such payment date.

Demand is hereby made that you repay, on or before such payment date, such excessive profits to be eliminated less the tax credit, if any, referred to in such order. Any check should be drawn to the order of the Treasurer of the United States and delivered to

Yours very truly,

WAR CONTRACTS PRICE ADJUSTMENT BOARD,

By

Title

Acting on behalf of the

(Secretary of a Department)

[RR 747.2]

§ 1607.748 Withholding orders—(a) Direction to a contractor to withhold.

194. GENTLEMEN: Pursuant to renegotiation under the Renegotiation Act, the War Contracts Price Adjustment Board has determined that of the profits derived by from contracts with the Departments and subcontracts for the fiscal year ended are excessive profits which should be eliminated.

In accordance with the Renegotiation Act, the War Contracts Price Adjustment Board has authorized and directed the undersigned to eliminate such excessive profits. Accordingly, you are hereby directed to withhold for the account of the United States, pursuant to subsection (c) (2) of the Renegotiation Act, any and all amounts not in excess of \$..... otherwise due or which shall become due from you to said

This direction shall be effective immediately and shall continue in effect until further notice from the undersigned.

You are directed further to report in writing to the undersigned within fifteen days from the date hereof the amount, if any, withheld by you for the account of the United States pursuant hereto.

Yours very truly,

Title

Acting on behalf of the—

(Secretary of a Department)

[RR 748.1]

(b) Direction to a contractor to pay over amounts withheld.

194. GENTLEMEN: Pursuant to direction issued under subsection (c) (2) of the Renegotiation Act you have, as you have reported to the undersigned, withheld for the account of the United States from amounts otherwise due to the sum of \$.....

You are hereby authorized and directed to pay over said sum to the United States by delivery to the undersigned of a check in said amount, payable to the order of the Treasurer of the United States.*

As provided in said subsection (c) (2) of the Renegotiation Act you are indemnified by the United States against all claims by said on account of such amount withheld.

Yours very truly,

Title

Acting on behalf of the

(Secretary of a Department)

[RR 748.2]

SUBPART E—FORMS OF REPORT

Section 1607.752 (b) (4) is amended and 1607.753 is added as set forth below:

§ 1607.752 *Statement to be furnished contractor.* * * *

(b) *Form of statement and specific instructions as to its preparation (statutory).* * * *

(4) *Reasons for the determination.* A statement shall be made of the reasons for the determination in the light of all

of the facts and factors referred to in the foregoing portions of the statement, indicating generally the relative significance and importance of such facts and factors. Return on net worth shall be computed before deductions for Federal income taxes and be based on that portion of the net worth determined to have been used in connection with the performance of renegotiable contracts. If this is not practicable, reference to net worth shall be omitted. Such matters as

(i) profits on non-renegotiable business and (ii) profits after Federal taxes do not constitute factors or reasons to be taken into consideration in the renegotiation proceeding or included in the statement to be furnished to the contractor, although such figures are frequently included in the financial data submitted by the contractor and attached as exhibits to the statement. [RR 752.2]

§ 1607.753 *Summary of financial data; spread sheet.*

[Actual size of form 7" by 13"]

Name and address of contractor				Renegotiated by	Date final meeting	Approved by	Date agreement approved
Corp. () Part. () Prop. ()	Net sales	Profit before taxes on income	% of net sales	Peacetime products			
Fiscal year ended 194				Wartime products			
Renegotiable:				A. \$			
Fixed price before adjustment	\$	\$	x x x	B. \$			
Amount recovered				C. \$			
Fixed price after adjustment				Character of operation			
CPFF before adjustment				Net profit (including E. P. T. credit) after taxes	% of net worth	Total materials and subcontracting % of cost of renegotiable sales	
Amount recovered						Materials furnished by Govt. or customer for renegotiable bus. \$	
CPFF after adjustment						Amount	As of
Non-renegotiable	x x x		x x x			Salaries	No.
(Dis.) allowances, net	x x x		x x x				
Other (debits) or credits, net							
Total business before adjustment							
Total business after adjustment							
Prior years							
1942 renegotiable fixed price before adj.			x x x	x x x	x x x	Certificates of necessity	\$
1942 renegotiable fixed price after adj.			x x x	x x x	x x x	Gross plant	
1942 total after renegotiation						Net plant	
1941 (govt. bus. %)						Net working capital	
1940 (govt. bus. %)						Govt. facilities, fixed price	
1939 (govt. bus. %)						Govt. facilities, CPFF	
1938						Govt. advances, CPFF	
1937						Govt. advances, fixed price	
1936						Other govt. financing	
1936-1939 average						Long term debt	
						Net worth	
Net worth, as of beg. () end. () 1936, \$	1937, \$	1938, \$	1939, \$	1940, \$	1941, \$		
Price reductions, policies and comparisons		Expense factors					
Cost, efficiency, production factors		Special factors					

SUBPART I—ADDRESSES

Section 1607.796 is added, and §§ 1607.791 (b), 1607.792, 1607.793 (a) and (b) (3), and 1607.795 are amended as follows:

§ 1607.791 *War Contracts Price Adjustment Board.* * * *

(b) *Members.*

Mr. Joseph M. Dodge, Chairman (War Department), Room 3D 573, The Pentagon, Washington 25, D. C. Tel. Republic 6700, Ext. 73173.

Mr. W. John Kenney, Vice Chairman (Navy Department), Room 102, Premier Building, 718 18th Street NW., Washington 6, D. C. Tel. Republic 7400, Ext. 5169 or 62729.

Comdr. A. G. Rydstrom (Maritime Commission), Room 512, Electrical Workers Building, 1200 15th Street NW., Washington 25, D. C. Tel. Executive 3340, Ext. 606 or 607.

Captain H. C. Maull, Jr. (Treasury Department), 5304 Procurement Building, 7th and D Streets SW., Washington 25, D. C. Tel. District 5700, Ext. 2105.

Mr. Charles T. Fisher, Jr. (Reconstruction Finance Corporation), Room 1167 Lafayette Building, 811 Vermont Avenue NW., Washington 25, D. C. Tel. Executive 3111, Ext. 8 or 48.

Mr. Carman G. Blough (War Production Board), Department 1400, 4th and Independence Avenue SW., Washington 25, D. C. Tel. Republic 7500, Ext. 71783.

[RR 791.2]

§ 1607.792 *Departmental Price Adjustment Boards.*

NOTE: § 1607.792 is amended by the substitution of Mr. W. John Kenney for Mr. Lalard Bell as Chairman of Navy Price Adjustment Board.

§ 1607.793 *War Department Price Adjustment Sections—(a) Headquarters.* * * *

War Department Power Procurement Officer, Price Adjustment Section, Room 5106, New War Dept. Building, Washington 25, D. C. Tel. Republic 6700, Ext. 77982.

[RR 793.1]

(b) *Field Offices of Price Adjustment Sections.*

NOTE: The address of the San Francisco Ordnance District is changed to 100 McAllister Street, San Francisco 1, California. Tel. Underhill 3306.

§ 1607.795 *Related Offices.* * * *

Chief, Contract Review Branch, Procurement Policy Division, War Production Board, Department 1400, 4th & Independence Avenue, SW., Washington 25, D. C. Tel. Republic 7500, Ext. 71783.

[RR 795]

§ 1607.796 *War Department Patent Royalty Adjustment Offices.*

Patent Counsel, Legal Branch, Office, Director of Matériel, Headquarters, Army Service Forces, Room 5C 683, The Pentagon, Washington 25, D. C. Tel. Republic 6700, Ext. 2553.

Chairman, Royalty Adjustment Board, Army Air Forces Matériel Command, Wright Field, Dayton, Ohio. Tel. Kenmore 7111, Ext. 25222.

Chief, Legal Division, Office of the Chief of Transportation, Room 3A 724, The Pentagon, Washington 25, D. C. Tel. Republic 6700, Ext. 3556.

Chief, Contracts and Claims Branch, Office of the Chief of Engineers, Room 3213, New War Department Building, Washington 25, D. C. Tel. Republic 6700, Ext. 78253.

Chief, Patent Section, Legal Branch, Office of the Chief of Ordnance, Room 4E 330, The

Pentagon, Washington 25, D. C. Tel. Republic 6700, Ext. 2748.

