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The President

EXECUTIVE ORDER 9418

AUTHORIZING THE WAR FOOD ADMINISTRATION TO PLACE ORDERS WITH OTHER AGENCIES FOR MATERIALS OR SERVICES TO BE OBTAINED BY CONTRACT OR OTHERWISE

By virtue of the authority vested in me by the Constitution and the Statutes of the United States, particularly by Title I of the First War Powers Act, 1941, as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

The functions, powers, and duties, with respect to placing orders for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract, which are vested in the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration, and the Maritime Commission under section 7 (a) of the act of May 21, 1920 (41 Stat. 613) as amended by section 601 of the act of June 30, 1932 (47 Stat. 417) and the act of July 20, 1942 (56 Stat. 661, 31 U.S.C., 686) may be exercised also by the War Food Administration, and by any constituent agency or corporation thereof designated by the War Food Administrator. Any provision of any Executive order or proclamation conflicting with this order is superseded to the extent of such conflict.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 29, 1944

[F. R. Doc. 44-1499; Filed, January 29, 1944; 5:20 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[FPO 10, Rev. 1]

PART 1206—FERTILIZER

CHEMICAL FERTILIZER IN PUERTO RICO

Section 1206.501 [1] is hereby revised and amended in its entirety to read as follows:

§ 1206.501 *Chemical fertilizer in Puerto Rico*—(a) *Definitions.* For the purposes of this order:

(1) "Chemical fertilizer" means any material used as a plant food containing one or more of the following: nitrogen, phosphorus, or potassium, excluding, however, animal manures and animal, fish, and plant residues, unless mixed with a chemical fertilizer.

(2) "Food crop" means any crop, other than sugarcane or tobacco, grown for human or animal consumption or use.

(3) "Fertilizer year" means the period beginning September 1 of any calendar year and ending the following August 31.

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

(5) "Dealer" means any person, other than a fertilizer manufacturer, who purchases or has purchased chemical fertilizer for resale.

(6) "Agent" means any person, other than a fertilizer manufacturer, who receives or has received chemical fertilizer on a consignment basis for resale.

(7) "Person" means any individual, partnership, corporation, association, business trust, or any organized group of persons, whether incorporated or not. The term "person" shall also include the United States or any agency thereof, and the Government of Puerto Rico or any agency thereof.

(8) "Farm Rationing Committee" means the Farm Rationing Committee

[1] 8 F.R. 5427, 9276, 9439.

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NOTICE

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for Puerto Rico established pursuant to Food Production Order No. 14 (8 F.R. 17456).

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

(b) *General administration.* This order shall be administered by the Farm Rationing Committee. The Farm Rationing Committee may delegate any of the duties and functions imposed upon it by this order to any member of such Committee or to any officer or employee of the Agricultural Adjustment Agency in Puerto Rico.

(c) *Allocation of chemical fertilizer materials.* It shall be the duty of the Farm Rationing Committee to encourage the use of available chemical fertilizer on food crops so as to obtain the greatest practicable amount of food production in Puerto Rico. To this end the Committee shall require fertilizer manufacturers to set apart such quantities of fertilizer materials as it determines should be made available for use on food crops in order to maintain, as nearly as possible, an adequate supply of such materials for such purpose. The Farm Rationing Committee shall also endeavor to arrange, through the proper authorities, for shipments to Puerto Rico of sufficient quantities of fertilizer materials for use on food crops, sugarcane and tobacco, taking into account the shipping space allocated monthly for such purpose.

(d) *Manufacture and delivery of chemical fertilizer.* (1) From time to time, the Farm Rationing Committee shall prescribe a formula or formulae for the mixing of chemical fertilizer suitable for use on food crops, sugarcane and tobacco, taking into account the supply of fertilizer materials available or expected to be available in Puerto Rico; and no manufacturer shall mix chemical fertilizer except in conformity with a formula or formulae prescribed by the Farm Rationing Committee. (Unless otherwise specified, nitrogen prescribed in any formula will mean nitrogen (N) expressed in terms of ammonia (NH_3).)

(2) No fertilizer manufacturer, dealer, agent or other person shall deliver to any person, and no person shall accept, for use any chemical fertilizer of a formula not prescribed by the Farm Rationing Committee pursuant to paragraph (d) (1) hereof.

(e) *Directions.* (1) Each fertilizer manufacturer shall comply with such directions as may be issued from time to time by the Farm Rationing Committee with respect to the quantities, grades and kinds of mixed fertilizer to be manufactured and with respect to the use or delivery of any chemical fertilizer.

(2) Each dealer, agent or other person to whom this order applies shall comply with such directions as may be issued from time to time by the Farm Rationing Committee with respect to the delivery and use of chemical fertilizers.

Sugarcane

(f) *How chemical fertilizer for use on sugarcane is obtained.* (1) Any person who wishes to obtain chemical fertilizer for use on sugarcane must apply for a ration card in accordance with the procedure established by the Farm Rationing Committee. The ration card will be on a form prescribed by the Farm Rationing Committee. On application, the Farm Rationing Committee will issue to each sugarcane grower two ration cards during each fertilizer year. One card will be for the period September 1 to the end of the following February, and the other will be for the period March 1 to the following August 31. Each ration card will show the fertilizer requirements of the grower, as determined by the Farm Rationing Committee in accordance with paragraph (g) hereof. The Farm Rationing Committee may require applicants for ration cards for chemical fertilizer for use on sugarcane to take an additional amount of fertilizer for use on food crops. In such case, no ration card for chemical fertilizer for use on sugarcane shall be issued to any person, unless such person agrees to take and use such additional amount of fertilizer for use on food crops.

(2) A ration card for fertilizer for use on sugarcane will not of itself authorize a sugarcane grower to obtain fertilizer. The Farm Rationing Committee will, from time to time, determine the percentage of the fertilizer requirements of sugarcane growers, which may be delivered to them. Such percentage shall be determined for all sugarcane growers, taking into account the available supply of chemical fertilizer for use on sugarcane. The total of the percentages authorized by the Farm Rationing Committee during any fertilizer year may be more or less than 100 percent of growers' requirements depending upon the available supply of fertilizer. The Farm Rationing Committee shall notify fertilizer manufacturers, dealers and agents of each such determination.

(g) *Fertilizer requirements for sugarcane.* Each grower's requirements for chemical fertilizer for use on sugarcane during any fertilizer year shall be determined on the basis of such grower's normal use of chemical fertilizer on sugarcane in terms of a basic formula of 12-8-8 or its nitrogen equivalent in any other formula prescribed by the Farm Rationing Committee. Normal use shall be deemed to be the average amount of chemical fertilizer per acre used by such grower during the base period January 1, 1940, to April 30, 1941, as determined from the Agricultural Adjustment Agency records, but shall not be deemed to be less than 400 pounds per acre. A grower's requirements for chemical fertilizer for any fertilizer year shall be the product of his normal use of chemical fertilizer and his acreage under active cultivation during such year, as determined by the Farm Rationing Committee. In issuing a ration card for the period September 1 to the end of the following February, however, the acreage actively cultivated during the preceding fertilizer year shall be used in calculating fertilizer requirements. In issuing a ration card for the period March 1 through August 31, the actual acreage under active cultivation during the fertilizer year shall be used in making this calculation; and, if the actual acreage figure differs from the acreage figure used for the preceding period, such adjustments as may be necessary shall be made.

(h) *Delivery of fertilizer for use on sugarcane.* A sugarcane grower may obtain chemical fertilizer only upon presenting his ration card to a fertilizer manufacturer, dealer, agent or other person from whom such fertilizer is to be obtained. No fertilizer shall be delivered to any sugarcane grower for use on sugarcane until delivery has been made of the fertilizer for use on food crops, if any, which such grower is required to take. The quantity of fertilizer delivered to any grower at any time for use on sugarcane shall not exceed the quantity authorized by the Farm Rationing Committee pursuant to paragraph (f) (2) hereof, to be delivered at that time. Upon making delivery of such fertilizer, the fertilizer manufacturer, dealer, agent, or other person making such delivery shall sign and date the ration card as of the date of delivery and indicate thereon the kinds and quantities of fertilizer delivered.

Tobacco

(i) *How chemical fertilizer for use on tobacco is obtained.* (1) Any person who wishes to obtain chemical fertilizer for use on tobacco must apply for a ration card in accordance with the procedure established by the Farm Rationing Committee. The ration card will be on a form prescribed by the Farm Rationing Committee. One ration card will be issued to each applicant with respect to each tobacco crop. The ration card will show the applicant's fertilizer requirements for tobacco, determined in accordance with paragraph (j) hereof.

(2) A ration card for fertilizer for use on tobacco will not of itself authorize a tobacco grower to obtain fertilizer. The Farm Rationing Committee will, from time to time, determine the percentage of the fertilizer requirements of tobacco growers, which may be delivered to them. Such percentage shall be determined for all tobacco growers, taking into account the available supply of chemical fertilizer for use on tobacco. The total of the percentages authorized by the Farm Rationing Committee for any tobacco crop may be more or less than 100 percent of tobacco growers' requirements depending upon the available supply of fertilizer. The Farm Rationing Committee shall notify fertilizer manufacturers, dealers and agents of each such determination.

(j) *Fertilizer requirements for tobacco.* Each tobacco grower's requirement for chemical fertilizer for use on any tobacco crop shall be the product of his tobacco acreage, which shall not exceed his acreage allotment received under the Agricultural Conservation Program for 1943, and 800 pounds of chemical fertilizer in any formula prescribed by the Farm Rationing Committee.

(k) *Delivery of fertilizer for use on tobacco.* A tobacco grower may obtain chemical fertilizer only upon presenting his ration card to a fertilizer manufac-

turer, dealer, agent or other person from whom such fertilizer is to be obtained. The quantity of fertilizer delivered to any grower at any time for use on tobacco shall not exceed the quantity authorized by the Farm Rationing Committee, pursuant to paragraph (i) (2) hereof, to be delivered at that time. Upon making delivery of such fertilizer, the fertilizer manufacturer, dealer, agent or other person making such delivery shall sign and date the ration card as of the date of delivery and indicate thereon the kinds and quantities of fertilizer delivered.

Food Crops

(l) *How chemical fertilizer for use on food crops is obtained.* Any person who wishes to obtain chemical fertilizer for use on food crops must apply for a purchase permit in accordance with the procedure established by the Farm Rationing Committee. The purchase permit will be on a form prescribed by the Farm Rationing Committee. Purchase permits, which will be issued in triplicate, will authorize the purchase of chemical fertilizer in accordance with the requirement of each applicant. The Farm Rationing Committee is hereby authorized to establish the basis or method for determining the requirements for fertilizer for use on food crops. Such basis or method shall be uniformly applicable in determining the requirements of all persons growing the same crop or crops, and, so far as practicable, shall apply throughout the growing season for each crop.

(m) *Delivery of chemical fertilizer for use on food crops.* A farmer may obtain chemical fertilizer for use on food crops only by surrendering to a fertilizer manufacturer, dealer, agent or other person from whom such fertilizer is to be obtained, the original and one copy of his purchase permit. Upon making delivery of such fertilizer, the fertilizer manufacturer, dealer, agent or other person making such delivery shall sign and date the original and the copy, shall mail the original to the Farm Rationing Committee, and shall retain the copy on file for at least 60 days.

Appeals

(n) *Denial of applications for ration cards or purchase permits.* If the Farm Rationing Committee denies an application for a ration card or purchase permit, in whole or in part, it shall notify the applicant by a letter setting forth the reason for such denial. The applicant then may, within 15 days after receiving such notification, request the Farm Rationing Committee, in writing, to reconsider its action. Within 15 days after the receipt of such request, the Farm Rationing Committee shall notify the applicant by letter of its action on the reconsideration. If, after such reconsideration, the applicant believes that the final ruling of the Farm Rationing Committee is not in accordance with the provisions of this order, he may, within 15 days after receiving notification of such ruling, file with the Farm Rationing Committee a written appeal to the Director from such ruling, setting forth specifically the reasons for his appeal, and stating in full the facts upon which his appeal is based. The Farm Rationing Committee shall promptly transmit such appeal to the Director. The Director may require the furnishing of additional information by the applicant or the Farm Rationing Committee. The Director may affirm, reverse, or modify the decision of the Farm Rationing Committee or he may remand the matter to the Farm Rationing Committee. The decision of the Director shall be in writing, shall be communicated to the applicant and the Farm Rationing Committee and shall be final and conclusive.

(o) *Petition for relief from hardship.* Except as provided in paragraph (n) hereof, any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and information. Such petition shall be submitted, however, to the Farm Rationing Committee, which shall promptly transmit it to the Director with its recommendation. The Director may, upon the basis of such application and other information, take such action as he deems appropriate. The decision of the Director shall be in writing and shall be final and conclusive.

General Provisions

(p) *Restriction on delivery and use of chemical fertilizer.* No fertilizer manufacturer, dealer, agent or other person shall deliver to any person for use, and no person shall accept for use, any chemical fertilizer except as authorized by the Farm Rationing Committee by means of a purchase permit or a ration card issued pursuant to this order.

(q) *Records and reports of manufacturers, dealers, and agents.* Fertilizer manufacturers, dealers, agents and other persons to whom this order applies shall keep records for not less than two years of all deliveries of chemical fertilizer, including the quantities and kinds delivered and the names of persons to whom delivered, in such detail as the Farm Rationing Committee may prescribe, and shall make reports to the Farm Rationing Committee of all such deliveries in such form and detail as it may require. (This record keeping and reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(r) *Audits and inspections.* Each fertilizer manufacturer, dealer, agent or other person to whom this order applies shall, upon request, submit such of his books, records, and accounts for audit and inspection by duly authorized representatives of the Farm Rationing Committee as may be necessary or appropriate to the enforcement or administration of the provisions of this order.

(s) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, or who conspires with another to perform any of such acts, is guilty of a crime and upon conviction may be punished by fine and imprisonment. In addition, any such person may by administrative suspension order be prohibited from receiving any deliveries of, or selling or otherwise disposing of, or using any chemical fertilizer or any other material now or hereafter authorized to be rationed or allocated by, or subject to the priority control of, the War Food Administrator, and may be deprived of any priority assistance. Further, the Director may recommend to the Office of Price Administration or to the War Production Board that any person who violates any provision of this order, or any amendment or supplement thereto, be denied the right to receive, use, sell or otherwise dispose of any other materials which now are or in the future may be under allocation.

(t) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued, be addressed to the Farm Rationing Committee for Puerto Rico, P. O. Box 4349, San Juan, Puerto Rico, Ref. FPO 10.

(u) *Territorial application of order.* This order shall have application only in Puerto Rico.

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

Issued this 31st day of January 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-1543; Filed, January 31, 1944; 11:28 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-133]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN EL PASO, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.161 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk by-products for delivery.

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

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

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

The city of El Paso; that part of justices' precinct 1 south of North Line Drive extended and North Line Drive, northwest of U. S. Highway 54, south of Hercules Drive, east of Diana Drive, south of Gas Line Road, and southwest of the Southern Pacific Railroad; that part of justices' precinct 2 south of the north boundary of Fort Bliss Military Reservation to the intersection of U. S. Highway 62, and south of U. S. Highway 62; and the entire area of justices' precinct 8; all in El Paso County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

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

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

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

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

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

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

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

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

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

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

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

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

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

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

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

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

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

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

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

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

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

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

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

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

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

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1406; Filed, January 27, 1944; 3:54 p. m.]

[FDO 79-134]

PART 1401—DAIRY PRODUCTS

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

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F. R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.160 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

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

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

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

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

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

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

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

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

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

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

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

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

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

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

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

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

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

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

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

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

(3) After investigation, the petition shall be certified to the Director, but

prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

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

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

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

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota; and

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

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

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

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

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

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1407; Filed, January 27, 1944; 3:54 p. m.]

[FDO 79-135]

PART 1401—DAIRY PRODUCTS

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

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.165 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

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

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

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

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

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

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

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

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

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

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

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

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or

other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

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

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

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

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

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

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

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

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

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

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

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

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

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

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

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

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

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

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

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1408; Filed, January 27, 1944; 3:54 p. m.]

[FDO 79-3, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CLEVELAND, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-3 (8 F.R. 13367), relative to the conservation and distribution of fluid milk in the Cleveland, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended as follows:

1. By deleting therefrom the provisions in § 1401.46 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.46 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to subhandlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m. e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-3, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-3, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1439; Filed, January 28, 1944; 3:31 p. m.]

[FDO 79-11, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN TOLEDO, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F. R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 7911 (13375), relative to the conservation and distribution of fluid milk in the Toledo, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended as follows:

1. By deleting therefrom the provisions in § 1401.42 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.42 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants, engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or

groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-11, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Director Food Distribution Order No. 79-11, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1442; Filed, January 28, 1944; 3:31 p. m.]

[FDO 79-13, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN DAYTON, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-13 (8 F.R. 13377), relative to the conservation and distribution of fluid milk in the Dayton, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.41 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.41 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-13, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-13 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1443; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79-16, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN YOUNGSTOWN, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-16 (8 F.R. 13427), relative to the conservation and distribution of fluid milk in the Youngstown, Ohio, milk sales area, issued by the Director of Food Distribution on October 1, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.55 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.55 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

3. By deleting therefrom the numerals "150" wherever they appear in § 1401.55 (g) and inserting in lieu thereof, the numerals "50."

4. By adding to the description of the sales area in § 1401.55 (b) the following:

The townships of Beaver and Springfield in Mahoning County, and Newton, Braceville, Southington, Champion and Bazetta in Trumbull County, Ohio.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1. 1944. With respect to violations of said Food Distribution Order No. 79-16, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-16 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1445; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79-19, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN HUNTINGTON-ASHLAND METROPOLITAN SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-19 (8 F.R. 13430), relative to the conservation and distribution of fluid milk in the Huntington-Ashland metropolitan milk sales area, issued by the Director of Food Distribution on October 1, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.50 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.50 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-19, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-19 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1447; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79-66, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ROCKFORD, ILL., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No.79-66 (8 F.R. 14268), relative to the conservation and distribution of fluid milk in the Rockford, Illinois, milk sales area, issued by the Director of Food Distribution on October 19, 1943, is hereby amended as follows:

Delete the numerals "300" wherever they appear in § 1401.97 (h) and insert in lieu thereof, the numerals "100".

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-66, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-66 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1449; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79-86, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SPRINGFIELD, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-86 (8 F.R. 14724), relative to the conservation and distribution of fluid milk in the Springfield, Ohio, milk sales area, issued by the Director of Food Distribution on October 28, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.121 (g) and substituting therefor the following:

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.121 (i) and substituting therefor, the following:

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

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-86, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-86, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1451; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79-128, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN ANTONIO, TEX., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-128 (9 F.R. 648), relative to the conservation and distribution of fluid milk in the San Antonio, Texas, milk sales area, issued by the Director of Food Distribution on January 13, 1944, is amended by deleting the description of the sales area in § 1401.163 (b) and inserting, in lieu thereof, the following:

The city of San Antonio and justices' precincts 1, 3, 6, 7, 8 and that part of justices' precinct 2 lying east of Leon Creek, all in Bexar County, Texas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-128, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Director Food Distribution Order No. 79-128 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1452; Filed, January 28, 1944; 3:32 p. m.]

[FDO 92]

PART 1401—DAIRY PRODUCTS

CHEESE AND CHEESE FOODS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of milk for the production of dairy products essential 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:

§ 1401.9 *Restrictions on production of cheese and cheese foods*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "milk" means cow's milk, whether whole milk, skim milk, or partially skimmed milk, with or without the addition thereto of milk fat, and whether in natural fluid, evaporated, condensed, or reconstituted form. Such term shall also include, but not be limited to, cow's milk to which any other substance or ingredient has been added.

(4) The term "curd" means the product obtained by coagulating the casein of milk, by means of rennet or other enzyme, lactic fermentation, or any other coagulating agent.

(5) The terms "cheese" and "cheese food" mean any product or products made by modifying curd, by means of heat, pressure, vacuum process, ripening ferments, incorporating special molds or bacteria, stabilizing agent, emulsifying agent, seasoning, or by mixing curd with any other substance, but such terms shall not include the following: (i) Cheddar cheese or any product made therefrom, and (ii) cottage, pot, or baker's cheese.

(6) The term "Cheddar cheese", frequently called "American cheese" or "American Cheddar cheese", means Cheddar cheese (produced in the United States) as defined in the definition and standards of identity for Cheddar cheese issued by the Administrator of the Food and Drug Administration on January 6, 1941 (21 CFR, 1941 Supp., 19.500). Such term does not include washed curd or colby types of cheese.

(7) The term "governmental agency" means (i) the Armed Services of the United States, (ii) the Food Distribution Administration (including, but not restricted to, the Federal Surplus Commodities Corporation), (iii) the War Shipping Administration, (iv) the Veterans Administration, and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a Food Distribution regulation, is entitled to purchase

cheese and cheese foods subject to this order.

(8) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States, excluding for the purposes of this order, United States Army Post Exchanges, United States Navy Ships' Service Departments, United States Marine Corps Post Exchanges, and similar organizations.

(9) The term "quota period" means the period from the effective time of this order to March 31, 1944, and each of the following periods of three consecutive calendar months during each period of 12 consecutive calendar months after March 31, 1944: (i) April 1 to June 30, inclusive, (ii) July 1 to September 30, inclusive, (iii) October 1 to December 31, inclusive, and (iv) January 1 to March 31, inclusive.

(10) The term "quantity" means number of pounds net weight.

(b) *Restrictions.* (1) No person shall, during any quota period, produce a total quantity of cheese and cheese food which is in excess of the total quantity of cheese and cheese food produced by such person in the corresponding period of the calendar year 1942.

(2) Notwithstanding the provisions of (b) (1) hereof, the Director may, by order or by written notice, increase or decrease the quantity of cheese and cheese food which may be produced by any person during any quota period. Any such order or notice of the Director shall supersede the provisions of (b) (1) hereof from the date the Director declares such order or notice to be effective. No person shall produce cheese or cheese food in violation of any such order or notice of the Director.

(3) The restrictions hereof shall be observed without regard to the rights of creditors, existing contracts, or payments made. This order shall not, however, be construed as reducing the amount of cheese or cheese food which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any governmental agency.

(c) *Exemptions.* (1) In the event a person produces cheese or cheese food and it is, accordingly, charged to his quota for the respective quota period pursuant to (b) (1) hereof, there is exempted from the restrictions of this order any product thereafter made from such cheese or cheese food.

(2) There shall not be charged to any person's quota for the production of cheese and cheese food for a particular quota period pursuant to (b) (1) hereof the quantity of any cheese or cheese food made by such person after the effective time of the order and delivered by him in such quota period to a governmental agency irrespective of whether such cheese or cheese food was produced in said quota period.

(3) No person shall include in the computation of his quota for the production of cheese and cheese food for any quota period pursuant to (b) (1) hereof: (i) the quantity of any product made by such person during the calendar year 1942 from a cheese or cheese food produced by him prior to the calendar year 1942, or from a quantity of cheese or cheese food produced by such person during the calendar year 1942 which was previously included in the computation of his quota for any quota period, or (ii) the quantity of cheese or cheese food which was delivered by such person to a governmental agency during the corresponding portion of the calendar year 1942.

(d) *Production report.* Each person who produces cheese or cheese food on the effective date of this order shall, within 30 calendar days after the effective date hereof, and each person who starts to produce cheese or cheese food after the effective date of this order shall, within 30 calendar days after he starts to produce such cheese or cheese food, submit to the United States Department of Agriculture, P. O. Box 6910-A, Chicago, Illinois, in writing, the following information: (1) the name, description, and composition of each type of cheese and cheese food produced by him during the period from January 1, 1942, to the effective date hereof; (2) the total quantity of each type of cheese and cheese food produced by him each calendar month during the calendar year 1942; (3) the total quantity of each type of cheese and cheese food produced by him during the calendar year 1943; (4) the total quantity of each type of cheese and cheese food produced by such person and delivered by him to governmental agencies each calendar month during the calendar year 1942; and (5) the total quantity of each type of cheese and cheese food produced by such person and delivered by him to governmental agencies during the calendar year 1943. Each person who, on or after the effective date hereof, starts to produce a cheese or cheese food which he did not produce during the period from January 1, 1942, to the effective date hereof, shall, within 30 calendar days after he starts to produce such cheese or cheese food, submit, in writing, to the United States Department of Agriculture, P. O. Box 6910-A, Chicago, Illinois, a report of the name, description, and composition of each such type of cheese or cheese food produced by him.

(e) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writing, premises or stocks of cheese and cheese food of any person, and to make such investigations, as may be necessary or appropriate in his discretion, to the enforcement or administration of the provisions of this order.

(f) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in cheese and cheese foods.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the administrator of this order. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 92, Dairy and Poultry Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, by requesting the Order Administrator therefor, he shall obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (g) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate and such action shall be final.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using cheese and cheese food, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administra-

tor, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(j) *Communications.* All reports to be filed hereunder and all communications concerning this order shall, except as provided herein or unless instructions to the contrary are issued by the Director, be addressed to the Regional Director, Food Distribution Administration, War Food Administration, serving the area (8 F.R. 15764) in which the person affected by the order resides or does business.

(k) *Territorial scope.* This order shall apply only to the 48 States of the United States and the District of Columbia.

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

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

Issued this 27th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1453; Filed, January 28, 1944; 3:31 p. m.]

[FDO 21, Amdt. 2]

PART 1415—IMPORTED FOODS

DISTRIBUTION OF TEA FOR CIVILIAN CONSUMPTION

Food Distribution Order No. 21, § 1415.1, issued by the Secretary of Agriculture on February 15, 1943, as amended (8 F.R. 2077, 9 F.R. 150), is amended as follows:

1. By deleting the provisions of (a) (3) and inserting in lieu thereof the following:

(3) The term "Commodity" means the Commodity Credit Corporation, War Food Administration, or the U. S. Commercial Company, Foreign Economic Administration.

2. By deleting the provisions of (b) (1) and inserting in lieu thereof the following:

(1) No person other than a qualified distributor shall purchase tea from Commodity; and each qualified distributor shall purchase tea only from Commodity and only in accordance with an allocation hereunder and pursuant to the provisions of this order. The provisions of this order shall not prohibit the purchase, by a qualified distributor from another qualified distributor, of tea in the chest in which such tea was imported by Commodity.

This amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 21, as amended, prior to the effective time of this amendment, said Food Distribution Order No. 21, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

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

Issued this 27th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1454; Filed, January 28, 1944; 3:31 p. m.]

[FDO 66, Amdt. 2]

PART 1468—GRAINS

MALTED GRAINS, MALT SYRUP, RICE, HOPS, AND HOP PRODUCTS

Food Distribution Order No. 66, issued by the War Food Administrator on July 26, 1943, as amended (8 F.R. 10480, and 13841), is further amended as follows:

1. By inserting, after § 1468.2 (a) (4) thereof, the following:

(5) The term "hops" means the pistillate cones, in the dried or green state, of the vine *Humulus lupulus* or *Humulus americanus* produced in 1943 or previous years.

(6) The term "hop product" means any substance (i) which is derived, in whole or in part, from hops, and (ii) which is suitable for use in the manufacture of malt beverages, including, but not being limited to, any form of such products generally known as hopulon, lupulin, lupulin sweepings, hop oil, hop emulsion, or hop extract.

2. By renumbering (5), (6), (7), (8), (9), (10), and (11) of § 1468.2 (a) thereof, following (5) and (6) set forth in the amendment above, so as to read, respectively, (7), (8), (9), (10), (11), (12), and (13).

3. By deleting from § 1468.2 (d) (1) the provisions thereof and inserting, in lieu thereof, the following:

(d) *Restrictions on inventory of malted grain and malt syrup.* (1) No brewer shall accept delivery of a quantity of malted grain which will cause the total quantity of malted grain owned by such brewer, or in his possession, to exceed 4,000 bushels, or 20 percent of the quantity of malted grain used by such brewer in the production of such malt beverages in the calendar year 1942, whichever amount is the greater.

4. By renumbering § 1468.2 (f), § 1468.2 (g), § 1468.2 (h), § 1468.2 (i), § 1468.2 (j), § 1468.2 (k), and § 1468.2 (l) thereof so as to read, respectively, § 1468.2 (g), § 1468.2 (h), § 1468.2 (i), § 1468.2 (j), § 1468.2 (k), § 1468.2 (l), and 1468.2 (m).

5. By inserting, after § 1468.2 (e) thereof, the following:

(f) *Restrictions on inventory of hops and hop products.* (1) After January 31, 1944, no brewer shall buy, contract to buy, or accept delivery of a quantity of hops which will cause the total quantity of hops owned, contracted for, possessed, or, in any other manner, controlled by him, to exceed the quantity of hops which he used in the manufacture of malt beverages in 1943. However, after January 31, 1944, any brewer may acquire a quantity of hops, which, when added to the quantity owned, contracted for, possessed, or in any other manner controlled by him on January 31, 1944, will equal the quantity he used in the manufacture of malt beverages in 1943.

(2) After January 31, 1944, no brewer shall buy, contract to buy, or accept delivery of a quantity of hop products which will cause the total quantity of hop products owned, contracted for, possessed, or, in any other manner, controlled by him, to exceed the quantity of hop products which he used in the manufacture of malt beverages in 1943. However, after January 31, 1944, any brewer may acquire a quantity of hop products, which, when added to the quantity owned, contracted for, possessed, or, in any other manner controlled by him on January 31, 1944, will equal the quantity he used in the manufacture of malt beverages in 1943.

6. By deleting the provisions of § 1468.2 (g) thereof, renumbered hereinabove as § 1468.2 (h), and by inserting, in lieu thereof, the following:

(h) *Records and reports.* (1) Each manufacturer of malted grain shall submit a report to the Director on Form No. FDO 66-1 for each month, showing his production, shipments, and inventories of malt for such month. The report for each month shall be sent to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 66, in time to reach him on or before the 10th day of the following month and it shall contain the information required by the Director.