Patents and Inventions Counsel, Legal Division, Office of the Chief Signal Officer, Room 4D 331, The Pentagon, Washington 25, D. C. Tel. Republic 6700, Ext. 3702.

Chief, Patent Section, Legal Branch, Office of the Chief of the Chemical Warfare Service, Room 1007, T-7, Gravelly Point, Virginia. Tel. Republic 6700, Ext. 2826.

Chief, Patent Section, Legal Branch, Office of the Quartermaster General, Room 2442, Tempo B, Washington 25, D. C. Tel. Republic 6700, Ext. 4294.

The Patent Representative, Office of the Surgeon General, Room 419, Maritime Building, Washington 25, D. C. Tel. Republic 6700, Ext. 79369.

[RR 796]

PART 1608—STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

SUBPART A—STATUTES AND EXECUTIVE ORDERS

Sections 1608.801 and 1608.802 are amended as set forth below.

§ 1608.801 Renegotiation Act of 1943.

NOTE: § 1608.801 is amended by adding a citation of section 23 of the Military Appropriation Act of 1945, Public Law 374, 78th Congress, approved June 28, 1944.

§ 1608.802 Section 3806 of the Internal Revenue Code (as amended by section 701 (c) of the Revenue Act of 1943).

NOTE: § 1608.802 is amended by adding a citation of the Individual Income Tax Act of 1944, Public Law 315, 78th Congress, approved May 29, 1944 (58 Stat. 231).

SUBPART D—EXEMPTIONS

Sections 1608.845 and 1608.842 (c) (2) and (3) are added, and §§ 1608.841, 1608.842 (c) (1) and 1608.844 are amended as set forth below.

§ 1608.841 Raw material exemption.

NOTE: The following raw materials are added to the exemption list in paragraph (a) of § 1608.841: Chlorine and hydrogen produced electrically by electrolysis of salt brine; Fuller's earth; monel ore and related materials; natural gasoline, casinghead gasoline, residue gas; and sodium aluminate.

§ 1608.842 Public utility exemptions.

(c) Transportation. * * *

(1) Contracts and subcontracts with common carriers to furnish transportation by railroad, motor vehicle, pipe line or air, when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by a public regulatory body, or when made at rates or charges which the Department conducting the renegotiation in its discretion shall determine to be no higher than such published rates or charges for transportation of a comparable character.

(2) Contracts and subcontracts with common carriers to furnish inland or coastal transportation by water, when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by the Interstate Commerce Commission, or when made at rates or charges which the De-

partment conducting the renegotiation in its discretion shall determine to be no higher than such published rates or charges for transportation of a comparable character.

(3) Contracts and subcontracts with freight forwarders when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by the Interstate Commerce Commission.

§ 1608.844 List of exempted agricultural commodities.

NOTE: The list in Exhibit 1 is amended by adding the following items: beeswax, drugs (botanical), honey and pine gum.

§ 1608.845 Standard commercial article exemption. (a) Pursuant to the authority given to the War Contracts Price Adjustment Board by subsection (1) (4) of the Renegotiation Act of 1943, the Board, under the provisions of subsection (1) (4) (D) of the 1943 act, has exempted from renegotiation amounts received or accrued during fiscal years ending after June 30, 1943 and prior to July 1, 1944 under contracts or subcontracts for the making or furnishing of the following articles:

(1) Iron scrap and steel scrap sold by dealers or brokers;

NOTE: The exemption of iron scrap and steel scrap as a standard commercial article applies only to dealers and brokers in iron scrap and steel scrap and is not to be construed as affecting, in any way, users of iron scrap or steel scrap, in particular, manufacturers of iron or steel or processors making iron or steel products who may produce and sell iron scrap or steel scrap as a by-product in the course of their operation. Neither does the exemption cover dealers in second-hand iron and steel machinery, equipment or facilities which are sold for re-use in any way other than as scrap.

(2) Refined sugar (cane or beet);

(3) Textile bags (made of burlap or cotton);

(4) Leather transmission belting, mechanical and textile leathers and mechanical leather packings. [RR 845]

SUBPART E—OTHER ORDERS AND DIRECTIVES

Section 1608.852 (d) is added as set forth below.

§ 1608.852 Treasury Rulings and Decisions. * * *

(d) I. T. 3671—Section 3806—Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement.

1944-12-11764

INTERNAL REVENUE CODE

The term "renegotiation," for the purposes of section 3806 of the Internal Revenue Code, as amended, is not limited to a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (56 Stat., 226), as amended.

Advice is requested whether the term "renegotiation," for the purposes of section 3806 of the Internal Revenue Code, as amended, is limited to a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (56 Stat., 226), as amended, or whether any Government contractor, acting upon his own initiative and desirous of refunding direct to the United States profits he has realized under a Government contract, or a subcontract thereunder, may effect

a repayment of such profits in a manner coming within the provisions of sections 3806 of the Code, as amended.

Section 3806 (a) (1) (A) of the Code provides as follows:

The term "renegotiation" includes any transaction which is a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.) or such section, as amended, any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

It will be noted that the above-quoted provision of the Code includes within the term "renegotiation"—"any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder."

It is held that the term "renegotiation," for the purposes of section 3806 of the Internal Revenue Code, as amended, is not limited to a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, supra (which section is cited as the Renegotiation Act). It includes an agreement in writing made in respect of one or more Government contracts or subcontracts thereunder, and may be effected by an exchange of correspondence which embodies a binding agreement by both parties as to the amount repaid or to be repaid and the year to which the repayment relates. A Government contractor, acting upon his own initiative and desirous of refunding direct to the United States profits he has realized under a Government contract, or a subcontract thereunder, should, however, get in touch with the renegotiating agency as to the form of agreement in writing which may be employed.

[RR 852.4]

[F. R. Doc. 44-11177; Filed, July 26, 1944; 3:14 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGE AT LAKE CHARLES, LA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the regulations governing the operation of the State of Louisiana highway bridge across the Calcasieu River at Lake Charles, Louisiana, are hereby further amended to read as follows:

§ 203.509 Calcasieu River, La.; State of Louisiana highway bridge, in Lake Charles, La. (a) The owner of or agency controlling the above-named bridge shall not be required to open the drawspan between the hours of 6:00 a. m. and 7:00 a. m., and 5:00 p. m. and 6:00 p. m., except as otherwise provided in paragraph (b).

(b) The drawspan shall be opened promptly for vessels of the United States Government, or vessels such as fire tugs and other vessels desiring passage because of an emergency. Such vessels desiring passage because of an emergency shall sound four distinct blasts of a whistle, horn or megaphone. When

weather conditions prevent hearing the sound signals, such vessels shall signal for opening by raising and lowering in a vertical plane a number of times a lighted lantern at night and a flag by day.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of these regulations. (28 Stat. 362; U.S.C. 449) [Regs. 14 March 1944 as amended by Regs. 18 July 1944 (CE 823 (Calcasieu R.—Lake Charles, La.—Mi. 43-5)—SPEWR)]

[SEAL]

J. A. ULIO,
Major General.
The Adjutant General.

[F. R. Doc. 44-11193; Filed, July 27, 1944;
11:24 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

RELEASE OF INFORMATION CONCERNING CLAIMANTS AND BENEFICIARIES

Paragraph (b) of §1.320 is revoked, as set forth below:

§ 1.320 *Inspection of records by recognized representatives of organizations.* * * *

(b) *Inspection of records or furnishing information therefrom when service was prior to April 21, 1898.* [Canceled May 5, 1941.]

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 44-11185; Filed, July 27, 1944;
10:07 a. m.]

PART 2—ADJUDICATION: VETERANS' CLAIMS

PROOF OF RELATIONSHIP AND DEPENDENCY

Section 2.1057 is amended to read as follows:

§ 2.1057 *Conditions which determine dependency.* (a) Dependency will be held to exist if the father or mother of the veteran does not have an income sufficient to provide reasonable maintenance for such father or mother and members of his or her family under legal age, and for dependent adult members of the family if the dependency of such adult member results from mental or physical incapacity. "Reasonable maintenance" includes not only housing, food, clothing and medical care sufficient to sustain life, but such items beyond the bare necessities, and as well as other requirements reasonably necessary to provide those conveniences and comforts of living suitable to and consistent with the parents' reasonable mode of life. "Members of the family" will be considered to mean those persons whom the father or mother is under moral or legal obligation to support.

(b) (1) In determining the amount of income, consideration will be given to

(i) net income from property owned, or business operated, by the mother or father; (ii) earnings of the mother or father and other members of their family under legal age; (iii) actual contributions of any character to the family expenses by the adult members; (iv) so-called social security benefits, i. e., old age assistance and old age and survivors' insurance; (v) family allowances received pursuant to Public No. 625, 77th Congress (June 23, 1942), as amended by Public No. 174, 78th Congress (October 26, 1943).

(2) In determining whether other members of the family under legal age are factors in necessary expenses of the mother or father, consideration will be given to any income from business or property (including trusts) actually available, directly or indirectly, to the mother or father, for the support of the minor, but not to the corpus of the estate or the income of the minor which is not so available.

(3) In determining dependency, amounts received from the following named sources, by the father or mother, or other member of the family, will be disregarded, viz., (i) as designated beneficiary or otherwise, of any insurance under the War Risk Insurance Act, the World War Veterans' Act, 1924, as amended, or the National Service Life Insurance Act or any amendments to either; (ii) any pension or compensation under laws administered by the Veterans Administration; (iii) benefits under the World War Adjusted Compensation Act or the Adjusted Compensation Payment Act, or any amendments to either; (iv) the six months pay made to the designated beneficiary thereof pursuant to 10 U.S.C. 903, 903 (a) and 456; 34 U.S.C. 943, 944 and 855c-2; (v) payments pursuant to Mustering-out Payment Act, 1944, Public No. 225, 78th Congress; (vi) donations or assistance from charitable sources.

(4) In addition to considering income of a father or mother, consideration will be given to the corpus of such claimant's estate if under all the circumstances it is reasonable that the same or some part thereof be sold and the proceeds consumed for the claimant's maintenance.

(c) The fact that the veteran has made habitual contributions to his father or mother, or both, is not conclusive evidence that dependency existed, but shall be considered in connection with all other evidence.

(d) The remarriage of a mother or father does not, per se, bar entitlement, but is prima facie evidence that dependency has ceased.

(e) (1) In the absence of evidence indicating the contrary, dependency will be held to exist when the monthly income from sources proper to consider does not exceed:

(i) \$60 for a mother or father (not living together),

(ii) \$100 for a mother and father (living together),

(iii) The amounts stated in subdivision (i) or (ii) of this subparagraph plus \$25 for each additional member of the family whose support is to be considered under

the criteria indicated in paragraphs (a) and (b) of this section.

It must be definitely understood that the amounts stated are not controlling in any case but are to be used only as prima facie evidence. Each claim is subject to adjudication upon the facts thereof in the light of the governing legal principles summarized in this section. (August 1, 1944.) (56 Stat. 381; 57 Stat. 577; 58 Stat. 9, 10)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 44-11186; Filed, July 27, 1944;
10:07 a. m.]

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

MISCELLANEOUS AMENDMENTS

Sections 5.2515, 5.2539, 5.2540, 5.2542, 5.2544, 5.2545, 5.2546, 5.2547, 5.2548, 5.2576, 5.2583, 5.2634, and 5.2640 are amended, and § 5.2549 is added, as set forth below.

§ 5.2515 *World War II.* For the purpose of adjudicating claims for death pensions, the following definitions of relationship shall govern: (July 31, 1944.) (58 Stat. 229)

No change in (a), (b), or (c).

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

§ 5.2539 *Death compensation payable by virtue of Public No. 196, 76th Congress (Act of July 19, 1939), or under that act as amended by sections 7 and 8, Public No. 866, 76th Congress (Act of October 17, 1940).* (a) For the purposes of the second proviso of section 1, Public No. 196, 76th Congress (Act of July 19, 1939), on and after July 19, 1939, the surviving widow and child or children of a World War I veteran who was in receipt of compensation on March 19, 1933, for paralysis, paresis or blindness or who on that date was in receipt of compensation because of being helpless or bedridden from a service-connected disability and who died from such disease or injury shall be entitled to receive compensation at the monthly rates specified in § 5.2640 subject to the conditions of § 5.2514 as to definitions of the terms "widow" and "child", § 5.2548 (f) as to annual income restrictions, and § 5.2575 (a) as to date of commencement, and § 2.1000 of this chapter as to service.

(b) For the purposes of Public No. 196, 76th Congress, as amended by sections 7 and 8, Public No. 866, 76th Congress (Act of October 17, 1940), on and after October 17, 1940, the surviving widow, child or children of a World War I veteran, regardless of whether he was in receipt of compensation on March 19, 1933, and regardless of the cause of death, who dies or has died and service connection for any disease, injury or condition mentioned in paragraph (a) of this section is or would have been established under the laws or interpretations governing this class of cases prior to March 20, 1933, regardless of the date of death, shall be entitled to re-

ceive compensation at the monthly rates specified in § 5.2640 subject to the conditions of § 5.2514 as to definitions of the terms "widow" and "child", § 5.2548 (f) as to annual income restrictions, and § 5.2575 (a) as to date of commencement, and § 2.1000 of this chapter as to service. (July 31, 1944.) (58 Stat. 229)

No change in (c).

§ 5.2540 *Death of veteran of war with Spain, Boxer Rebellion and Philippine Insurrection: Section 30, Title III, Public No. 141, 73d Congress.* [Canceled July 31, 1944.]

§ 5.2542 *Death of veteran who served in Guam, Cuba or Puerto Rico; § 35.01.* [Canceled July 31, 1944.]

§ 5.2544 *Death of veteran of war with Spain, Boxer Rebellion or Philippine Insurrection: Acts of July 16, 1918, September 1, 1922, and May 1, 1926, as re-enacted by Public No. 269, 74th Congress.* [Canceled July 31, 1944.]

§ 5.2545 *Act of July 16, 1918 (40 Stat. 903).* [Canceled July 31, 1944.]

§ 5.2546 *Rates payable under Act of July 16, 1918.* [Canceled July 31, 1944.]

§ 5.2547 *Act of May 1, 1926 (44 Stat. 382), as Amended by the Act of June 11, 1940 (Public No. 594, 76th Congress); Act of March 1, 1944 (Public No. 242, 78th Congress).* For the purposes of these acts, the widow, remarried widow, child or children of a veteran who served ninety days or more during the War with Spain, the Philippine Insurrection, or the China Relief Expedition, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, including all leaves of absence and furloughs under General Orders numbered 130, August 29, 1898, War Department; or, regardless of the length of service, if the veteran was discharged for or died in service of a disability incurred in the service in line of duty shall be entitled to receive pension at the monthly rates specified in § 5.2634, when § 4.2007 of this chapter as to persons included, § 4.2018 of this chapter as to service, and § 4.2039 of this chapter as to character of discharge, are met.

(a) When a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under age of 16 years, a widow or remarried widow shall not be entitled to a pension until the pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or remarried widow payment of pension to such child or children shall cease; *Provided*, That where an unmarried widow becomes entitled to pension by reason of section 2, Public No. 242, 78th Congress (Act of March 1, 1944), the pension payable to such widow and child or children not in her care and custody may be apportioned as prescribed in § 5.2591, effective from the date of commencement of the award to the widow. (July 31, 1944.) (58 Stat. 107; 229)

§ 5.2548 *Death of World War I veteran from disease or injury not the result of military service, who at time of death had a service-connected disability (Public No. 484, 73d Congress, as amended).* (a) On and after July 19, 1939, for the purpose of section 1 (b), Public No. 198, 76th Congress, the widow, child or children as defined in § 5.2514 of a person who served with the United States military or naval forces in World War I before November 12, 1918, or before April 2, 1920, if service was in Russia, and who was honorably discharged after serving 90 days or more (or having served less than 90 days was discharged for disability incurred in the service in line of duty) and who dies or has died from a disease or disability not service connected and at the time of death had a disability as defined in § 5.2548 (b) (1), directly or presumptively incurred in or aggravated by service in World War I after April 5, 1917, and before July 3, 1921, for which compensation would be payable if 10 per centum or more in degree, shall be entitled to receive compensation at the monthly rates specified in § 5.2640: *Provided*, That for the purpose of section 1 (a), Public No. 198, 76th Congress, compensation shall be payable regardless of the length of the veteran's service if at the date of death he had such a disability which was 10 per centum or more disabling.