(2) Each brewer shall submit a report to the Director on Form No. FDO 66-2 for each month, showing his production, sales, and inventory of malt beverages for such month. The report for each month shall be sent in duplicate to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 66, in time to reach him on or before the 10th day of the following month and it shall contain the information required by the Director.

(3) Each brewer shall, on or before February 10, 1944, mail a report to the Director, on Form No. FDO 66-3, of (i) all hops and hop products which he owned, had under contract, possessed, or, in any other manner, controlled on January 31, 1944; and (ii) the quantity of hops and hop products, separately, which he used in the manufacture of

malt beverages during 1943. Such report shall be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 66.

(4) The Director shall be entitled to obtain such additional information and require such additional reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(5) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in malted grain, malt syrup, the grades and classes of rice set forth in (c) hereof, hops, and hop products.

(6) The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 66, prior to the effective time of this amendment, said Food Distribution Order No. 66 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

This amendment shall become effective at 12:01 a. m., e. w. t., January 31, 1944.

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

Issued this 27th day of January 1944

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1455; Filed, January 28, 1944; 3:31 p. m.]

[FDO 79-9, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CINCINNATI, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-9 (8 F. R. 13373), relative to the conservation and distribution of fluid milk in the Cincinnati, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended as follows:

1. By deleting therefrom the provisions in § 1401.44 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.44 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-9, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-9, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1440; Filed, January 23, 1944; 3:31 p. m.]

[FDO 79-10, Amdt. 3]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CANTON, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-10 (8 F.R. 13374) relative to the conservation and distribution of fluid milk in the Canton, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended as follows:

1. By deleting therefrom the provisions in § 1401.43 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.43 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-10, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-10, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1441; Filed, January 23, 1944; 3:31 p. m.]

[FDO 79-14, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN AKRON, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-14 (8 F.R. 13424), relative to the conservation and distribution of fluid milk in the Akron, Ohio, milk sales area, issued by the Director of Food Distribution on October 1, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.49 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.49 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for

such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m. e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-14, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Director Food Distribution Order No. 79-14 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1444; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79-17, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN COLUMBUS, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-17 (8 F.R. 13428), relative to the conservation and distribution of fluid milk in the Columbus, Ohio, milk sales area, issued by the Director of Food Distribution on October 1, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.54 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.54 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-17, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-17 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1446; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79-23, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN HAMILTON-MIDDLETOWN, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-23 (8 F.R. 13435), relative to the conservation and distribution of fluid milk in the Hamilton-Middletown, Ohio, milk sales area, issued by the Director of Food Distribution on October 1, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.51 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.51 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-23, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-23 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; EO. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1448; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79-83, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN PORTLAND, MAINE, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-83 (8 F.R. 14654), relative to the conservation and distribution of fluid milk in the Portland, Maine, milk sales area, issued by the Director of Food Distribution on October 28, 1943, as amended, is hereby further amended by deleting therefrom the description of the sales area in § 1401.116 (b) and inserting, in lieu thereof, the following:

The cities of Portland, South Portland, and Westbrook and the towns of Cape Elizabeth, Cumberland, Falmouth, and Scarborough in Cumberland County, and the town of Old Orchard Beach in York County, all in the State of Maine.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-83, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-83, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(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; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1450; Filed, January 28, 1944; 3:32 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4515]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KOL-TONE MANUFACTURING CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* In connection with offer, etc., in commerce, of respondent's product designated as "Kol-Tone", a chemical spray designed for use on bituminous coal, representing directly or by implication that use of respondent's said product increases the efficiency of coal, causes coal to produce more heat or results in any saving in fuel costs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Gus H. Cohn trading as Kol-Tone Manufacturing Company, Docket 4515, January 13, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1944.

In the Matter of Gus H. Cohn, an Individual, Trading and Doing Business Under the Name of Kol-Tone Manufacturing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed on behalf of respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Gus H. Cohn, individually and trading as Kol-Tone Manufacturing Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's product designated "Kol-Tone," or any other product of substantially similar composition, whether sold under the same name or any other name, do forthwith cease and desist from representing, directly or by implication:

That the use of respondent's product increases the efficiency of coal, causes coal to produce more heat, or results in any saving in fuel costs.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] A. N. ROSS, *Acting Secretary.*

[F. R. Doc. 44-1485; Filed January 29, 1944; 11:30 a. m.]

[Docket No. 4967]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HELENA VOLAY COSMETICS, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's cosmetic preparation designated "Helena Volay Face Oil," or any other similar preparation, representing directly or by implication that said preparation (1) will significantly improve the skin or cause it to become firmer and look more youthful; and (2) is effective in the treatment of or will combat or prevent the formation of wrinkles and sagging tissues; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Helen E. Hoeck trading as Helena Volay Cosmetics, et al., Docket 4967, January 20, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of January, A. D. 1944.

In the Matter of Helen E. Hoeck, an Individual Trading as Helena Volay Cosmetics; and Chicago Union Advertising Agency, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answers of the respondents, in which answers respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Helen E. Hoeck, an individual trading as Helena Volay Cosmetics, or trading under any other name, her representatives, agents, and employees, and the respondent Chicago Union Advertising Agency, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of a certain cosmetic preparation designated "Helena Volay Face Oil" or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication that said preparation:

a. Will significantly improve the skin or cause it to become firmer and look more youthful;

b. Is effective in the treatment of or will combat or prevent the formation of wrinkles and sagging tissues.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product, in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-1484; Filed, January 29, 1944; 11:30 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50395]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

CUSTOMS FEES; CHARGES FOR STORAGE

Section 24.12 (c), Customs Regulations of 1943 (8 F.R. 8436), is hereby amended as follows:

The period at the end of the second sentence is deleted and the following is inserted at the end of that sentence:

except in a case where such a package is covered by (1) an appraisement entry, (2) a free consumption entry covering merchandise found to be dutiable, or (3) a dutiable consumption entry on which it is determined that an insufficient amount of estimated duty was deposited at the time of entry, in which cases storage shall be charged for any period the package remains in the appraiser's store after 2 full working days following the day on which the importer is notified of the amount of estimated duty that shall be deposited.

In the third sentence the following shall be inserted before the comma following the word "issued:"

or the day on which the importer is notified of the amount of estimated duty that shall be deposited, whichever is applicable.

(R.S. 161, 2654, 2635, sec. 624, 46 Stat. 759, R.S. 4383; 5 U.S.C. 22, 19 U.S.C. 58, 59, 1624, 46 U.S.C. 333)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: January 25, 1944.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44-1437; Filed, January 28, 1944; 3:11 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5330]

Subchapter A—Income and Excess-Profits Taxes

PART 32—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

Revision of regulations under section 511 of the Merchant Marine Act, 1936, as amended.

Sec.
32.0 Introductory.
32.1 Definitions.
32.2 Scope of statute.
32.3 Requirements as to operation.
32.4 Application to establish fund.
32.5 Tentative authorization to establish fund.
32.6 Establishment of fund.
32.7 When reimbursement out of a construction reserve fund permitted.
32.8 Investment of funds in securities.
32.9 Valuation of securities in fund.
32.10 Withdrawals from fund.
32.11 Time deposits.
32.12 Election.
32.13 Deposit of proceeds of sales or indemnities.
32.14 Deposit of earnings and receipts.
32.15 Time for making deposits.
32.16 Tax liability as to earnings deposited.
32.17 Allocation of gain for tax purposes.
32.18 Requirements as to new vessels.
32.19 Contracts obligating deposits.
32.20 Period for construction.
32.21 Noncompliance with requirements.
32.22 Extent of tax liability.
32.23 Assessment and collection of deficiencies.
32.24 Reports by taxpayers.
32.25 Construction or acquisition by controlled corporation.
32.26 Basis of new vessel.
32.27 Administrative jurisdiction.

AUTHORITY: §§ 32.0–32.27, inclusive, issued under section 511 of the Merchant Marine Act, 1936 as added by the Act approved October 10, 1940, 54 Stat. 1106, and as amended by the Act of June 17, 1943, Public Law 78, 78th Cong., and section 3791 of the Internal Revenue Code, 53 Stat. 467; 26 U.S.C. 3791.

§ 32.0 *Introductory.* Section 511 of the Merchant Marine Act, 1936, as added by the Act of October 10, 1940 (54 Stat. 1106; 46 U.S.C. 1161), and as amended by the Act of June 17, 1943 (Public Law 78, 78th Congress), provides:

SEC. 511. (a) When used in this section the term "new vessel" means any vessel (1) documented or agreed with the Commission to be documented under the laws of the United States; (2) constructed in the United States after December 31, 1939, or the construction of which has been financed under titles V or VII of this Act, as amended, or the construction of which has been aided by a mortgage insured under title XI of this Act as amended; and (3) either (A) of such type, size, and speed as the Commission shall determine to be suitable for use on the high seas or Great Lakes in carrying out the purposes of this Act, but not of less than two thousand gross tons or of less speed than twelve knots, unless the Commission shall determine and certify in each case that a vessel of a specified lesser tonnage or speed is desirable for use by the United States in case of war or national emergency, or (B) constructed to replace a vessel or vessels requisitioned or purchased by the United States.

(b) For the purposes of promoting the construction of vessels necessary to carrying out the policy set forth in title I of this Act, any citizen of the United States who is operating a vessel or vessels in the foreign or domestic commerce of the United States or in the fisheries or owns in whole or in part a vessel or vessels being so operated, or who, at the time of purchase or requisition of the vessel by the Government, was operating a vessel or vessels so engaged or owned in whole or in part a vessel or vessels being so operated or had acquired or was having constructed a vessel or vessels for the purpose of operation in such commerce or in the fisheries, may establish a construction reserve fund, for the construction or acquisition of new vessels, to be composed of deposits of proceeds from sales of vessels, indemnities on account of losses of vessels, earnings from the operation of vessels, and receipts, in the form of interest or otherwise, with respect to amounts previously deposited. Such construction reserve fund shall be established, maintained, expended, and used in accordance with the provisions of this section and rules or regulations to be prescribed jointly by the Commission and the Secretary of the Treasury.

(c) In the case of the sale or actual or constructive total loss of a vessel, if the taxpayer deposits an amount equal to the net proceeds of the sale or to the net indemnity with respect to the loss in a construction reserve fund established under subsection (b), then, if the taxpayer so elects in his income-tax return for the taxable year in which the gain was realized, no gain shall be recognized to the taxpayer in respect of such sale or indemnification in the computation of net income for the purposes of Federal income or excess-profits taxes. For the purposes of this subsection no amount shall be considered as deposited in a construction reserve fund unless it is deposited within sixty days after it is received by the taxpayer except that (1) in the case of amounts received before December 10, 1940, the deposit may be made not later than February 7, 1941, and (2) in the case of amounts received at any time between May 27, 1941, and the date[1] of enactment of this amendatory clause, the deposit of which by the taxpayer is authorized by the amendments to subsection (b), the taxpayer may make such deposit at any time within one hundred and twenty days from such date of enactment, and the Commission may approve any such deposit previously made if, in other respects, it complies with the provisions of this section, as amended. As used in this subsection the term "net proceeds" and the term "net indemnity" mean the sum of (1) the adjusted basis of the vessel and (2) the amount of gain which would be recognized to the taxpayer without regard to this subsection.

(d) The basis for determining gain or loss and for depreciation, for the purpose of Federal income or excess-profits taxes, of any new vessel constructed or acquired by the taxpayer in whole or in part out of the construction reserve fund shall be reduced by that portion of the deposits in the fund expended in the construction of acquisition of the new vessel which represents gain not recognized under subsection (c).

(e) For the purposes of this section, (1) if the net proceeds of a sale or the net indemnity in respect of a loss are deposited in more than one deposit, the amount consisting of the gain shall be considered as first deposited; (2) amounts expended, obligated, or otherwise withdrawn shall be applied against the amounts deposited in the fund in the order of deposit; and (3) if any deposit consists in part of gain not recognized under subsection (c), any expenditure, obligation, or withdrawal applied against such deposit shall be considered to consist of gain in the proportion that the part of the deposit consisting of gain bears to the total amount of the deposit.

(f) With respect to any taxable year, amounts on deposit on the last day of such year in a construction reserve fund in accordance with this section and with respect to which all the requirements of subsection (g) have been satisfied, to the extent that such requirements are applicable as of the last day of said taxable year, shall not constitute an accumulation of earnings or profits within the meaning of section 102 of the Internal Revenue Code.

(g) The provisions of subsections (c) and (f) shall apply to any deposit in the construction reserve fund only to the extent that such deposit is expended or obligated for expenditure, in accordance with rules and regulations to be prescribed jointly by the Commission and the Secretary of the Treasury, under a contract for the construction or acquisition of a new vessel or vessels (or in the discretion of the Commission, for a part interest therein) entered into within two years from the date of such deposit only if under such rules and regulations—

(1) Within such period of two years not less than 12½ per centum of the construction or contract price of the vessel or vessels is paid or irrevocably committed on account thereof and the plans and specifications therefor are approved by the Commission to the extent by it deemed necessary; and

(2) In case of a vessel or vessels not constructed under the provisions of this title or not purchased from the Commission, (A) said construction is completed, within six months from the date of the construction contract, to the extent of not less than 5 per centum thereof (or in case the contract covers more than one vessel, the construction of the first vessel so contracted for is so completed to the extent of not less than 5 per centum) as estimated by the Commission and certified by it to the Secretary of the Treasury, and (B) all construction under such contract is completed with reasonable dispatch thereafter.

(h) The Commission is authorized under rules and regulations to be prescribed jointly by the Secretary of the Treasury and the Commission to grant extensions of the period within which the deposits shall be expended or obligated or within which construction shall have progressed to the extent of 5 per centum of completion as provided herein, but such extension shall not be for an aggregate additional period in excess of two years with respect to the expenditure or obligation of such deposits or more than one year with respect to the progress of such construction: *Provided, however,* That until the termination of the present war or until such earlier time as the Congress by concurrent resolution or the President may designate, in addition to the extensions hereinbefore permitted, fur-

[1] June 17, 1943.

ther extensions may be granted ending not later than six months after such termination of the present war or such earlier date as may be so designated.

(i) Any such deposited gain or portion thereof which is not so expended or obligated within the period provided, or which is otherwise withdrawn before the expiration of such period, or with respect to which the construction has not progressed to the extent of 5 per centum of completion within the period provided, or with respect to which the Commission finds and certifies to the Secretary of the Treasury that, for causes within the control of the taxpayer, the entire construction is not completed with reasonable dispatch, if otherwise taxable income under the law applicable to the taxable year in which such gain was realized, shall be included in the gross income for such taxable year, except for the purpose of the declared value excess-profits tax and the capital stock tax. If any such deposited gain or portion thereof is so included in gross income for such taxable year, there shall (in addition to any other deficiency) be assessed, collected, and paid in the same manner as if it were a deficiency, an amount equal to 1.1 per centum of the amount of gain so included, such amount being in lieu of any adjustment with respect to the declared value excess-profits tax for such taxable year.