(b) (1) *Establishment of service-connected disability of less than 10 per centum under Public No. 198, 76th Congress (Act of July 19, 1939).* On and after July 19, 1939, the existence of a directly or presumptively service-connected disease or injury at death and the determination of a disability resulting from such disease or injury for which compensation would be payable if 10 per centum or more in degree may be based upon evidence filed at any time subject to the limitations contained in § 35.022 (b) of this chapter, and § 35.021 (a) (1) (iii) of this chapter. Any disability that may be properly service connected either directly or presumptively under the provisions of Public No. 2, 73d Congress, sections 26, 27 and 28, (excluding section 31) Public No. 141, 73d Congress, or under the law in effect at time of death as provided in paragraph (b) (2) of this section will be considered service connected for the purpose of Public No. 198, 76th Congress (Act of July 19, 1939). The term "disability" as used herein shall comprehend any properly service-connected disease or injury existing at death for which the Schedule of Disability Ratings, 1925, and extensions thereto prescribes:

(i) An evaluation of 1 per centum or more disability under any occupational variant, or

(ii) An evaluation of lower than one per centum disability but which is a disability within the meaning of instructions issued defining the term "disability," as used in section 1 (b), Public No. 198, 76th Congress, or

(iii) An evaluation of lower than one per centum disability, not covered by paragraph (b) above, when it is clear that the disease or injury constituted a

definitely ascertainable disability; *Provided*, That in such cases the rating agency, or board of veterans appeals, as the case may be, will outline the evidence and influencing reasons relied upon to show the existence of a disability; *Provided further*, That rating boards in field offices will make recommendatory ratings in these cases which will be forwarded to central office for review and final rating by the dependents pension board, dependents claims service.

No change in (b) (2), (c), or (d).

(e) *Discharge requirements.* Except under section 1 (b), Public No. 198, 76th Congress, the requirements as to discharge must conform to section 23 of the World War Veterans' Act, 1924, as amended (section 447, Title 38, U. S. Code).

(f) *Income limitation; for periods on and after July 19, 1939.* For periods on and after July 19, 1939, no payment of compensation shall be made under the provisions of Public No. 484, 73d Congress, as amended, to any widow without a child, or to any child whose annual income exceeds \$1,000.00, or to a widow with a child or children whose annual income exceeds \$2,500.00; *Provided*, That on and after July 13, 1943, where payments to a widow are disallowed or discontinued by reason of annual income, payment to a child or children of the deceased veteran may be made as though there is no widow. The provisions of § 3.1228 of this chapter will govern determinations under this paragraph but in no event will any payments by the United States Government because of disability or death under laws administered by the Veterans' Administration be considered. (Section 11, Public No. 144, 78th Congress.)

No change in (g).

(h) *Misconduct.* Death resulting from misconduct of the person who served is not a ground for denial of compensation under the provisions of Public No. 198, 76th Congress (Act of July 19, 1939). (See § 5.2576 (b).) (July 31, 1944.) (58 Stat. 229)

No change in (i).

§ 5.2549 *Death of World War II veteran from disease or injury not the result of service, who at time of death had a service-connected disability (Public No. 312, 78th Congress, Act of May 27, 1944).* (a) On or after May 27, 1944, for the purposes of section 4, Public No. 312, 78th Congress, the widow, child or children, as defined in § 5.2515, of a person who served during World War II and who was honorably discharged after serving 90 days or more (or having served less than 90 days, was discharged for disability incurred in the service in line of duty) and who dies or has died from a disease or disability not connected with such service, and at the time of death had a disability as described in paragraph (b) of this section incurred in or aggravated by service in World War II, for which pension would be payable if 10 per centum or more in degree shall be entitled to receive pension at the monthly rates specified in § 5.2640;

Provided, That pension shall be payable without regard to the length of the veteran's service if at the date of death he was receiving or entitled to receive pension for a disease or disability as specified above which was 10 per centum or more disabling under the Schedule for Rating Disabilities, 1933, and extensions thereto; *Provided further*, That the income limitations set forth in § 5.2548 (f) shall be applicable in determining entitlement to pension under this law.

(b) (1) *Establishment of service-connected disability of less than 10 per centum under section 4, Public No. 312, 78th Congress.* On or after May 27, 1944, the existence of a service-connected disease or injury at death and the determination of a disability resulting from such disease or injury for which pension would be payable if 10 per centum or more in degree may be based upon evidence filed at any time subject to the limitations contained in § 35.022 (b) and § 35.021 (a) (1) (iii) of this chapter. Any disability that may be properly service connected under the provisions of § 35.011 of this chapter, Public No. 2, 73d Congress, as amended, for World War II veterans will be considered service connected for the purpose of Public No. 312, 78th Congress.

(2) The term "disability" as used herein shall comprehend any disease or injury existing at death for which service connection is established in accordance with laws applicable to World War II, and which constitutes a disability as defined by the regulations and rating criteria applicable to Public No. 484, 73d Congress, as amended.

(3) This regulation shall be cited as the authority for the determination of the existence of a disability of less than 10 per centum under section 4, Public No. 312, 78th Congress. Where there is no provision for an evaluation of the disease or injury as a disability and the condition is not a disability within the meaning of the instructions issued defining the term "disability" as used in section 1 (b), Public No. 198, 76th Congress, but it is clear that the disease or injury constituted a definitely ascertainable disability the rating agency or the board of veterans appeals, as the case may be, will outline the evidence and influencing reasons relied on to show the existence of a disability: *Provided, however*, That rating boards in field offices will make recommendatory ratings in such cases which will be forwarded to central office for review and final rating by the dependents pension board, dependents claims service. (July 31, 1944.) (58 Stat. 229)

COMMENCEMENT OF ORIGINAL AWARDS OF DEATH PENSION OR COMPENSATION

§ 5.2576 *Public No. 484, 73d Congress, as Amended by Public No. 198, 76th Congress, and Public No. 312, 78th Congress.* Original awards of death compensation under Public No. 484, 73d Congress (Act of June 28, 1934) as amended, shall commence:

(a) If the person on whose service claim is based served 90 days or more, or having served less than 90 days was discharged for disability incurred in the

service in line of duty and died while suffering from a disease or injury directly or presumptively incurred in or aggravated by service in World War I for which compensation would be payable if 10 per centum or more in degree, pursuant to section 1 (b), Public No. 198, 76th Congress, or, regardless of the length of the veteran's service if at the date of death he had such a disability which was 10 per centum or more disabling, pursuant to section 1 (a), Public No. 198, 76th Congress:

(1) July 19, 1939, or the day following the date of death whichever is the later, if application is filed within one year from date of death.

(2) The date of filing application if application is not filed within one year from date of death, but in no event prior to July 19, 1939.

(b) Original awards of compensation under Public No. 484, 73d Congress, as amended, predicated upon a finding of continued and unexplained absence of a veteran from his home and family for a period of seven years (Public No. 591, 77th Congress; §§ 5.2518 and 5.2548 (i)), under which it must be borne in mind that the date of death is the date determined to be the end of the seven-year period, shall commence:

(1) June 5, 1942, in those cases where the death of the veteran is determined to have occurred prior to June 5, 1942, and an application was pending on that date or filed on or after that date and within one year following the date of death.

(2) The day following the date of death where the death of the veteran is determined to have occurred on or after June 5, 1942, and application is filed within one year following the date of death.

(3) The date of filing application, if application is not filed within one year from date of death, but in no event prior to June 5, 1942.

(c) *World War II (Public No. 312, 78th Congress).* The date of commencement of original awards of death pension payable solely as a result of the provisions of section 4, Public No. 312, 78th Congress (see § 5.2549), shall be the day following the date of death of the veteran or May 27, 1944, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application, but in no event prior to May 27, 1944. A claim pending on May 27, 1944, shall be considered a claim under this law.