(j) Notwithstanding any other provision of law, any deficiency in tax for any taxable year resulting from the inclusion of any amount in gross income as provided by subsection (i), and the amount to be treated as a deficiency under such subsection in lieu of any adjustment with respect to the declared value excess-profits tax, may be assessed or a proceeding in court for the collection thereof may be begun without assessment, at any time: *Provided, however,* That interest on any such deficiency or amount to be treated as a deficiency shall not begin until the date the deposited gain or portion thereof in question is required under subsection (i) to be included in gross income.

(k) This section shall be applicable to a taxpayer only in respect of sales or indemnifications for losses occurring within a taxable year beginning after December 31, 1939, and only in respect of earnings derived during a taxable year beginning after December 31, 1939.

(l) For the purposes of this section a vessel shall be considered as constructed or acquired by the taxpayer if constructed or acquired by a corporation at a time when the taxpayer owns at least 95 per centum of the total number of shares of each class of stock of the corporation.

(m) The terms used in this section shall have the same meaning as in chapter 1 of the Internal Revenue Code.

Section 905 (a) of the Merchant Marine Act, 1936, as amended by section 39 (a) of the Act of June 23, 1938 (52 Stat. 964; 46 U.S.C. 1244 (a)), provides:

(a) The words "foreign commerce" or "foreign trade" mean commerce or trade between the United States, its Territories or possessions, or the District of Columbia, and a foreign country.

Section 905 (c) of the Merchant Marine Act, 1936, as amended by section 39 (b) of the Act of June 23, 1938 (49 Stat. 2016; 52 Stat. 964; 46 U.S.C. 1244 (c)), provides:

(c) The words "citizen of the United States" include a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (U.S.C., title 46, sec. 802), and, in the case of a corporation, partnership, or association operating a vessel on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States the amount of interest required to be owned by a citizen of the United States shall be not less than 75 per centum.

Section 2 of the Shipping Act, 1916, as amended (41 Stat. 1008; 46 U.S.C. 802, 803), provides:

SEC. 2. (a) That within the meaning of this Act no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

(b) The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(c) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(d) The provisions of this Act shall apply to receivers and trustees of all persons to whom the Act applies, and to the successors or assignees of such persons.

Section 48 of the Internal Revenue Code, 53 Stat. 26; 26 U.S.C. 48, in part provides:

SEC. 48. DEFINITIONS.

When used in this chapter—

(a) *Taxable year.* "Taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this Part. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the Commissioner with the approval of the Secretary, the period for which such return is made.

(b) *Fiscal year.* "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

Section 3791 of the Internal Revenue Code, 53 Stat. 467; 26 U.S.C. 3791, in part provides:

SEC. 3791. RULES AND REGULATIONS. (a) *Authorization*—(1) *In general.* * * * the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

Pursuant to the foregoing provisions of law, the following regulations are hereby prescribed and Treasury Decision 5035, General Order 38 of the United States Maritime Commission, promulgated January 31, 1941, [Part 32, Title 26, Code of Federal Regulations, 1941 Supp.] is hereby superseded as of June 17, 1943.

§ 32.1 *Definitions.* As used in these regulations, except as otherwise indicated by the context:

(a) The term "Act" means the Merchant Marine Act, 1936, as amended;

(b) The term "statute" means section 511 of the Merchant Marine Act, 1936, as amended;

(c) The term "section" means one of the sections of these regulations;

(d) The terms "Commission" and "Maritime Commission" mean the United States Maritime Commission;

(e) The term "citizen" means a person who, if an individual, was born or naturalized as a citizen of the United States or, if other than an individual, meets the requirements of section 905 (c) of the act and section 2 of the Shipping Act, 1916, as amended;

(f) The term "taxpayer" means a citizen who has established or seeks to establish a construction reserve fund under the provisions of the statute and this part, and may include a partnership;

(g) The term "corporation" includes associations and joint stock companies;

(h) The term "stock" includes the share in an association or joint-stock company.

Insofar as the computation and collection of taxes are concerned, other terms used in this part, except as otherwise indicated by the context, have the same meaning as in the Internal Revenue Code and the regulations thereunder.

§ 32.2 *Scope of statute.* The statute provides, under conditions specified, for the nonrecognition for income and excess-profits tax purposes of the gain realized from the sale or indemnification for loss of certain vessels including certain vessels in course of construction, or shares therein. It also permits the accumulation of the proceeds of such sales or indemnifications and of certain earnings without liability under section 102

of the Internal Revenue Code. (For the normal application of section 102, see §§ 29.102–1 to 29.102–4, inclusive, of this chapter, and the corresponding provisions of prior regulations.)

The benefits of the statute are available to any citizen as defined in § 32.1 (e), who during any taxable year beginning after December 31, 1939, owns, in whole or in part, a vessel or vessels within the scope of § 32.3. A citizen operating such a vessel or vessels owned by any other person or persons can derive no benefit from the provisions relating to the nonrecognition of gain from the sale or loss of such vessel or vessels so owned, but may establish a construction reserve fund in which he may deposit earnings from the operation of such vessel or vessels.

The statute applies only with respect to sales or losses of vessels within the scope of § 32.3 occurring within a taxable year beginning after December 31, 1939, or in respect of earnings derived from the operation of such vessels during a taxable year beginning after December 31, 1939. A loss to be within the statute must be an actual or constructive total loss. Whether there is a total loss, actual or constructive, will be determined by the Maritime Commission. As to what proceeds, earnings, or receipts may be deposited in the construction reserve fund, see §§ 32.13 and 32.14. The loss of a vessel which occurs during a taxable year beginning prior to December 31, 1939, is not within the scope of the statute, even though the taxpayer is indemnified during a later year.

§ 32.3 *Requirements as to operation.* The statute applies with respect to vessels operated in the foreign or domestic commerce of the United States or in the fisheries, and vessels acquired or being constructed for the purpose of such operation. The foreign commerce of the United States includes commerce or trade between the United States (including the District of Columbia), the Territories and possessions which are embraced within the coastwise laws, and a foreign country or other Territories and possessions of the United States. The domestic commerce of the United States includes commerce or trade between ports of the United States and its Territories and possessions, embraced within the coastwise laws. The fisheries include the fisheries of continental United States and its Territories and possessions, except the Philippine Islands (see section 5, 39 Stat. 547; 48 U.S.C. 1003). The statute does not apply to vessels operated in the foreign commerce or fisheries of any country other than the United States.

§ 32.4 *Application to establish fund.* Any person claiming to be entitled to the benefits of the statute may make application, in writing, to the Commission for permission to establish a construction reserve fund. The application shall be in such form and substance as the Commission may prescribe and shall designate, among other things, the depository or depositories with which the applicant proposes to establish the said fund. The original application shall be executed and verified by the taxpayer, or if the taxpayer is a corporation, by one of its principal officers, in triplicate, and shall be accompanied by eight (8) conformed copies when filed with the Commission.

§ 32.5 *Tentative authorization to establish fund.* Where the time between the receipt by the Commission of the application for permission to establish a construction reserve fund and the date prior to which an amount received from the sale or loss of a vessel must be deposited to come within the scope of the statute is insufficient to permit a determination of the eligibility of the applicant, the Commission may tentatively authorize the establishment of a construction reserve fund and the deposit of such amount therein. Such tentative authorization shall be subject to rescission by the Commission, if subsequently it is determined that the applicant is not entitled to the benefit of the statute, and, upon such determination, the fund shall be closed and all amounts on deposit therein shall be withdrawn.

§ 32.6 *Establishment of fund.* If the application is approved by the Commission, the Commission will adopt a resolution authorizing the establishment of a construction reserve fund with the depository or depositories designated by the taxpayer and approved by the Commission. The resolution will provide for joint control by the Commission and the taxpayer over such fund, will set forth the conditions governing the establishment and maintenance of the fund and the making of deposits therein and withdrawals therefrom, and will designate the representatives authorized to execute instruments of withdrawal on behalf of the Commission.

A certified copy of the resolution of the Commission will be furnished the taxpayer. If the taxpayer is a corporation, it shall promptly adopt, through its board of directors, a resolution satisfactory in form and substance to the Commission, authorizing the establishment and maintenance of the fund in conformity with the action of the Commission. If the taxpayer is not a corporation it shall promptly execute an agreement with the depository satisfactory in form and substance to the Commission to conform to the action of the Commission as set forth in the resolution. Certified copies of the resolutions of the Commission and of the taxpayer (if it is a corporation) will be furnished to the depository by the Commission and the taxpayer respectively for its guidance in maintaining the fund and honoring instruments of withdrawal. The taxpayer, if a corporation, shall also furnish the Commission with a certified copy of its resolution, or if not a corporation, a duplicate original of its agreement with the depository.

§ 32.7 *When reimbursement out of a construction reserve fund permitted.* If, prior to the establishment of a construction reserve fund under these regulations, a taxpayer has made necessary payments under a contract, which satisfies the provisions of these regulations and the statute, for the construction or acquisition of a new vessel, such taxpayer may, if subsequently authorized to establish a construction reserve fund under these regulations, draw against such fund as reimbursement for the amount, if any, of other funds which, with the approval or ratification of the Commission, the taxpayer used prior to the establishment of the fund for the purpose of making such necessary payments.

§ 32.8 *Investment of funds in securities.* Interest-bearing direct obligations of the United States, or obligations fully guaranteed as to principal and interest by the United States, may be deposited in the construction reserve fund in lieu of cash, and such obligations may also be purchased with cash on deposit in the fund. In instances where the taxpayer desires to deposit any other securities in the fund in lieu of cash, or to purchase such other securities with cash on deposit in the fund, the taxpayer shall make written application to the Commission and shall not consummate the transaction until the written consent of the Commission shall have been received. The application shall describe the securities fully. Every approval of such application by the Commission shall be conditioned upon agreement by the taxpayer forthwith to dispose of such securities upon subsequent request by the Commission. Immediately upon the purchase of any securities for deposit in the fund, the taxpayer shall advise the Commission, giving the date of purchase, a description of the securities, and the price paid therefor (net, brokerage and other charges, and gross). Ordinarily, the Commission will not approve the deposit in the fund in lieu of cash, or the purchase with cash on deposit in the fund, of securities not actively traded in on exchanges registered under the "Securities Exchange Act of 1934", or securities which are not legal for investment of trust funds.

§ 32.9 *Valuation of securities in fund.* In cases where securities are deposited in the fund in lieu of cash, or are purchased with cash on deposit in the fund, the "market value" of such securities must not be less than the amount of cash in lieu of which they are so deposited or with which they are so purchased. For the purpose of determining the amount in the fund, the "market value" of securities shall be determined in the following manner:

(a) In instances where no actual purchase is involved, such as the initial deposit of securities in the fund in lieu of cash, the last sales price thereof on the principal exchange on the day the deposit was made shall be deemed to be the "market value" thereof, or, if no such sales were made, the "market value" thereof will be determined by the Commission on such basis as it may deem to be fair and reasonable in each case.

(b) With respect to transactions involving the purchase of securities with cash on deposit in the fund, "market value" shall be the gross price paid (ad-

justed for accrued interest); *Provided,* That if such securities are purchased otherwise than upon a registered exchange the price shall be within the range of transactions on the exchange on the date of such purchase, or, if there were no such transactions, then the "market value" thereof will be determined by the Commission on such basis as it may deem to be fair and reasonable in each case.

If the securities on deposit in the fund are replaced by cash from the general funds of the taxpayer, the amount of cash to be deposited in the fund in lieu thereof shall be not less than the amount at which such securities were valued at the time of their deposit in the fund.

Purchase money obligations secured by vessels sold or irrevocable commitments to finance the construction or acquisition of new vessels which are deposited in the construction reserve fund as provided in § 32.13 ordinarily will be considered as equivalent to their face value.

§ 32.10 *Withdrawals from fund.* Checks, drafts, or other instruments of withdrawal to meet obligations under a contract for the construction or acquisition of a new vessel or vessels, after having been executed by the taxpayer, shall be forwarded to the commission at Washington with appropriate explanation of the purpose of the proposed withdrawal, including properly certified invoices or other supporting papers. Such instruments of withdrawal, if payable to the Commission, will be deposited by the Commission for collection, and the proceeds thereof, upon collection, will be credited to the appropriate contract with the Commission; but if drawn to the order of payees other than the Commission, after countersignature on behalf of the Commission, will ordinarily be forwarded to the payees.

An amount obligated under a contract for the construction or acquisition of a new vessel or vessels, whether the obligor has the entire or a partial interest therein within the scope of the statute, may not, so long as the contract continues in full force and effect, be withdrawn except to meet payments due or to become due under such contract.

Checks, drafts, or other instruments of withdrawal executed by the taxpayer for purposes other than to meet obligations under a contract for the construction or acquisition of a new vessel or vessels, whether the taxpayer has the entire or a partial interest therein, shall be drawn by the taxpayer to its own order and forwarded to the Commission at Washington, with appropriate explanation of the purpose of the proposed withdrawal. Such withdrawals may occur by reason of a determination by the Commission that the applicant is not entitled to the benefits of the statute (see § 32.5), or that a particular deposit has been improperly made (see § 32.13), or by reason of the election of the taxpayer to make such withdrawals. Upon receipt of such checks, drafts, or other instruments of withdrawal, the Commission shall give notice thereof to the Commissioner of Internal Revenue. The Commissioner shall advise the Commission of the receipt of the notice and the date it was received. The Commission shall not countersign such checks, drafts, or other instruments of withdrawal or transmit them to the taxpayer until the expiration of 30 days from the date of receipt of the notice by the Commissioner, unless the Commissioner or such official of the Bureau of Internal Revenue as he may designate for the purpose consents in writing to earlier countersignature by the Commission and transmittal to the taxpayer.

Upon the expiration of such 30-day period, or prior thereto if the aforesaid consent of the Commissioner has been obtained, the Commission will countersign the check, draft, or other instrument of withdrawal and forward it to the taxpayer.

The provisions of this section shall not be applicable to transactions deemed to be withdrawals by reason of the sale of securities held in the fund, for an amount less than the market value thereof at the time of their deposit (see § 32.21), nor to the cancellation of an irrevocable commitment deposited in the fund, upon proof satisfactory to the Commission that the terms of such commitment have been fully satisfied.

§ 32.11 *Time deposits.* Deposits in the construction reserve fund not invested in securities may be placed in time deposits when, in the judgment of the taxpayer, it is desirable and feasible so to do.

The taxpayer shall promptly advise the Commission of any time deposit arrangements made with the depository. The Commission reserves the right at any time to require the termination or modification of any such arrangements.

§ 32.12 *Election.* As a prerequisite to nonrecognition of gain on the sale or loss of a vessel, or a part interest therein as provided by the statute, the taxpayer, after establishing a construction reserve fund, must make an election in his income tax return, or if a partnership in the partnership return of income, for the taxable year in which the gain is realized. The election shall be with respect to each vessel or share therein and shall be shown by a statement to that effect, submitted as a part of, and attached to, the return. The statement, which need not be on any prescribed form, shall set forth a computation of the amount of the realized gain, the identity of the vessel, the nature and extent of the taxpayer's interest therein, whether such vessel was sold or lost and the date of sale or loss, the full price or full amount of indemnity, and the amount and date of each payment thereof, the basis for tax purposes and any other data affecting the determination of the realized gain.