(d) In the event a claim filed under this paragraph is not complete at the date of filing thereof in the Veterans Administration, the claimant will be notified of the evidence necessary to complete the claim and if such evidence is not received within one year from the date of the request therefor, compensation will not be paid by reason of the filing of that claim. (July 31, 1944.) (58 Stat. 229)

EFFECTIVE DATES OF INCREASE OF DEATH PENSION OR COMPENSATION

§ 5.2583 *Public No. 484, 73d Congress, as amended.* An award of increased compensation payable pursuant to the provisions of section 2, Public No. 198,

76th Congress, to or for a dependent entitled to or in receipt of compensation under Public No. 484, 73d Congress, as amended, on July 19, 1939, shall be effective on that date. The increased pension or compensation payable pursuant to the provisions of section 2, Public No. 312, 78th Congress, shall be effective June 1, 1944, (July 31, 1944.) (58 Stat. 229)

RATES OF DEATH PENSION AND COMPENSATION FOR WIDOWS, REMARRIED WIDOWS, CHILDREN, AND DEPENDENT PARENTS

§ 5.2634 *War With Spain, Philippine Insurrection and Boxer Rebellion, Act of May 1, 1926, as reenacted by Act of August 13, 1935, (Public No. 269, 74th Congress); sections 1 and 7, Act of July 13, 1943 (Public No. 144, 78th Congress); Act of March 1, 1944 (Public No. 242, 78th Congress).* No change in (a) or (b) (1).

(2) The rates for children who are eligible solely as a result of the definition of the term "child" contained in § 5.2514 (c), (see § 5.2512 (c)), such rates to be effective only for periods on and after July 13, 1943, shall be those set forth in § 5.2640. The rate for a child or children entitled only under this paragraph over any period of time that a child or children are entitled under subparagraph (1) of this paragraph will be the share to which such child or children would be entitled, if all of the children were awarded pension under this paragraph.

As to a widow and child or children not in her care and custody, any amount payable under this paragraph may be apportioned as prescribed in §§ 5.2591 and 5.2592. (July 31, 1944.) (58 Stat. 229)

§ 5.2640 *Rates under Public No. 484, 73d Congress (Act of June 28, 1934), as amended, and under Public No. 196, 76th Congress (Act of July 19, 1939).* The following rates are payable under Public No. 484, 73d Congress (Act of June 28, 1934), as amended by section 2, Public No. 198, 76th Congress (Act of July 19, 1939), as amended, Public No. 196, 76th Congress (Act of July 19, 1939), as amended, and Public No. 312, 78th Congress (Act of May 27, 1944):

(a) *Rates on and after July 19, 1939.*

	Per month
Widow but no child.....	\$30.00
Widow and one child.....	38.00
(with \$4 for each additional child.)	
No widow but one child.....	15.00
No widow but two children.....	22.00
No widow but three children.....	30.00
(with \$3 for each additional child, total amount to be equally divided.)	

¹ Equally divided.

The total compensation payable under this paragraph shall not exceed \$64.00. Where such benefits would otherwise exceed \$64.00 the amount of \$64.00 may be apportioned as prescribed in § 5.2591.

(b) *Rates on and after June 1, 1944.*

	Per month
Widow but no child.....	\$35.00
Widow but one child.....	45.00
(with \$5 for each additional child.)	
No widow but one child.....	18.00
No widow but two children.....	27.00
No widow but three children.....	36.00
(with \$4 for each additional child, total amount to be equally divided.)	

¹ Equally divided.

The total compensation payable under this paragraph shall not exceed \$64.00. As to a widow and child or children not in her care and custody, any amount payable under this paragraph may be apportioned as prescribed in § 5.2591. (July 31, 1944.) (58 Stat. 229)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 44-11187; Filed, July 27, 1944;
10:07 a. m.]

PART 35—VETERANS' REGULATIONS

PRINCIPLES GOVERNING THE ADJUDICATION OF CLAIMS

Instruction No. 1, Public No. 300, 78th Congress (Act of May 11, 1944).

For the purpose of effectuating the provisions of Public No. 300, 78th Congress, with respect to disability benefits, the following instruction is promulgated.

1. Public No. 300, 78th Congress, provides "That Veterans Regulation Numbered 1 (a), Part II, be amended by adding thereto a new paragraph, numbered paragraph IV, to read as follows:

IV. For the purposes of paragraph I hereof, as amended, any person who, on or after August 27, 1940, and prior to termination of the present hostilities, has applied or shall hereafter apply for enlistment or enrollment in the active military or naval forces and who was or shall be provisionally accepted and directed or ordered to report to a place for final acceptance into such military or naval service, or who was or is selected for service and after reporting pursuant to the call of his local board and prior to rejection, or who after being called in the Federal service as a member of the National Guard but before being enrolled for the Federal service suffered or shall suffer an injury or a disease in line of duty and not the result of his own misconduct, will be considered to have incurred such disability in active military or naval service: *Provided*, That payments of pension under the terms of this paragraph shall not be effective prior to the date of enactment of this amendment.

2. The provisions of Public No. 300, 78th Congress, attach whenever a person is acting pursuant to an order of his draft board, including an order to report to the board for a preinduction examination. The protection covers any injury or disease which is or was acquired during time spent away from home or en route home in connection with such order and as a result thereof. An injury or disease which is or was suffered on the trip when reporting for active duty or final induction is covered. The injury or disease to be pensionable must be attributable to some cause or factor relating to his activity in connection with complying with proper orders. These provisions do not extend to such persons as to disease or injury suffered during the period of inactive duty or period of waiting after passing final physical examination and prior to beginning the trip to report for induction. Such protection also applies to a member of the National Guard after he reports to a designated rendezvous pursuant to proper call.

3. The presumptions governing determinations of service connection under

§ 35.01, as amended, are not for application.

4. The provisions of Public No. 300, 78th Congress, are expressly for the purposes of § 35.012 (a) as amended.

Accordingly, the law has the effect of awarding the rates of pension applicable to the time of incurrence of disability, subject to the provisions of § 35.012 (a) (3), as amended by Public No. 359, 77th Congress.

5. While, as to incurrence of disability, the law is effective August 27, 1940, payments of pension may not be made for any period prior to May 11, 1944. The effective dates of awards will be governed by the provisions of § 35.021 (a), as amended. Claims filed and disallowed prior to May 11, 1944, may be reopened upon receipt of new informal applications.

6. It will be noted that Public No. 300, 78th Congress, adds paragraph (d) to § 35.012, whereas a paragraph (d) was previously added to § 35.012 by an amendment promulgated January 19, 1934. In view of this duplication in numbering, the amendment effected by the instant law should be referred to as paragraph (d) of this section (approved May 11, 1944). (July 19, 1944.) (55 Stat. 844; 38 U.S.C. 726; Public No. 300, 78th Congress)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 44-11188; Filed, July 27, 1944;
10:07 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office¹

[Public Land Order 240]

CALIFORNIA

PARTIAL REVOCATION OF WITHDRAWAL OF PUBLIC LANDS

Revoking in part Public Land Order No. 80 of January 16, 1943, withdrawing public lands for use of the War Department; withdrawing public land under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war.

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 80 of January 16, 1943, is hereby revoked so far as it affects the following-described public land:

MOUNT DIABLO MERIDIAN

T. 26 N., R. 16 E., sec. 2, that portion of lot 2 described as follows:

Beginning at a point from which the quarter section corner between sections 2 and 35, Tps. 26 and 27 N., R. 16 E., M.D.M., California, bears N. 89° 37' W., 186 feet.

From the initial point, S. 89° 37' E., 600 feet; South, 492 feet; N. 89° 37' W., 600 feet; North, 492 feet, to the place of beginning.

The tract as described contains 6.78 acres.

Subject to valid existing rights, the above-described public land is hereby

¹Appendix.

withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war.

ABE FORTAS,

Acting Secretary of the Interior.

JULY 20, 1944.

[F. R. Doc. 44-11181; Filed, July 27, 1944;
10:15 a. m.]

Notices

INTERSTATE COMMERCE COMMISSION.

[S. O. 209-A]

ILLINOIS CENTRAL RAILROAD CO.

ROUTING OF TRAFFIC BETWEEN GRAND TOWER AND GALE, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of July, A. D. 1944.

Upon further consideration of Service Order No. 209 (9 F.R. 5611) of May 22, 1944, and good cause appearing therefor:

It is ordered, That:

Service Order No. 209 (9 F.R. 5611) of May 22, 1944, requiring the Illinois Central Railroad Company to reroute traffic because of flood conditions and a washout between Grand Tower, Illinois, and Gale, Illinois, be, and it is hereby vacated. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17), 15 (4))

And it is further ordered, That this order shall become effective 12:01 a. m., July 27, 1944; that a copy of this order and direction shall be served upon the Illinois Central 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 notice of this order 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.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-11190; Filed, July 27, 1944;
11:02 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 320, Order 7]

CYPRESS TOMATO FIELD CRATES AND CITRUS CRATES

ADJUSTMENT OF MAXIMUM PRICES

Order No. 7 under section 11 of Revised Maximum Price Regulation No. 320. Eastern and Central wooden agricultural containers.