Deposit of an amount equal to the net proceeds of the sale or loss of the vessel or of the taxpayer's interest therein must be made within the period specified in § 32.15 and may not be delayed beyond the specified period to await the execution or filing of a statement of election.

§ 32.13 *Deposit of proceeds of sales or indemnities.* The deposit required by the statute must be made in a construction reserve fund, established with a depository or depositories approved by the Commission and subject to the joint control of the Commission and the taxpayer. It is not necessary to establish a separate fund with respect to each vessel or share in a vessel sold or lost. However, with respect to any vessel sold or lost, or a share therein, the deposit must be in an amount equal to the "net proceeds" of the sale, or the "net indemnity" for the loss. By "net proceeds" and "net indemnity" is meant (1) the depositor's interest in the adjusted basis of the vessel plus (2) the amount of gain which would be recognized for tax purposes in the absence of the statute. In determining "net proceeds" the amount necessarily paid or incurred for brokers' commissions is to be deducted from the gross amount of the sales price. In determining "net indemnity", the amount necessarily paid or incurred purely for collection, or rate of exchange discounts on the payment, of the indemnity is to be deducted from the gross amount of collectible indemnity. Where the proceeds from the sale of a vessel include purchase money obligations, such obligations together with the entire collateral therefor, or in case of deposit of the proceeds of a share in the vessel a proportionate part of the obligations and collateral as determined by the Commission, shall be deposited, with the remainder of the proceeds, in the construction reserve fund as a part of the "net proceeds". The depository shall receive payment of all amounts due on such purchase money obligations and such amounts shall be placed in the fund in substitution for the portion of the obligations paid. If the taxpayer so desires, he may deposit in the construction reserve fund cash or approved securities in an amount equal to the face value of any purchase money obligations in lieu of depositing such obligations.

The taxpayer must deposit the full amount of each payment (including cash, notes, or other evidences of indebtedness) as a single deposit in the construction reserve fund. A payment divided between two or more depositories will be regarded as a single deposit. Amounts received by the taxpayer prior to the date of consummation of the sale of the vessel shall be considered as having been received by the taxpayer at the time the sale is consummated.

Where a vessel is subject to a mortgage or other encumbrance at the time of its sale or loss and the taxpayer actually receives only an amount representing the equity therein or a share in such equity corresponding to his share in the vessel, he shall deposit in the construction reserve fund the amount received and concurrently therewith other funds in an amount equal to the difference between the amount received and the "net proceeds" or "net indemnity". Such other funds may be in the form of cash, or, subject to the approval of the Commission, (1) interest-bearing securities, or (2) an irrevocable commitment to

finance the construction or acquisition of a new vessel in whole or in part by an obligor approved by the Commission in an amount equal to the amount by which the "net proceeds" exceeds the cash or securities deposited in the fund.

In case of the sale or loss of several vessels or shares therein, a deposit of the "net proceeds" or "net indemnity" with respect to one or more of the vessels or shares is permissible. Where several vessels or shares are sold for a lump sum, the "net proceeds" allocated to each vessel or share shall be determined in accordance with any reasonable rule satisfactory to the Commissioner of Internal Revenue.

A deposit which is not provided for by the statute shall, without unreasonable delay, be withdrawn from the fund and tax liability will be determined as though such deposit had not been made. (See §§ 32.10 and 32.22.)

§ 32.14 *Deposit of earnings and receipts.* A citizen may deposit all or any part of earnings derived from operation, within the scope of § 32.3, of a vessel or vessels owned either by himself or any other person. Such earnings may include payments received by an owner, as compensation for use of his vessel, from other persons by whom it is so operated. Earnings from other sources may not be deposited. Only earnings intended for construction or acquisition of new vessels may be deposited. The earnings deposited must be of taxable years beginning after December 31, 1939.

The earnings from operation of vessels which are eligible for deposit are the net earnings determined without regard to any deduction for depreciation, obsolescence, or amortization with respect to such vessels. Receipts from deposited funds, in the form of interest or otherwise, may be deposited.

§ 32.15 *Time for making deposits.* Deposits of amounts representing proceeds of the sale or indemnification for loss of a vessel or share therein must be made within 60 days after receipt by the taxpayer, except that (1) amounts received on or before December 9, 1940, may be deposited not later than February 7, 1941, and (2) amounts received at any time between May 27, 1941, and June 17, 1943, the deposit of which is authorized by the amendments to subsection (b) of section 511 of the act, made by Public Law 78, approved June 17, 1943, may be deposited not later than October 15, 1943, and the Commission may approve any such deposit previously made between May 27, 1941, and June 17, 1943, if in other respects it complies with the provisions of the statute and these regulations.

Earnings and receipts, within the scope of the statute, of taxable years beginning after December 31, 1939, may be deposited at any time. (See § 32.14.)

§ 32.16 *Tax liability as to earnings deposited.* Deposit in the construction reserve fund of earnings from operation of a vessel or vessels, or receipts, in the form of interest or otherwise, with respect to amounts previously deposited does not exempt the taxpayer from tax liability with respect thereto. Earnings and receipts deposited in a construction reserve fund established in accordance with the provisions of the statute and these regulations do not constitute an accumulation of earnings or profits within the meaning of section 102 of the Internal Revenue Code as long as the requirements of the statute and these regulations relative to the use of the fund in the construction or acquisition of new vessels are satisfied. For application of the statute in case earnings or receipts so deposited are later withdrawn for purposes other than the construction or acquisition of new vessels, or there is failure otherwise to comply with the statute or these regulations, see § 32.21.

§ 32.17 *Allocation of gain for tax purposes.* If the "net proceeds" of a sale or the "net indemnity" in respect of a loss are deposited in more than one deposit, the gain will be considered as first deposited. Amounts expended, obligated, or withdrawn will be applied against the amounts deposited in the order of deposit. If any deposit consists in part of gain not recognized under the statute, any expenditure, obligation, or withdrawal applied against such deposit will be considered to consist of gain in the proportion that the part of the deposit consisting of gain bears to the total amount of the deposit. If amounts on deposit in a construction reserve fund are expended, obligated, or withdrawn for construction or acquisition of new vessels, the portion thereof which represents gain will be applied in reduction of the basis of such new vessels for determining gain or loss, and for depreciation, for the purpose of Federal income or excess-profits taxes. If any amounts are withdrawn for purposes other than the construction or acquisition of new vessels, the portion thereof which represents gain, if otherwise constituting taxable income under the law applicable to the taxable year in which such gain was realized, will be included in the gross income for such taxable year, except for the purpose of the declared value excess-profits tax and the capital stock tax. (See § 32.22.)

The date funds are obligated under a contract for the construction or acquisition of a new vessel, rather than the date of payment from the fund, will determine the order of application against the deposits in the fund. When a contract for the construction or acquisition of a new vessel is entered into, amounts on deposit in the construction reserve fund will be deemed to be obligated to the extent of the amount of the taxpayer's liability under the contract. Deposits will be deemed to be so obligated in the order of deposit, each new contract obligating the earliest deposit not previously expended, obligated, or withdrawn. If the liability under the contract exceeds the amount in the construction reserve fund, the contract will be deemed to obligate, to the extent of that part of such excess not otherwise satisfied, the earliest deposit or deposits thereafter made.

Example. A taxpayer who makes his returns on the calendar year basis sells a vessel in 1941 for $1,000,000, realizing a gain of $400,000. $100,000 of the sale price is received in March 1941 when the contract is signed, and the balance of $900,000 is received in June 1941 on delivery of the vessel. The $1,000,000 is deposited in a construction reserve fund in July 1941. In December 1941 the taxpayer also deposits $150,000, representing earnings of that year. In 1942 he sells another vessel for $1,000,000, realizing a gain of $250,000. The sale price of $1,000,000 is received on delivery of the vessel in February 1942 and deposited in the construction reserve fund in March 1942. In September 1942 the taxpayer purchases for cash out of the construction reserve fund a new vessel for $1,750,000. To the cost of this vessel must be allocated the 1941 deposits of $1,150,000 and $600,000 of the March 1942 deposit. This leaves in the fund $400,000 of the March 1942 deposit. The amount of the unrecognized gain to be applied against the basis of the new vessel is as follows: $400,000 gain represented in the 1941 deposits, plus the same proportion of the $250,000 gain represented in the March 1942 deposit ($1,000,000) which the amount ($600,000) allocated to the vessel is of the amount of the deposit, i. e., $400,000 plus $\frac{600,000}{1,000,000}$ of $250,000, or $150,000, a total of $550,000. This reduces the basis of the new vessel to $1,200,000 ($1,750,000 less $550,000).

In 1943 the taxpayer sells a third vessel for $3,000,000, realizing a gain of $900,000. The $3,000,000 is received and deposited in the construction reserve fund in June 1943, making a total in the fund $3,400,000. In December 1943 the taxpayer contracts for the construction of a second new vessel to cost a maximum of $3,200,000, thereby obligating that amount of the fund, and in June 1944 receives permission to withdraw the unobligated balance amounting to $200,000. To the cost of the second new vessel must be allocated the $400,000 balance of the March 1942 deposit and $2,800,000 of the June 1943 deposit. The unrecognized gain to be applied against the basis of such new vessel is that proportion of the gain represented in each deposit which the portion of the deposit allocated to the vessel bears to the amount of such deposit, *i. e.*, $\frac{400,000}{1,000,000}$ of $250,000, or $100,000 plus $\frac{2,800,000}{3,000,000}$ of $900,000, or $840,000, making a total of $940,000. The $200,000 withdrawn is applied against the June 1943 deposit and the portion thereof which represents gain will be recognized as income for 1943, the year in which realized. The computation of the recognized gain is as follows: $\frac{200,000}{3,000,000}$ of $900,000, or $60,000.

§ 32.18 *Requirements as to new vessels.* For the purposes of the statute and these regulations, the new vessel must be:

(a) Documented under the laws of the United States when it is acquired by the taxpayer, or the taxpayer must agree that when acquired it will be documented under the laws of the United States;

(b) (1) Constructed in the United States after December 31, 1939, or (2) its construction must have been financed under Title V or Title VII of the act, or (3) its construction must have been aided by a mortgage insured under Title XI of the act; and

(c) Either (1) of such type, size, and speed as the Maritime Commission determines to be suitable for use on the high seas or Great Lakes in carrying out the purposes of the act, but of not less than 2,000 gross tons or of less speed

than 12 knots, except that a particular vessel may be of lesser tonnage or speed if the Maritime Commission determines and certifies that the particular vessel is desirable for use by the United States in case of war or national emergency, or (2) constructed to replace a vessel or vessels requisitioned or purchased by the United States, in which event it must be of such type, size, and speed as to constitute a suitable replacement for the vessel requisitioned or purchased, but if a vessel already built is acquired to replace a vessel or vessels requisitioned or purchased by the United States, such vessel must meet the requirements set forth in subparagraph (1) of this paragraph.

A vessel will be deemed to be constructed after December 31, 1939, only if construction was commenced after that date. Subject to the provisions of this section, a new vessel may be newly built for the taxpayer, or may be acquired after it is built.

It is not necessary that vessels shall be replaced vessel for vessel. The new vessels may be more or less in number than the replaced vessels, provided the other requirements of this section are met.

§ 32.19 *Contracts obligating deposits.* A contract for the construction or acquisition of a new vessel entered into prior to October 10, 1940, or a contract which supersedes, amends ,or supplements such a contract, is not within the scope of the statute. Unless otherwise authorized by the Commission, contracts for the construction of new vessels must be for a fixed price, or provide for a base price that may be adjusted for changes in labor and material costs up to but not exceeding 15 percent of the base price. Plans and specifications for the new vessel or vessels must be approved by the Commission to the extent it deems necessary. A deposit in a construction reserve fund may be expanded or obligated for expenditure for procurement under an acquisition or construction contract of a part interest in a new vessel or vessels, but only after obtaining the written consent of the Commission. The granting of such consent shall be entirely in the discretion of the Commission and it may impose such conditions with respect thereto as it may deem necessary or advisable for the purpose of carrying out the provisions of the statute. Applications for such consent shall be executed in triplicate, and, together with eight conformed copies thereof, filed with the Commission.

Within two years from the date of any deposit in a construction reserve fund, unless extension is granted as hereinafter provided, such deposit must be obligated under a contract for the construction or acquisition of a new vessel or vessels (or in the discretion of the Commission for a share therein), and at least 12½ percent of the construction or contract price of the entire vessel or vessels must be actually paid or irrevocably committed on account thereof. Amounts on deposit in a construction reserve fund will be deemed to be obligated for expenditure when a binding construction or purchase contract has been entered into and will be deemed to be irrevocably committed when due and payable in accordance with the terms of the contract of construction or acquisition. The Commission may, upon application and a showing of proper circumstances, allow an extension or extensions of time within which the contract shall be entered into and the deposits expended or obligated, or the 12½ percent of the construction or contract price paid or irrevocably committed, not to exceed two years in the aggregate, except that until the termination of the present war or until such earlier date as the Congress by concurrent resolution or the President may designate, further extensions may be granted by the Commission. Such further extensions may not run longer than six months after such termination or earlier date.

A taxpayer seeking an extension shall make application therefor, and transmit it with an appropriate statement of the circumstances, and appropriate documents in substantiation of the statement, to the Maritime Commission. The Commission will notify the Commissioner of Internal Revenue of any extension granted. In case an application for extension is denied, the taxpayer will be liable for delay as though no application had been made.

§ 32.20 *Period for construction.* A new vessel constructed otherwise than under the provisions of Title V of the act, and not purchased from the Maritime Commission, must, within six months from the date of the construction contract, or within the period of any extension, be completed to the extent of not less than 5 percent as estimated by the Maritime Commission and certified by it to the Secretary of the Treasury. In case of a contract covering more than one vessel it will be sufficient if one of the vessels is 5 percent completed within the six months' period from the date of the contract or within the period of any extension, and so certified. All construction must be completed with reasonable dispatch as determined by the Maritime Commission. If, for causes within the control of the taxpayer, the entire construction is not completed with reasonable dispatch, the Commission will so certify to the Secretary of the Treasury. For the effect of such certification, see § 32.21.

The Maritime Commission may, upon application and a showing of satisfactory reasons therefor, grant an extension or extensions of time within which the 5 percent of construction shall be completed, but such extensions shall not aggregate more than one year, except that until the termination of the present war or until such earlier date as the Congress by concurrent resolution or the President may designate, further extensions may be granted by the Commission. Such further extensions may not run longer than six months after such termination or earlier date. Application for extension shall be made in accordance with the procedure indicated by § 32.19. In case an application for extension is denied, the taxpayer will be liable for delay as though no application had been made.

§ 32.21 *Noncompliance with requirements.* Withdrawal from the construction reserve fund for purposes other than the construction or acquisition of new vessels, or failure to comply with the requirements of the statute or the regulations relative to the utilization of such funds in the construction or acquisition of new vessels, will result in the recognition, for the taxable year in which realized, of the amount of the gain represented in that portion of the fund involved. If securities on deposit in a construction reserve fund are sold and the amount placed in the fund in lieu thereof is less than the market value of the securities at the time of their deposit, the difference between such market value and the amount placed in the fund in lieu of the securities will be deemed to have been withdrawn.