Applications have been made by principal producers, representing approximately 65 percent of total production, for increased prices on cypress tomato field crates and cypress citrus crates on the basis that present production costs will not permit production at present ceiling prices. The problem is general in nature, and the data supporting the individual applications are inadequate for general price action. Since immediate production of these crates is necessary for harvesting present crops, and acquisition of necessary additional data will require some time, the granting of authorization to use adjustable pricing, pending receipt of additional information and further action by this Office, is deemed necessary to promote production and distribution of the commodities involved. The granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 and in accordance with section 11 of Revised Maximum Price Regulation 320, *It is ordered:*

(a) Sellers in the area covered by Revised Maximum Price Regulation 320 may sell and deliver, and any person may buy and receive cypress tomato field crates and cypress citrus crates at prices adjustable to those later established by the Office of Price Administration.

(b) However, prices in excess of the maximums currently established in the regulation may not be collected or paid, pending further action by this Office.

(c) This order shall expire at midnight on September 30, 1944.

This order shall become effective July 26, 1944.

Issued this 26th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11179; Filed, July 26, 1944;
4:41 p. m.]

[MPR 188, Order 1936]

ADENE'S MFG. AND SALES

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1936 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a juvenile rocker and a juvenile chair manufactured by Adene's Manufacturing and Sales.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a ju-

No. 150—7

venile rocker and a juvenile chair manufactured by Adene's Manufacturing and Sales, 5109 Verdun Avenue, Los Angeles, California.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Juvenile rocker.....	2	Each \$2.46	Each \$2.90
Juvenile chair.....	1	2.34	2.75

These prices are f. o. b. factory.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subparagraph (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
Juvenile rocker.....	2	Each \$2.90
Juvenile chair.....	1	2.75

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by paragraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of July 1944.

Issued this 27th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11194; Filed, July 27, 1944;
11:32 a. m.]

[MPR 188, Order 1937]

ROYAL CABINET INDUSTRIES

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1937 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of four items of occasional tables manufactured by Royal Cabinet Industries.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, the Stabilization Act of 1942 as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of four items of occasional tables manufactured by Royal Cabinet Industries, 144 Baruch Place, New York, New York.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Cocktail table.....	300	Each \$3.96	Each \$4.95
End table.....	310	3.72	4.65
Lamp table.....	400	3.40	4.50
	500	3.67	4.59

These prices are f. o. b. New York, New York.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subparagraph (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the estab-

ishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
		Each
Cocktail table.....	300	\$4.95
End table.....	310	4.65
Lamp table.....	400	4.50
	500	4.59

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by paragraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of July 1944.

Issued this 27th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11195; Filed, July 27, 1944;
11:32 a. m.]

[MPR 188, Order 1938]

COMBINATION PRODUCTS, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1938 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of combination telephone table and chair set manufactured by Combination Products, Incorporated.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a combination telephone table and chair set manufactured by Combination Products Incorporated, 1050 West Hubbard Street, Chicago, Illinois.

(1) (i) For all sales and deliveries since the effective date of Maximum Price

Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the article from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Combination telephone table and chair set.....	5031	Each \$5.91	Each \$6.95

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subparagraph (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
Combination telephone table and chair set.....	5031	Each \$6.95

This price is subject to a cash discount of two percent for payment within ten days, net thirty days.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by paragraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of July 1944.

Issued this 27th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11196; Filed, July 27, 1944;
11:32 a. m.]

[MPR 188, Order 1939]

CRAMER POSTURE CHAIR CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1939 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of ten items of upholstered stools manufactured by Cramer Posture Chair Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of ten items of upholstered stools manufactured by Cramer Posture Chair Company, 1205 Charlotte Street, Kansas City, Missouri.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	Each
Upholstered stool.....	CB-1	\$3.08	\$3.62
	CB-1S	3.42	4.02
	CB-2	3.37	3.96
	CB-2S	3.70	4.35
	CB-12	2.33	2.74
	CB-22	2.61	3.07
	CB-13	1.38	1.62
	CB-23	1.66	1.95
	FS-1	2.99	3.52
	FS-2	3.94	4.63

These prices are f. o. b. factory.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subparagraph (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth

pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f.o.b. factory:

Article	Model No.	Maximum price to retailers
Upholstered stool.....	CB-1	Each \$3.62
	CB-1S	4.02
	CB-2	3.96
	CB-2S	4.35
	CB-12	2.74
	CB-22	3.07
	CB-13	1.62
	CB-23	1.95
	FS-1	3.52
	FS-2	4.63

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by paragraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of July 1944.

Issued this 27th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11197; Filed, July 27, 1944; 11:31 a. m.]

Regional and District Office Orders.

[South Carolina Order G-1 Under MPR 426]

FRESH FRUITS AND VEGETABLES IN SOUTH CAROLINA

Order No. G-1 under section 2 (b) of Maximum Price Regulation 426. Fresh fruits and vegetables for table use. Sales except at retail.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Office of Price Administration by section 2 (b) of Maximum Price Regulation 426, and by Regional Delegation Order No. 12, *It is hereby ordered:*

(a) That on and after the effective date of this order, regardless of any contract, agreement or other obligation, no person shall sell, and no person shall purchase in the course of trade or business, lettuce in less than carlot or less than trucklot quantities, at prices higher than the maximum prices permitted by this Order No. G-1, except that this Order No. G-1 shall not be applicable to sales made to ultimate consumers. Lower prices may be charged, paid or offered.

(1) The maximum prices above referred to shall be:

(i) For iceberg lettuce in LA or Salinas crates, containing not less than 48 heads, with a minimum net weight of 60 lbs., the legal maximum prices for carlot or trucklot sales, plus 90¢.

(ii) For all lettuce in any container, except iceberg lettuce in LA or Salinas crates, and except hothouse lettuce, the legal maximum price for carlot or trucklot sales, plus 1½¢ per lb.

(b) Except as provided in this Order No. G-1, all transactions remain subject to the provisions of Maximum Price Regulation 426, as amended, together with all supplementary regulations and orders that have heretofore or may hereafter be issued.

(c) Unless the context otherwise requires, the definition set forth in section 8 of Maximum Price Regulation 426, as amended, shall apply to the terms used herein.

(d) This order may be revoked, amended, or corrected at any time.

(e) This order shall become effective the 10th day of September 1943.

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

Issued this 10th day of September 1943.

E. H. TALBERT,
District Director.

[F. R. Doc. 44-11173; Filed, July 26, 1944; 1:15 p. m.]

[Region III Order G-51 Under RMPR 122]

SOLID FUELS IN SANDUSKY COUNTY, OHIO, AREA

Correction

In F. R. Doc. 44-8990, appearing at page 6971 of the issue for Friday, June 23, 1944, the sixth price in Column II of the table should read "\$8.85."

[Region IV Order G-4 Under MPR 329, Amdt. 2]

FLUID MILK IN ATLANTA REGION

Amendment 2 to Order No. G-4 under Maximum Price Regulation 329 as amended. Purchases of milk from producers for resale as fluid milk. Modification of certain prices in Region IV.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Atlanta Regional Office of the Office of Price Administration by § 1351.408 (b) and (c) of Maxi-

mum Price Regulation 329 as amended, *It is hereby ordered*, That subparagraph (c) of section (B) (2) (iii) be revoked.

This amendment shall become effective July 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued July 15, 1944.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 44-11174; Filed, July 26, 1944; 1:15 p. m.]

[Region IV Order G-6 Under RMPR 122, Supp. Order 4]

SOLID FUELS IN SAVANNAH, GA.

Supplementary Order No. 4 to Order No. G-6 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the City of Savannah, in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122: *It is hereby ordered:*

(a) The following increase, may be added to the maximum prices established by Order No. G-6 issued under Revised Maximum Price Regulation No. 122 and by Supplementary Orders Nos. 1 and 2 thereunder, when said orders refer specifically to Bituminous Coals from District No. 8, sub-district No. 6 (Southern Appalachian):

Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
\$.15	\$.08	\$.04

(b) The increase authorized herein applies only to coal from sub-district No. 6 in District No. 8. Prices for coal from all other districts, and all other sub-districts of District No. 8, shall remain unchanged.

(c) Except as otherwise provided herein all transactions subject to this Supplementary Order shall remain subject to all provisions of said order No. G-6 under Revised Maximum Price Regulation No. 122, issued by this office, and to all supplementary orders and amendments which heretofore have been, or hereafter may be, issued.

(d) This supplementary order may be revoked, amended, or corrected at any time. This supplementary order shall become effective July 24, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.)

Issued July 19, 1944.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 44-11175; Filed, July 26, 1944; 1:15 p. m.]

[Region V Order G-6 Under RMPR 122]

SOLID FUELS IN CAPE GIRARDEAU AND JACKSON, MO.

Correction

In F. R. Doc. 44-9085, appearing at page 6976 of the issue for Friday, June 23, 1944, the designation for paragraph (a) in column 2 of page 6977 should be "(n)".

[Region VII Order G-10 Under 18 (c), Amdt. 5]

FLUID MILK IN UTAH

Order No. G-10 under § 1400.18 (c) of the General Maximum Price Regulation; Amendment No. 5. Order modifying wholesale and retail prices for fluid milk in the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.75 (a) (9) (ii) (b) (1) (ii) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 5 is issued.

1. Paragraph 1 of Order No. G-10 under § 1499.18 (c) of the General Maximum Price Regulation is hereby amended by adding thereto a new subparagraph designated (c) to read as follows:

(c) The maximum prices of fluid milk and chocolate milk sold and delivered at wholesale and at retail in glass bottles or paper containers, for the Cedar City Area of the State of Utah, shall be, from and after the effective date of this Amendment No. 5, as follows:

Container size	Wholesale	Retail
Milk of approved grade:	Cents	Cents
½ pint.....	4	5
Pint.....	7	7
Quart.....	10½	12
½ gallon.....	20	22
Gallon.....	39	41
Chocolate milk: Quart.....	10½	12

2. Subparagraph (f) of paragraph 2 of said Order No. G-10 is amended to read as follows:

(f) "Utah State area" means all of the area of the State of Utah not included within the Utah Special Defense Area as described in paragraph (e) except the Cedar City Area in Iron County.

3. Paragraph 2 of said Order No. G-10 is hereby further amended by adding thereto a new subparagraph designated (g) to read as follows:

(g) "Cedar City area" means all that area lying within a radius of five miles from the business center of the Town of Cedar City in Iron County, Utah.

4. *Effective date.* This Amendment No. 5 shall become effective on the 17th day of July 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of July 1944.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 44-11176; Filed, July 26, 1944; 1:15 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on July 24, 1944.

REGION I

Augusta Order 1-F, Amendment 1, covering fresh fruits and vegetables in Portland, South Portland, and Westbrook, Maine, filed 3:07 p. m.

Augusta Order 1-F, Amendment 2, covering fresh fruits and vegetables in Portland, South Portland, and Westbrook, Maine, filed 3:08 p. m.

Boston Order 6-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Massachusetts, filed 3:06 p. m.

Providence Order 1-F, Amendment 9, covering fresh fruits and vegetables in the Providence, R. I., Metropolitan Area, filed 3:06 p. m.

Providence Order 2-F, Amendment 9, covering fresh fruits and vegetables in Rhode Island, except certain areas, filed 3:07 p. m.

REGION II

Camden Order P-2, covering fresh fish and seafood in Atlantic and Cape May Counties, N. J., filed 2:55 p. m.

Trenton Order 1-F, Amendment 14, covering fresh fruits and vegetables in Mercer, Middlesex, and Monmouth, filed 3:03 p. m.

Trenton Order 2-F, Amendment 11, covering fresh fruits and vegetables in Mercer, Middlesex, and Monmouth, filed 2:54 p. m.

Trenton Order 3-F, Amendment 10, covering fresh fruits and vegetables in Mercer, Middlesex, and Monmouth, filed 2:54 p. m.

Trenton Order 4-F, Amendment 2, covering fresh fruits and vegetables in Hunterdon, Warren, Ocean, and Somerset, filed 3:08 p. m.

Wilmington Order 2-F, Amendment 14, covering fresh fruit and vegetables in area north of the towns of New Castle and Newark to the Delaware State line.

REGION VI

Quad-Cities Order 2-F, Amendment 18, covering fresh fruits and vegetables in certain cities in Illinois and Iowa, filed 2:56 p. m.

Quad-Cities Order 2-F, Amendment 17, covering fresh fruits and vegetables in certain cities in Illinois and Iowa, filed 2:57 p. m.

Quad-Cities Order 2-F, Amendment 18, covering fresh fruits and vegetables in certain cities in Illinois and Iowa, filed 2:57 p. m.

Quad-Cities Order 2-F, Amendment 19, covering fresh fruits and vegetables in certain cities in Illinois and Iowa, filed 2:58 p. m.

Quad-Cities Order 3-F, Amendment 5, covering fresh fruits and vegetables in certain areas in Illinois, filed 2:55 p. m.

Peoria Order 2-F, Amendment 10, covering fresh fruits and vegetables in certain cities in Illinois, filed 2:58 p. m.

Peoria Order 3-F, Amendment 10, covering fresh fruits and vegetables in certain cities in Illinois, filed 2:58 p. m.

Peoria Order 4-F, Amendment 5, covering fresh fruits and vegetables in certain cities in Illinois, filed 2:58 p. m.

Sioux City Order 2-F, Amendment 24, covering fresh fruits and vegetables in certain area in Iowa and Nebraska (Sioux City), filed 2:59 p. m.

REGION VII

New Mexico Order F-2, Amendment 1, covering fresh fruits and vegetables in City of Santa Fe, filed 2:50 p. m.

New Mexico Order F-2, Amendment 2, covering fresh fruits and vegetables in Santa Fe, filed 2:51 p. m.

New Mexico Order F-2, Amendment 3, covering fresh fruits and vegetables in Santa Fe, filed 2:51 p. m.

New Mexico Order F-2, Amendment 4, covering fresh fruits and vegetables in Santa Fe, filed 3:03 p. m.

REGION VIII

Fresno Order 2-F, Amendment 14, covering fresh fruits and vegetables in Modesto, Stanislaus County, Calif., filed 3:04 p. m.

Spokane Order 1-F, Amendment 16, covering fresh fruits and vegetables in certain areas of Spokane County, Wash., filed 3:03 p. m.

Spokane Order 2-F, Amendment 13, covering fresh fruits and vegetables in certain areas of Kootenai County, Idaho, filed 3:03 p. m.

Spokane Order 15, Amendment 3, covering community food prices in certain areas of Columbia and Walla Walla Counties, Wash., filed 3:01 p. m.

Spokane Order 18, Amendment 4, covering community food prices in certain areas of Shoshone and Kootenai Counties, Idaho, filed 3:00 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-11178; Filed, July 26, 1944; 4:41 p. m.]

[Region II Order G-3 Under MPR 426]

FRESH FRUITS AND VEGETABLES IN NEW YORK

Correction

In F. R. Doc. 44-9131, appearing at page 7031 of the issue for Saturday, June 24, 1944, the ninth price under "Freight allowance" in Appendix A should be "\$.02½".

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-63, 59-47, 70-922, 70-923]

REPUBLIC SERVICE CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING AND CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of July, A. D. 1944.

In the matters of Republic Service Corporation, et al., File Nos. 54-63 and 59-47; The Potomac Edison Company, File No. 70-922; American Gas and Electric Company, File No. 70-923.

The Commission having heretofore in proceedings under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 ordered Republic Service Corporation ("Republic"), a registered holding company, among other things, to divest itself of its interests in its Virginia subsidiaries and to recapitalize in an appropriate manner so as to ensure that the corporate structure of Republic does not unduly or unnecessarily complicate the structure or unfairly or inequitably distribute voting power among security holders of Republic's holding company system, and that, upon such recapitalization, the common stock of Republic shall be accorded no participation;

Notice is hereby given that declarations or applications (or both) have

been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Republic in the form of an amendment designated as Amendment No. 1 to its application, heretofore filed pursuant to section 11 (e) of the act for approval of a plan to effectuate the provisions of section 11 (b) of the act and to comply with the order of the Commission dated February 19, 1943. Separate declarations or applications (or both) have also been filed pursuant to the Public Utility Holding Company Act of 1935 by The Potomac Edison Company ("Potomac"), a registered holding company and a subsidiary of American Water Works and Electric Company, Incorporated, and by American Gas and Electric Company ("American"), a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company.