In the event of noncompliance with the prescribed conditions relative to any contract for construction or acquisition of new vessels, recognition will extend to the entire amount of the gain represented in that portion of the construction reserve fund obligated under such contract. Thus, if the Maritime Commission determines and certifies to the Secretary of the Treasury that for causes within the control of the taxpayer construction under a contract is not completed with reasonable dispatch, the entire amount of the gain represented in the portion of the construction reserve fund obligated under the contract will be recognized even though all other conditions have been satisfied. In case of noncompliance with the requirements of the statute or these regulations, see § 32.17 as to the allocation of gain.

Noncompliance with the provisions of the statute or these regulations relative to the utilization of the deposited amounts may also, inasmuch as the statutory presumption of paragraph (f) of this section is then inapplicable, warrant an examination to ascertain whether such amounts constitute an unreasonable accumulation of earnings and profits within the meaning of section 102 of the Internal Revenue Code. Under that section and the regulations thereunder, if such amounts are deposited and the fund maintained in good faith for the purpose of the construction or acquisition of new vessels, such amounts will not constitute an unreasonable accumulation.

§ 32.22 *Extent of tax liability.* Inclusion of gain in gross income shall be for all income and excess-profits tax purposes, but not for the purposes of the declared value excess-profits tax and the capital stock tax. In lieu of any adjustment with respect to the declared value excess-profits tax, there is imposed for the taxable year in which the gain was realized (see § 32.17) an additional tax of 1.1 percent of the amount of the gain. No additional capital stock tax liability is incurred.

In the case of deposits in the construction reserve fund of amounts derived from sources other than those specified in the statute, or in the case

of failure to deposit an amount equal to the "net proceeds" or "net indemnity" within the prescribed statutory period, the taxpayer obtains no suspension or postponement of any tax liability and the tax is collectible without regard to the provisions of the statute. (See § 32.13.)

§ 32.23 *Assessment and collection of deficiencies.* Any additional tax, including the 1.1 percent of the amount of the gain imposed in lieu of declared value excess-profits tax, due on account of withdrawal from a construction reserve fund, or failure to comply with the provisions of the statute or the regulations, is collectible as a deficiency. Interest upon such deficiency will run from the date the withdrawal or noncompliance occurs. The amount of any deficiency, including interest and additions to the tax, determined as a result of such withdrawal or noncompliance, may be assessed, or a proceeding in court for the collection thereof may be begun without assessment, at any time and without regard to any period of limitations or any other provisions of law or rule of law, including the doctrine of res judicata.

§ 32.24 *Reports by taxpayers.* With each income tax return filed for a taxable year during any part of which a construction reserve fund is in existence the taxpayer shall submit a statement setting forth a detailed analysis of such fund. The statement, which need not be on any prescribed form, shall include the following information with respect to the construction reserve fund:

(1) The actual balance in the fund at the beginning and end of the taxable year;

(2) The date, amount, and source of each deposit during the taxable year;

(3) If item (2) consists of proceeds from the sale, or indemnification of loss, of a vessel or share thereof, the amounts of the unrecognized gain;

(4) The date, amount and purpose of each expenditure or withdrawal from the fund; and

(5) The date and amount of each contract, under which deposited funds are deemed to be obligated during the taxable year, for construction or acquisition of a new vessel and the identification of such vessel.

Taxpayers shall keep such records and make such additional reports as the Commissioner of Internal Revenue or the Maritime Commission may require.

§ 32.25 *Construction or acquisition by controlled corporation.* For the purposes of the statute and these regulations a new vessel is considered as constructed or acquired by the taxpayer if constructed or acquired by a corporation at a time when the taxpayer owns not less than 95 percent of the total number of shares of each class of stock of the corporation.

§ 32.26 *Basis of new vessel.* The basis for determining gain or loss and for depreciation for the purpose of Federal income or excess-profits taxes with respect to a new vessel constructed or acquired by the taxpayer with funds deposited in the construction reserve fund, is reduced by the amount of the unrecognized gain represented in the funds allocated under the provisions of these regulations to the cost of such vessel. (See § 32.17.)

§ 32.27 *Administrative jurisdiction.* Sections 32.3 to 32.11, inclusive, and §§ 32.18 to 32.20, inclusive, deal primarily with matters under the jurisdiction of the Maritime Commission. Sections 32.12, 32.16, and 32.17 and §§ 32.21 to 32.26, inclusive, deal primarily with matters under the jurisdiction of the Commissioner of Internal Revenue. Generally, matters relating to the establishment, maintenance, expenditure, and use of construction reserve funds and the construction or acquisition of new vessels are under the jurisdiction of the Maritime Commission; and matters relating to the determination, assessment and collection of taxes are under the jurisdiction of the Commissioner of Internal Revenue. Correspondence should be addressed to the particular authority having jurisdiction in the matter.

ROBERT E. HANNEGAN,
Commissioner of Internal Revenue.
JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

JANUARY 27, 1944.

[F. R. DOC. 44-1490; Filed, January 29, 1944; 3:27 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solids Fuels Administration for War

[Reg. 13]

PART 602—GENERAL ORDERS AND DIRECTIVES

BITUMINOUS COAL IN DISTRICT 8

Correction of Original Document

Pursuant to a letter signed by the General Counsel, F. R. Doc. 44-1398, appearing at page 1005 of the issue for Friday, January 28, 1944, has been corrected as follows: In § 602.236 (a) the words "lump or double-screened domestic coal" now read "lump and double-screened domestic coal" wherever they occur.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

MONTHLY BOARD OF APPEAL ACTION REPORT

ORDER PRESCRIBING FORM

[No. 240]

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 103, entitled "Monthly Board of Appeal Action Report,"[1] effective immediately upon the filing hereof with the Division of the Federal Register. Upon receipt of the revised DSS Form 103, the use of the former supply of DSS Form 103 will be discontinued and all unused copies will be disposed of.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1944.

[F. R. Doc. 44-1497; Filed, January 29, 1944; 4:11 p. m.]

[1] Filed as part of the original document.

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 5 5Stat. 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 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b, as Amended Jan. 26, 1944[1]]

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

§ 1041.2 *Preference Rating Order P-98-b*—(a) *Purpose.* This order tells how persons engaged in the petroleum industry may obtain priorities assistance to secure material for their operations.

This order will not be used by foreign operators who will continue to use Priorities Regulation No. 9 and forms provided for in that regulation. Nor will the order be used to secure material to be used in the Territory of Hawaii. Such material may be obtained through the procedure established by the War Production Board Regional Office for Region X rather than through this order. Furthermore, this order will not be used by Canadian operators. All other operators must use the procedures of this order.

In general, this order provides priorities assistance to obtain material for three different purposes, and a separate procedure will be followed for each. They are as follows:

(1) Material for maintenance and repair purposes, operating supplies and laboratory equipment is secured under the MRO procedure, set out in the second major portion of this order (paragraphs (d), (e) and (f)). Preference ratings and an allotment symbol for controlled

[1] This document is a restatement of Amendment 1 to P-98-b as amended October 29, 1943, as it appeared in the FEDERAL REGISTER of January 27, 1944, page 961, and reflects the order in its completed form as of January 26, 1944.

material are indicated and may be used in accordance with the procedure specified in that section.

(2) Material for most production activities, which include exploratory work and well drilling, is secured through the procedure described in the third major portion of this order headed, "Material for Use in Production" (paragraphs (g), (h), (i) and (j)). The preference rating to be used is indicated in paragraph (h). For controlled materials, however, an allotment number must be applied for unless use of the small order symbol is authorized. In either case, the preference rating and allotment number and symbol may be used only in accordance with the specified delivery order filing procedure, similar to that of the MRO provisions.

(3) A fourth major portion of this order (paragraphs (k), (l), (m) and (n)), describes how materials are secured for use in certain special production operations, natural gasoline recovery, transportation, refining and marketing. Here, application must be made for both a preference rating covering specific materials and an allotment of controlled materials. Any rating and allotment number assigned pursuant to such an application may be used without submitting delivery orders to the Petroleum Administration for War, unless the operator receives special instructions to the contrary.

The materials which are obtained under this order may be used only in accordance with the provisions of applicable Petroleum Administrative orders. A general description of the scope of these orders is given in the appropriate sections of this order.

(b) *Definitions.* (1) "Operator" means any person to the extent that he is engaged in the petroleum industry.

(2) "Petroleum" means crude oil, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(3) "Petroleum industry" includes any of the following activities and any operation directly incident to these activities:

(i) The discovery, development or depletion of petroleum pools (production);

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline recovery);

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation);

(iv) The processing, reprocessing or alteration of petroleum, including but not limited to compounding or blending (refining);

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing);

and shall include for each of the above listed branches of the industry, to the extent applicable, the control of, or the investigation into more effective methods of conducting, petroleum industry operations by means of research, technical or control laboratories.

(4) "Maintenance and repair" means (without regard to accounting practice):

(i) The upkeep of any structure, equipment, or material in a sound working condition or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged or destroyed;

(ii) Any other use of material not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition.

Maintenance and repair shall not include (*a*) the drilling, redrilling, deepening, plugging back, or multiple completion of any well or the initial installation on any well of pumping or other artificial lifting equipment, or (*b*) the extension or the initial construction or installation of a field gas gathering line, or (*c*) any use of material in connection with a service station or retail outlet other than for upkeep or restoration purposes, or (*d*) the installation or replacement in marketing of any "equipment" defined as such in Petroleum Administrative Order No. 12.

NOTE: Sub-divisions (*c*) and (*d*), formerly (*b*) and (*c*), redesignated Jan. 26, 1944.

(5) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in the petroleum industry and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense, including among other items, chemicals, additives and blending agents.

(6) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, petroleum industry operations by means of research, technical or control laboratories. This material or equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

(7) "Controlled material," "Class A product" and "Class B product" shall have the same meanings, respectively, as in CMP Regulation No. 1 of the War Production Board.

(8) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given before delivery is made.

(9) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in this order or which is specifically designated to be such by any regulation or order of the Petroleum Administration for War or the War Production Board.

(c) *Priorities assistance for services and particular materials.* (1) An MRO rating assigned by this order may be used to secure services to the extent consistent with Priorities Regulation 3.

(2) No operator may apply a preference rating to obtain any material listed on Schedule A of this order.

(3) No operator may apply a preference rating to obtain any material listed on Schedule B except in accordance with the procedure described in that schedule.

NOTE: Paragraphs (c) (4), (5), (6) and (7), formerly (c) (3), (4), (5) and (6), redesignated Jan 26, 1944.

(4) Priorities assistance for the materials covered by Schedule C of this order may also be obtained under this order but only by filing the forms specified on that schedule in accordance with the instructions contained in that schedule. Schedule C includes all items on List B of Priorities Regulation 3 with the exception of those listed in Schedule B of this order.

(5) Priorities assistance may not be obtained under this order for material or equipment to be used by consumer accounts for or in the storage or dispensing of petroleum, including liquefied petroleum gas. Maintenance and repair for this type of equipment is covered under Preference Rating Order P-98-e.

(6) Priorities assistance may not be obtained under this order for tank trucks and trailers, railroad rolling stock, marine equipment or parts for any of these, unless the priorities assistance is used to secure the following:

(i) Material to be actually attached to a tank truck or trailer and necessary for containing, dispensing, measuring the movement of, or distributing petroleum;

(ii) Parts for railroad rolling stock, which rolling stock is owned or leased by the operator, is used on his premises and in the petroleum industry, and is not under the jurisdiction of the Interstate Commerce Commission;

(iii) Parts for marine equipment, which marine equipment is used or chartered by the operator, is used on or in the vicinity of his premises and in the petroleum industry, and for which no other method of securing priorities assistance exists.

Special methods for securing priorities assistance for the above equipment or equipment parts which may not be obtained under this order have been established by the Office of Defense Transportation, the Maritime Commision, and the War Production Board.

(7) Priorities assistance may not be obtained under this order for "residential construction" or "multiple residential construction", as defined in Order L-41 where the construction is in connection with natural gasoline recovery, transportation, refining or marketing. Priorities assistance may, on the other hand, be obtained under this order for material to be used as "lease equipment", as that term is defined in Petroleum Administrative Order No. 11.

MRO Material—Maintenance and Repair, Operating Supplies, and Laboratory Equipment

(d) *Allotment symbol and preference ratings.* To secure material for maintenance and repair, operating supplies or laboratory equipment (all known as MRO material) for use in any branch of the petroleum industry other than retail marketing an operator may use allotment symbol MRO-P-3 and preference rating AA-1. To secure MRO material for use in retail marketing an operator may use allotment symbol MRO-P-3 and preference rating AA-5.

(e) *How to use allotment symbol and preference rating.* To use the MRO allotment symbol and ratings, an operator must:

(1) Place the allotment symbol on delivery orders for controlled materials and the allotment symbol and preference rating on delivery orders for other MRO materials, certifying each delivery order in accordance with paragraph (r).

(2) Endorse on each delivery order of more than $100 (or accompany it by) a statement telling the specific use to which the material is to be put, the branch of the petroleum industry and the PAW District in which it is to be used, the approximate price, quantity and description of the material (including weight if it is a controlled material) and the month in which delivery of the material is required.

(3) Prior to placing each delivery order with a supplier, submit copies of the order to the District Office of the Petroleum Administration for War for the District in which the material will be used (or, if so desired by an operator in any branch of the industry other than production, for the District in which the purchasing office of the operator is located), Ref: Materials Division, as follows:

(i) If the delivery order is for $100 or less, no copy need be submitted.

(ii) If the delivery order is for controlled materials (other than aluminum) and has a total cost of more than $100 but not more than $2,500 and has no item of more than $500, one copy must be submitted for information purposes.

(iii) If the delivery order is for controlled materials (other than aluminum) and has a total cost of more than $2,500, or has any item of more than $500, two copies must be submitted for approval, and an operator may not place such an order with a supplier until approval of the order has been returned to him.

(iv) If the delivery order is for other than controlled materials or for aluminum, and has a total cost of more than $100, one copy must be submitted for information purposes.

In the case of delivery orders for the special materials listed on Schedule B, the filing instructions set out in that schedule apply.

(4) An operator requiring aluminum as a controlled material need only comply with the previous subparagraphs of this paragraph (e) to obtain 500 pounds or less from all sources during a calendar quarter. If the quantity required is more than 500 pounds, he must apply by letter for permission to purchase the excess amount (furnishing the applicable information called for by paragraph (d) of Supplementary Order M-1-i) to the Aluminum and Magnesium Division, War Production Board, Ref: M-1-i. If approved the operator must then place his delivery orders in accordance with the previous subparagraphs of this paragraph (e).

(5) To use a preference rating obtained for MRO material pursuant to a Form WPB-541 (PD-1A) application, an operator must place on the delivery order the rating and allotment symbol P-3.

(f) *Emergency MRO materials.* Where there has been an actual breakdown or suspension of operations, and where the methods specified above will not get the material on the date and in the quantity required, an operator may request authority to secure emergency MRO material by letter, telegram or telephone to the District Office (in the case of production), or to the Washington Office (in all other cases), Ref: P-98-b, supplying the following information:

(1) Date of actual breakdown or suspension of operations and exact explanation as to what extent operations are affected.

(2) Description of equipment to be repaired and its function in maintaining continuous operation.

(3) Quantity, approximate price and detailed description of necessary material (including weight if a controlled material) and number and date of delivery order(s) thereof.

If information is supplied by telephone, it must be confirmed within three days by letter or telegram. No delivery order for emergency MRO material need be submitted to the Petroleum Administration for War but an operator shall not place a delivery order with a supplier for the emergency MRO material until approval has been received and the delivery order has been certified in accordance with paragraph (r).

Material for Use in Production

(g) *Scope of paragraphs (g), (h), (i), (j).* The following paragraphs under this general heading of "Material for Use in Production" set forth the methods to be used by a production operator in securing and using priorities assistance to get the material he will need for most of his operations. However, these paragraphs do not cover methods for obtaining priorities assistance for MRO material or material for use in the following special production operations:

Gas cycling operations for condensate recovery (including gathering and injection lines in connection therewith),
Gas desulphurization operations,
Gas dehydration operations,
Pressure maintenance operations, or
A gas lift compression plant or a field gas booster plant where the material to be installed or added increases the rated capacity of the plant more than 500 hp.

Methods for securing MRO material have been set forth in paragraphs (d), (e) and (f) above, while methods for securing material for special production operations are set forth in paragraphs (k), (l) and (m) which follow.

References made in paragraphs (h), (i) and (j) immediately below, to production allotment numbers and symbols and ratings or to materials for use in production, apply only to the acquisition and use of material for the production operations covered by these paragraphs. Such references do not apply to MRO material or to material for use in the special production operations listed above.

(h) *Allotment number and symbol and preference rating.*

(1) *Application must be made for allotment of controlled materials.* To obtain controlled materials for use in production, an operator must secure an allotment and an allotment number by applying on PAW Form 35, except that a small quantity of carbon steel may be obtained (without such an application) through the use of allotment symbol PSO (petroleum small order), as described in subparagraph (h) (2) immediately following. PAW Form 35 applications will be filed in triplicate (3) with the District Office of the Petroleum Administration for War for the District in which operations are to be conducted, Ref: Materials Division.

Operators should file PAW Form 35 at least three months prior to the beginning of the calendar quarter in which the controlled materials are to be delivered, where operations can be planned to permit such advance filing. Otherwise, applications on that form should be filed not less than one month prior to the proposed delivery date of the controlled materials.

Interim assistance may be requested at any time by filing PAW Form 35 as a supplemental application.

(2) *Small order exception for carbon steel.* As an exception to the rule stated in the preceding suparagraph that an operator must apply for an allotment of controlled materials, an operator may use allotment symbol PSO to secure the delivery of no more than 10 tons of carbon steel as a controlled material during

any calendar quarter for use in production.

If an operator will require more than 10 tons of carbon steel in any calendar quarter, he should apply on PAW Form 35 for an allotment of the total quantity of his estimtated needs in the manner described in the preceding subparagraph. By so doing, the operator will be able to use allotment symbol PSO to obtain up to 10 tons of carbon steel for unanticipated needs discovered after the application has been filed, and will thus be relieved of the need to file many interim applications.

NOTE: Paragraph (h) (3), formerly (h) (2), redesignated Jan. 26, 1944.

(3) To secure materials, other than controlled materials, for use in production, an operator may use preference rating AA-2X.

(i) *How to use allotment number and symbol and preference rating.* To use his allotment number or symbol and preference rating, a production operator must:

(1) Indicate on each delivery order for controlled materials the allotment number (and PAW Form 35 serial number) or allotment symbol PSO (in the case of a small order); and indicate on each delivery order for other materials the preference rating and allotment symbol P-1; certifying each delivery order in accordance with paragraph (r).

(2) Endorse on each delivery order of more than $100 (or accompany it by) a statement telling the specific use to which the material is to be put, the branch of the petroleum industry and the PAW District in which it is to be used, and the approximate price, quantity and description of the material (including weight and PAW Form 35 application serial number, if any, if it is a controlled material), and the month in which delivery of the material is required.

(3) Prior to placing each delivery order with a supplier, submit copies of the order to the District Office of the Petroleum Administration for War for the District in which the material is to be used, Ref: Materials Division, as follows:

(i) If the delivery order is for $100 or less, no copy need be submitted.

(ii) If the delivery order is for controlled materials, and has a total cost of more than $100 but not more than $2,500, and has no item of more than $500, one copy must be submitted for information purposes.

(iii) If the delivery order is for controlled materials, and has a total cost of more than $2,500, or has any item of more than $500, two copies must be submitted for approval, and an operator may not place such an order with a supplier until approval of the order has been returned to him.

(iv) If the delivery order is for other than controlled materials, and has a total cost of more than $100, one copy must be submitted for information purposes.

In the case of delivery orders for the special materials listed on Schedule B, the filing instructions set out in that schedule apply.

(j) *How to obtain authority to use materials.* Use of material in production is controlled by Petroleum Administrative Order No. 11, as amended and supplemented from time to time. Unless authority is granted by PAO-11 or an amendment or supplement to that order, to use material in the particular production operation, the operator must obtain an exception under PAO-11.

Material for Use in Special Production Operations, Natural Gasoline Recovery, Transportation, Refining and Marketing

(k) *Scope of paragraphs (k), (l), (m), (n).* The following paragraphs under this general heading of "Material for Use in Special Production Operations, Natural Gasoline Recovery, Transportation, Refining and Marketing" set forth the methods to be used by an operator engaged in any one of those industry branches or operations in securing and using priorities assistance to get the material he will need for his operations. The special production operations for which priorities assistance is made available by this major section are:

Gas cycling operations for condensate recovery (including gathering and injection lines in connection therewith),
Gas desulphurization operations,
Gas dehydration operations,
Pressure maintenance operations, or
A gas lift compression plant or a field gas booster plant where the material to be installed or added increases the rated capacity of the plant more than 500 h. p.

Methods for securing MRO material have been set forth in paragraphs (d), (e) and (f) above. References made in paragraphs (l), (m) and (n) immediately below to allotment numbers and ratings and to the use of material, apply only to the acquisition and use of material for the operations covered by these paragraphs. Such references do not apply to MRO material.

(l) *Allotment number and preference rating.* To secure equipment or material requiring an allotment number or preference rating for use in any special production operations, natural gasoline recovery, transportation, refining or marketing, an operator must file PAW Form 30 in accordance with the instructions set out on that form.

Form WPB-541 (PD-1A) may be used instead of PAW Form 30 to request a preference rating for machinery or equipment, if the machinery or equipment will be installed with the use of no more than $500 worth of material obtained through the MRO procedure of this order and if the machinery or equipment will be installed as part of a complete operation having a total material cost of no more than $5,000.

Form WPB-541 (PD-1A) may also be used instead of PAW Form 30 to request a preference rating for any material, regardless of cost, which will not be incorporated into a plant or other facility (for example, an item of construction machinery or equipment), unless a War Production Board order requires the use of some other form.

Form WPB-541 applications will be filed with the nearest War Production Board Field Office.

(m) *How to use allotment number or symbol and preference rating.* To use the allotment number and preference rating granted through a PAW Form 30 application an operator must place the allotment number on delivery orders for controlled materials and the allotment number and preference rating on delivery orders for other materials. On each delivery order for material rated after a Form WPB-541 application an operator must place the rating and either allotment symbol F-5 (in refining) or P-1 (in any other branch of the industry). Each delivery order must bear the standard certification of paragraph (r).

An operator may place authorized controlled materials orders only for the controlled materials specified for use in the operations designated on the PAW Form 30 application and may apply or extend the preference rating only to secure material requiring a rating and approved in connection with the PAW Form 30 or Form WPB-541 application.

Any rating or allotment number assigned pursuant to an application on either of such forms may be used without submitting delivery orders to the Petroleum Administration for War, unless the operator receives special instructions to the contrary.

(n) *How to obtain authority to use material.* (1) Use of material in transportation or refining, is governed by Petroleum Administrative Order No. 15 as amended and supplemented from time to time. Use of material in special production operations described above and in natural gasoline recovery is governed by Petroleum Administrative Order No. 11 as amended and supplemented from time to time. Since PAW Form 30 when filed as an application to secure material for use in connection with special production operations, natural gasoline recovery, transportation or refining, is also considered an application to use materials in connection with such operations, the authorization obtained by an operator by this form shall be considered authority to use the materials specified on the form in accordance with the provisions of such orders.

(2) Use of material (other than liquefied petroleum gas equipment) in

marketing is governed by Petroleum Administrative Order No. 12 as amended and supplemented from time to time. If use of the material (other than liquefied petroleum gas equipment) is not authorized by PAO-12 or an amendment or supplement to that order, the operator must secure an exception under that order.

(3) Installation of liquefied petroleum gas equipment is governed by Order L-86 as amended and supplemented from time to time. If the material to be used in marketing is liquefied petroleum gas equipment and installation of such is not permitted by Order L-86 or an amendment or supplement to that order, the operator must secure an exception under that order.

(4) Exceptions under PAO-12 or L-86 do not afford priorities assistance to secure material. Such priorities assistance should be applied for under paragraph (1). MRO material will, of course, be obtained through the MRO procedures of this order, or, where applicable, through Preference Rating Order P-98-e.

General Provisions

(o) *Allotments by operators.* An operator who has obtained an allotment of controlled materials may require the manufacture and installation of certain Class A products or may undertake the operation through a construction contractor. In either case it may be necessary for the operator to allot a portion of his allotment to the Class A product manufacturer or to the contractor (each of whom then becomes a "secondary consumer" under CMP Regulations) for reallotment or the placement of authorized controlled material orders. Any operator making such an allotment must follow the procedures in CMP Regulation No. 1, except as modified by this order.

(p) *Placement of delivery orders.* (1) In preparing or placing a delivery order an operator shall not alter the customary designation of any item or items for the purpose of making it appear that an item costs $500 or less or that the total cost of all items on the delivery order is $100 or less or $2,500 or less as the case may be.

(2) Any delivery order for controlled materials placed pursuant to this order and bearing the certification provided for in this order is an authorized controlled material order if the delivery order is in sufficient detail to permit entry on mill schedules and is received by the controlled materials producer at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same. Attention is called to paragraph (t) of CMP Regulation No. 1 relating to rejection of orders by a controlled materials producer, including instances where less than minimum mill quantities, as specified in Schedule IV of the regulation, are requested by an operator.

(3) Where an allotment of controlled materials has been made and an allotment number authorized in connection with it, the allotment number endorsed upon any delivery order bearing the certification provided for in this order shall be an abbreviated allotment number consisting of a major program identification and the quarterly identification. In the event that no allotment number has been authorized, the appropriate allotment symbol stated in this order should be used. The allotment symbol MRO-P-3, authorized in connection with MRO material and allotment symbol PSO, in connection with production, shall constitute allotment symbols, for the purpose of all CMP regulations. In using these symbols no reference to a program or quarterly identification need be made.

(q) *Use, cancellation and reduction of allotment.* (1) An operator who receives an allotment of controlled materials on PAW Form 35 must reallot the same or place delivery orders for such materials within thirty days *after the allotment is received.* If such an allotment is not used in placing authorized controlled material orders or in making reallotments within such period, an operator must promptly notify the District Office for the District in which the material was to be used of the extent to which the allotment has not been reallotted, or orders have not been placed.

(2) An operator who receives an allotment of controlled materials pursuant to application on PAW Form 30 must use it only for the purpose for which it was authorized. If such an allotment is not used in placing authorized controlled material orders or in making reallotments, the operator must promptly notify the Washington Office of such facts.

(3) An operator who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. Where an allotment received by an operator is cancelled, he must cancel all allotments which he has placed on the basis of the allotment. Where an allotment received by an operator is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceeds his allotment as reduced. In the event this course of action is impracticable, the operator shall immediately request instructions of the District Office (in the case of production) or of the Washington Office (in all other cases).

(r) *Certification.* An operator may use an allotment number or symbol or preference rating authorized pursuant to this order by endorsing upon his delivery order a certification in substantially the following form:

> The undersigned purchaser certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

This certification may be used as provided in Priorities Regulation No. 7. It may also be used instead of any other certification required by any regulation or order of the War Production Board, to the extent permitted by Priorities Regulation No. 7. The certification must be signed manually or by the use of a facsimile signature as provided in that regulation.

(s) *Restoration of inventories.* An operator may use an allotment number or symbol or preference rating authorized under this order to restore his inventory to a practicable working minimum. However, an operator may not secure replacements which would result in surplus material as defined in Preference Rating Order P-98-c as amended.

(t) *Restrictions.* An operator may not use the allotment number or symbol or the preference ratings authorized under this order to obtain material:

(1) For any purpose other than a purpose authorized under this order or in greater amounts or on earlier dates than required for any authorized purpose.

(2) Which can be secured without the use of an allotment number or symbol or preference rating.

(3) The use of which could be eliminated without serious loss of efficiency by substitution of less scarce material, or by change of design.

(4) In such amounts or on such dates that receipt of such amounts on the requested dates would result in surplus material as defined in Preference Rating Order P-98-c, as amended.

(5) Unless such operator is a participant in the PAW Materials Redistribution Program No. 2, if participation by the operator in this program is required.

(u) *Applicability of other orders and regulations.* (1) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all orders and regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulation Nos. 2, 5, or 6 (or the limitations incorporated in any CMP Regulation which otherwise would subject an operator to the provisions of CMP Regulation Nos. 2, 5, or 6) shall apply to an operator and no operator shall obtain any material under or be limited by the provisions of such regulations or limitations. The provisions of paragraphs (i), (s), (s-1) and (u) of CMP Regulation No. 1 shall not apply to an operator who secures material in accordance with the provisions of this order. Other than as set forth in paragraph (c) (7) hereof, the provisions of Limitation Order L-41, as amended from time to time, shall not apply to an operator as such operator is limited by the provisions of that order.

(3) Any preference rating, other than a rating for MRO material, assigned pursuant to the provisions of this order is assigned in lieu of a preference rating under an order in the P-19 series. Any reference in any order of the War Production Board to an order in the P-19 series shall constitute a reference to a preference rating assigned pursuant to this order.

(4) Privileges granted by other orders and regulations of the War Production

Board to persons on Schedule I of CMP Regulation 5 shall be considered as applicable to petroleum operators, other than operators to the extent that they are engaged in retail marketing, operating under this order. For example, Order E-5-a on gauges and precision measuring hand tools classifies a person on Schedule I or II of CMP Regulation 5 as an "approved user". With the stated exception, an operator covered by P-98-b is in identically the same position, *Provided*, That certification clauses in and all other provisions of such other orders are complied with.

(5) Where a preference rating or allotment symbol, or both, is permitted or is required to be used by any other "E", "L", "M", "P", or "U" order or any regulation of the War Production Board to obtain a specific item of material, it will not also be necessary to follow any procedure of this order to obtain that item of material.

(v) *Further limitations on use of priorities assistance.* The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

(w) *Communications.* All reports required to be filed hereunder and all communications concerning this order should, unless other directions are given, be addressed to the Petroleum Administration for War, Interior Building, Washington 25, D. C., Ref: P-98-b.