All interested persons are referred to such documents, which are on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Republic and Potomac have entered into an agreement for the sale and purchase of all of the outstanding securities of certain wholly-owned subsidiaries of Republic for \$2,007,137.60, which is the aggregate of the following prices as of December 31, 1943 subject to adjustments for changes in net property accounts and in net current assets to date of closing:

Company	Basic price as of Dec. 31, 1943	Adjusted net current assets at Dec. 31, 1943
Page Power Company, . . .	\$1,333,248.47	\$32,491.69
Madison Power Company, . . .	274,537.81	1,356.19
Massachusetts Power Corporation, . . .	283,958.05	29,746.31
Massachusetts Water Corporation, . . .	44,325.02	7,474.06
	1,936,069.35	71,068.25

Republic and American have entered into an agreement for the sale and purchase of all the outstanding capital stock of Holston River Power Company, a wholly-owned subsidiary of Republic, for a consideration of \$715,306 in cash as of December 31, 1943 subject to adjustments for changes in net property account and in net current assets to the date of closing.

Republic proposes to deposit the net proceeds of the sale of the said securities, estimated at \$2,590,000 (after estimated adjustments in sales prices and allowances for expenses and escrow funds provided for as security against contingent liabilities), with the Indenture Trustee to be used for pro rata payments on the principal of its Collateral Trust Bonds outstanding in the principal amount of \$4,409,500. In addition, Republic proposes that it shall have the privilege, at its option, of furnishing such additional cash to its Indenture Trustee as may be necessary to permit an aggregate pro rata payment of 60% of the outstanding principal amount of the said bonds. It is further proposed that interest on the portion of the principal to be paid shall

cease to accrue as of the end of the calendar month in which the equivalent cash funds (including interest accrued to such date) are deposited with the Indenture Trustee.

Republic requests that the Commission find the plan fair and equitable to the persons affected thereby and appropriate to effectuate the provisions of section 11 (b) of the Act and requests that an order approving this plan and the proposed transactions contain appropriate recitals and specifications as described in sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code. Republic further requests if the Commission approves the proposed plan that the Commission apply to a Federal Court pursuant to the provisions of section 11 (e) and 18 (f) of the act to enforce and carry out the terms and provisions of this plan.

The filings designate sections 11 (b), 11 (e), 12 (d), 12 (f), 9 (a), and 10 of the act as applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said declarations or applications (or both) shall not become effective or be granted except pursuant to further order of this Commission; and

It further appearing that all of the foregoing matters are related and involve common questions of law and fact and that evidence offered in respect of each of the matters may have a bearing on the others, and that substantial savings of time, effort, and expense and substantial progress toward the speedy and effective carrying out of the purposes of the Act and the applicable provisions thereof will result after the hearings if said matters are consolidated so that they may be heard as one matter, and that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is hereby ordered, That the said matters be and the same hereby are consolidated, *Provided*, That nothing herein contained shall be deemed to constitute a re-opening of the record in any proceedings in any matters contained in Commission's File Nos. 54-63 and 59-47 in respect of any issue decided by the Commission's order of February 19, 1943 or to constitute a modification or amendment of said order.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economic disposition of the matters involved.

It is further ordered, That a hearing on said matters so consolidated be held on the 14th day of August, 1944, at 10:00 A. M., E. W. T., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for the purpose shall preside at such hearing. 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 said act and to a trial examiner under the Commission's rules of practice.

Notice is hereby given of said consolidated hearing to the above-named declarants or applicants, State Corporation Commission of Virginia, Public Service Commission of Maryland, The Pennsylvania Company for Insurance on Lives and Granting Annuities, Indenture Trustee of said Collateral Trust Bonds, and to all interested persons; said notice to be given to said declarants or applicants and to The Pennsylvania Company for Insurance on Lives and Granting Annuities, Indenture Trustee, State Corporation Commission of Virginia, and Public Service Commission of Maryland by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER. It is requested that any person desiring to be heard in this proceeding shall file with the Secretary of this Commission, on or before August 10, 1944, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Republic shall give additional notice of said hearing to all known holders of its outstanding First Lien Collateral Trust Twenty-five Year Bonds, 5% Series A, by causing a copy of this notice and order of hearing to be mailed to such holders at their last-known addresses, such mailing to be made not less than ten days prior to the date of said hearing.

It is further ordered, That without limiting the scope of the issues presented by the said declarations or applications (or both) and otherwise to be considered in this proceeding, particular attention shall be directed at the hearing to the following matters and questions:

1. Whether the considerations to be paid by the purchasers and received by the seller are reasonable and bear a fair relation to the sums invested in or the earning capacities of such assets;

2. Whether the proposed acquisitions of securities by Potomac and American will tend toward the economical and efficient development of integrated public utility systems and whether such acquisitions will tend toward interlocking relations or concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or to the interest of investors or consumers;

3. Whether the plan as proposed or as modified is necessary to effectuate the provisions of section 11 (b) of the act, fair and equitable to the persons affected thereby, and in conformity with the requirements of the Commission's order of February 19, 1943;

4. Whether the accounting adjustments and entries proposed to be made in connection with the proposed transactions are proper and are in accordance with sound accounting practices;

5. Whether the proposed use of the proceeds of the contemplated sales of securities by Republic in the pro rata payment of Republic's bonds is fair and equitable to all persons affected thereby;

6. Whether the fees and expenses to be paid in connection with the proposed transactions are reasonable and appropriate;

7. Whether, if the proposed transactions, or any of them, are authorized, it is necessary or appropriate that terms or conditions be imposed in the public interest or for the protection of investors and consumers in connection with such authorization;

8. Generally, whether in any respect such transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the act or of any rules or regulations promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-11182; Filed, July 27, 1944;
10:15 a. m.]

[File No. 70-921]

MONTANA STATES POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of July, 1944.

Notice is hereby given that an application or declaration (or both) has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Mountain States Power Company, an operating public utility and a subsidiary of Standard Gas and Electric

Company, a registered holding company; and

Notice is further given that any interested person may, not later than the 12th day of August, 1944 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application or declaration (or both) which is on file in the office of the said Commission for a statement of the transaction therein proposed, which is summarized as follows:

In accordance with a contract dated April 11, 1944, Mountain States Power Company proposes to acquire certain properties owned and operated by T. W. Allen and Bessie E. Allen, trading as Mill City Light and Water Company, for a consideration of \$75,000, which properties consist of a hydro-electric generating and distribution system and domestic water pumping plant, purification equipment and distribution system at and in the vicinity of Mill City in Linn and Marion Counties, Oregon, with all the appurtenances, equipment and water rights, as more particularly set forth in said contract of April 11, 1944. The Public Utility Commission of the State of Oregon and the Department of Public Service of the State of Washington

have heretofore authorized the acquisition of the aforesaid properties.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-11183; Filed, July 27, 1944;
10:16 a. m.]

WAR FOOD ADMINISTRATION.

Commodity Credit Corporation.

VICE PRESIDENT OF COMMODITY CREDIT CORPORATION

DELEGATION OF AUTHORITY TO ADMINISTER WFO 100

Pursuant to the provisions of War Food Order No. 100, dated May 9, 1944, (9 F.R. 4974), dealing with the purchase and sale of farmers' stock peanuts from the 1944 crop, and to effectuate the purposes of such order, Carl C. Farrington, Vice President of the Commodity Credit Corporation, is hereby designated and authorized to exercise and perform all the powers, functions, and duties conferred or imposed upon the President of the Commodity Credit Corporation by such order, and any amendments thereto.

Mr. Farrington shall be assisted in the administration of such order by such persons within the War Food Administration as he may designate.

(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; War Food Order No. 100, 9 F.R. 4974)

Issued this 24th day of July 1944.

J. B. HUTSON,
President,

Commodity Credit Corporation.

[F. R. Doc. 44-11192; Filed, July 27, 1944;
11:21 a. m.]