The addresses of the Petroleum Administration for War District Offices are set forth in Schedule D.

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

The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 26th day of January 1944.

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

SCHEDULE A

The items listed on this schedule may be delivered to operators without regard to preference ratings. No operator shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale.

Items on List A of Priorities Regulation 3.
Rock bits and core bits (rotary bits).

SCHEDULE B

NOTE: Schedule B added Jan. 26, 1944.

The procedure established by this schedule must be followed in order to request a rating for any item listed on it. Certain of these items are on List B of Priorities Regulation 3, and any rating secured under this procedure for such an item is not a blanket MRO rating and may be used to secure such item.

In order to request a rating under this procedure two copies of each delivery order (regardless of amount) must be submitted to the District Office of the PAW of the District in which the material will be used (or, if so desired by an operator in any branch of the industry other than production, for the District in which the operator's purchasing office is located). For each such delivery order, in addition to the statement which must regularly accompany an MRO delivery order submitted to PAW concerning the specific use to which the material will be put, the operator should include a detailed explanation of why he requires the particular item requested. An operator may not place a delivery order with a supplier covering these items until approval of such order has been returned to him. For convenience this will be referred to as the "special MRO procedure."

The following materials are covered by this schedule:

(a) Those items currently identified on (and more completely described in) List B of Priorities Regulation 3 as follows, and any equivalent items replacing them on revisions of that List B, when required as MRO material:

DESCRIPTION

Civilian defense devices.
Filing cabinets, wooden.
Fire protective equipment.
Furniture for use in offices, factories, industrial establishments and institutions, except furniture specifically designed for schools.
Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment.)
Medical, surgical and dental instruments.
Slide rules, precision engineering, having a list price of $7.50 or more.
Venetian blinds.

(b) Construction machinery and equipment (on Schedule B of Order L-192) costing in excess of $500, when required as MRO material or as material for use in production.

SCHEDULE C

NOTE: Schedule C formerly Schedule B, Items (a), (b), (c), and (f) in the table amended January 26, 1944.

The special MRO procedure of Schedule B may be used to request a rating for only those items on List B of Priorities Regulation 3 as MRO material which are listed on that schedule. Many of the other items on List B of Priorities Regulation 3 may be secured without a preference rating and every attempt should be made to do so. If a rating is required for any of these remaining items or for any other item which cannot be secured with a blanket MRO rating, it should be applied for on Form WPB-541 (PD-1A), filed with the nearest WPB Field Office.

There are two general exceptions to this rule. In the first place, laboratory instruments and equipment may be obtained under the regular MRO procedure of this order. And secondly, the forms indicated below will be used for the items there listed.

Item	Preference rating form	Release or scheduling form	Filing instructions
(a) Cellophane	WPB-541		File with nearest WPB Field Office.
(b) Gas cylinders (as defined in M-233).	WPB-541		File with nearest WPB Field Office.
(c) Liquefied petroleum gas storage tanks.	WPB-541		File with nearest WPB Field Office.
(d) Steel shipping drums (as defined in L-107).	WPB-3233	WPB-3233	File with PAW, Washington, Ref: P-98-b.
(e) Wooden shipping containers (as defined in L-232, P-140).	WPB-2103		File WPB-2103 with PAW, Washington, Ref: P-98-b. File this form only if the preference ratings of P-140 are not sufficiently high to obtain delivery at the time the material is needed.
(f) Machine tools (as defined in E-1-b).	WPB-541		File with nearest WPB Field Office.

SCHEDULE D—INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO DISTRICT OFFICES

NOTE: Schedule D, formerly Schedule C, redesignated Jan. 26, 1944.

District 1: (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia). Direct communications to Petroleum Administration for War, 1104 Chanin Building, 122 East 42nd Street, New York 17, New York. Ref: P-98-b.

District 2: (Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota). Direct communications to Petroleum Administration for War, 1200 Blum Building, 624 South Michigan Avenue, Chicago 5, Illinois (or) 410 Beacon Building, 406 South Boulder Avenue, Tulsa 3, Oklahoma. Ref: P-98-b.

District 3: (Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico). Direct communications to Petroleum Administration for War, 245 Mellie Esperson Building, Houston 1, Texas. Ref: P-98-b.

District 4: (Montana, Wyoming, Colorado, Utah, Idaho). Direct communications to Petroleum Administration for War, 320 First National Bank Building, Denver 2, Colorado. Ref: P-98-b.

District 5: (Arizona, California, Nevada, Oregon, Washington, Territory of Alaska). Direct communications to Petroleum Administration for War, 855 Subway Terminal Building, Los Angeles 13, California. Ref: P-98-b.

[F. R. Doc. 44-1472; Filed, January 28, 1944; 4:38 p. m.]

PART 3270—CONTAINERS

[Supp. Order L-103-b as Amended January 27, 1944, Correction [1]]

GLASS CONTAINER AND CLOSURE QUOTAS

Under the heading "Schedules—General Explanation" the last three paragraphs should read as follows:

[1] 9 F.R. 1007.

All special provisions of these schedules relating to closure materials for specific products must be followed, and control to the extent that they conflict with the above.

After March 1, 1944 all size specifications for glass containers set forth in these schedules must be followed in addition to the provisions of Order L-103 and its schedules.

Attention is called to paragraphs (p) through (v) of Order L-103-b which establish limited exceptions to the provisions of this order. Here again, any special provisions which these schedules contain relative to quota exemptions—as in the case of ice cream mix and certain beverages—must be observed.

Issued this 28th day of January 1944.

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

[F. R. Doc. 44-1473; Filed, January 28, 1944; 4:38 p. m.]

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

[Priorities Reg. 3, Direction 2 as Amended Jan. 29, 1944]

PAPER CUPS AND PAPER FOOD CONTAINERS

Direction 2 to Priorities Regulation No. 3, is amended to read as follows:

(a) *Purpose.* This direction provides an exception to the provisions of List B of Priorities Regulation No. 3, which prohibits the use of MRO ratings to obtain paper cups and paper food containers. By the terms of this direction, MRO ratings may be used to obtain paper cups and paper food containers but only to the extent specified herein.

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

(1) "Paper cups and paper food containers" means all empty open nested paper cups and round nested paper food containers with or without lids. The term does not include flat envelope types of cup, wedge-shaped food pails or nested paper plates.

(2) "In-plant feeding" means the serving of food, drink or refreshments on the premises of a plant or business activity to its employees when the food or drink is prepared on the premises of the plant or business activity, or when the food, or drink prepared in bulk (such as coffee or soup), is brought to the plant or business activity and served in paper cups or paper food containers on the premises. It shall also include the serving of food, drink and refreshments by (1) military exchanges and service departments (as defined in Priorities Regulation No. 17), (2) hospitals serving their patients, (3) welfare organizations such as USO, Red Cross, etc., serving servicemen and their guests, and (4) persons engaged in serving passengers on trains and in planes.

(3) "A caterer or concessionnaire" means a person who has an agreement with an operator of a plant or business activity to regularly provide in-plant feeding for its employees, and who prepares his food or drink on the premises of the plant, or brings his food, or drink prepared in bulk (such as coffee or soup), to the plant and serves it on the premises. It does not include persons supplying food or drink in paper cups or paper food containers from outside the plant.

Use of Preference Ratings

(c) Any person may use the blanket MRO rating assigned to him by any regulation of the War Production Board (including CMP Regulation No. 5, CMP Regulation No. 5A and orders in the P, T, or U Series) to buy paper cups and paper food containers for in-plant feeding.

(d) A person, such as a caterer or concessionnaire, may use his customer's blanket MRO rating to buy paper cups and paper food containers for use in providing in-plant feeding to employees of the customer. In such a case, the customer must include the cost of the paper cups and paper food containers (but need not include the cost of the food contained in them or any other charge in connection with the in-plant feeding) in his own MRO expenditures for the purpose of figuring whether he is within any quota limitation (such as paragraph (f) of CMP Regulation No. 5) imposed by the regulation or order assigning the MRO rating.

(e) *Ratings on application.* Preference ratings for users not included above and preference ratings differing from those assigned may be assigned on application by any person on Form WPB 541 (formerly PD-1A) and the use of the rating may be conditioned upon the placement of orders with specified suppliers. The assignment of a rating to an applicant on this form will permit him to use that rating to get only the specific quantities and items applied for. Where any person making such application justifies his need for a rating upon the ground that he provides eating facilities patronized principally by workers engaged in a nearby plant, he shall accompany his application with a statement from a responsible official of the plant certifying to his workers' dependence upon the applicant's eating facilities.

(f) *Certificate.* The ratings assigned pursuant to or permitted to be used by this order may be applied or extended only by use of a certificate in substantially the form prescribed by Priorities Regulation No. 7.

(g) *Extension of ratings.* Ratings applied or extended to get paper cups or paper food containers may not be extended to obtain materials for use in their manufacture.

Restrictions

(h) *Inventory.* No person shall accept delivery of any paper cups and paper food containers which will increase his inventory of any size and type to more than his reasonably anticipated requirements for the ensuing thirty days, except that the minimum standard commercial packing case quantity may be purchased, whenever the purchaser's inventory is less than a 30-days' supply.

(i) *Equipment for use of chinaware.* No person may use his blanket MRO rating to purchase paper cups or paper food containers for the serving of hot food or beverages if such person has equipment for using chinaware or other containers. In the event that such equipment can only serve a portion of his needs, he may order only the quantity of paper cups or paper food containers required in excess of such equipment.

(j) *Paper cups as shipping containers.* Attention is called to the fact that persons buying paper cups and paper food containers for use in packaging food or other products for shipment or delivery are not permitted to use blanket MRO ratings for this purpose.

(k) *Persons not using paper cups before October 29, 1943.* Any person who did not use paper cups or paper food containers for in-plant feeding before October 29, 1943 may not use his blanket MRO rating to obtain them unless he files an appeal by letter in triplicate with the appropriate field office of the War Production Board and such appeal is granted. The granting of the appeal shall constitute authority to use his blanket MRO rating for his future requirements of paper cups and paper food containers for in-plant feeding. This provision shall not apply to military exchanges or service departments.

(l) *Prohibited uses.* No person shall sell or deliver the following types of paper cups if he knows or has reason to believe that they will be used for the purposes stated, and no person shall use such paper cups for those purposes: (1) packages of cups for commercial retail sales, (2) hot drink cups for serving cold foods and beverages and (3) paper cups to be served with individual bottled beverages. The above prohibition against delivering paper cups in packages to be used for commercial retail sales shall not apply to stocks already made up on January 29, 1944.

(m) *Appeals.* Any appeal from the provisions of this direction shall be made by filing a letter in triplicate with the appropriate field office of the War Production Board. The appeal should refer to the particular provision appealed from, state clearly the relief desired and explain fully the grounds for appeal.

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

(o) *Termination date.* The provisions of this direction shall terminate and be void after May 1, 1944 unless previously extended. Any rating applied to an order to paper cups and paper food containers not shipped by that date shall be deemed void.

(p) *Communications.* All inquiries relating to this direction shall be addressed to: War Production Board, Containers Division, Washington 25, D. C., reference Direction 2 to Priorities Regulation No. 3.

Issued this 29th day of January 1944.

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

[F. R. Doc. 44-1476; Filed, January 29, 1944; 11:09 p. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Limitation Order L-157, Schedule VIII as Amended Jan. 29, 1944]

WOOD-BORING BITS

§ 1293.9 *Schedule VIII to Limitation Order L-157*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person who manufactures, forges or otherwise fabricates wood-boring bits.

(2) "Distributor" means any person who purchases wood-boring bits for resale.

(3) "Ultimate consumer" means any other purchaser of wood-boring bits.

(4) "Wood-boring bit" means any tool for boring wood.

(5) "Style" means a given combination of twist and cutting head, exclusive of point.

(b) *Simplified practices.* After January 22, 1944, no producer may begin the manufacture or fabrication of any wood-boring bit which does not conform to the types, styles, sizes, dimensions, and grades set forth in Appendix A of this schedule. Notwithstanding this provision a producer may manufacture and fabricate non-conforming wood-boring bits to fill orders which were on his books before January 22, 1944. Non-conforming wood-boring bits may not be delivered or shipped by a producer after April 22, 1944.

(c) *Exemptions.* The following are exempt from the restrictions established by paragraph (b) of this schedule:

1. Adjustable countersinks.
2. Integral countersink bits.
3. Machine center bits.
4. Plug cutters.
5. Screw driver bits.
6. Bung-boring bits.
7. Spike-boring machine bits.
8. Bits for hollow mortising chisels.
9. Bits requiring screw shanks and tapered shanks.
10. Handled gimlets.
11. Small fluted drills for spiral and other hand drills.

(d) *Sets.* No producer shall make for his inventory and no distributor shall acquire for his inventory or shelf stock any sets of wood-boring bits. Any number of bits in excess of one which have been grouped for purposes of sale as a unit shall be deemed a set for the purposes of this paragraph. Nothing contained in this paragraph shall prohibit a producer from producing sets to fill a specific order placed directly or indirectly by an ultimate consumer, or a distributor from making up a set or sets to fill a specific order placed by an ultimate consumer.

Issued this 29th day of January 1944.

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

APPENDIX A

Material. Shall be of a good grade of steel which shall have a carbon content of not less than 0.45 percent.

Style. No type of wood-boring bit shall be made in any styles other than those described herein, and no producer shall make any type in more styles than the number permitted herein.

Grade. No producer shall make any type and style of wood-boring bit in more than one grade.

Finish. All wood-boring bits shall be free from scale. Polishing shall be limited to that necessary to assure the proper functioning of the tool, and shall not be finer than that resulting from the use of a 90-grit emery wheel, dry, when good commercial polishing technique is employed. The round and square portions of hand bits, including expansive bits, shall not be polished. The groove or hollow of the flight of ship-twist bits shall not be polished, except that the groove of power driven ship-twist bits 5/8 inch or less in diameter may be polished. All bits may be given a protective coating of anti-corrosion compound.

TYPE 1. *Auger bits*—May be made in both double twist, and solid center single twist. Bits shall be forged from a single piece of steel and shall have a square tapered bit stock shank, screw point, two spurs and two extension lips so beveled as to form cutting edges (Fig. 1 and Fig. 2).[1] Auger bits shall be made only in the following sizes:

Size (bit diameter in 16ths of an inch)	Length		Minimum diameter of round of shank
	Maximum over-all	Twist	
	Inches	*Inches*	*Inch*
4	7½	3¾	13/64
5	7¾	3⅞	7/32
6	7¾	4	15/64
7	8	4	17/64
8	8	4	17/64
9	8	4	9/32
10	8¼	4¼	19/64
11	8¼	4¼	19/64
12	8½	4½	5/16
13	8½	4½	5/16
14	8½	4½	5/16
15	8¾	4¾	11/32
16	8¾	4¾	11/32
17	9	4⅞	⅜
18	9	4⅞	⅜
19	9¼	5	⅜
20	9¼	5	27/64
21	9¼	5	27/64
22	9¼	5	27/64
23	9⅜	5¼	27/64
24	9½	5½	27/64

Tolerances:
Bit diameter: plus 0.015 inch.
Length over-all and length of twist: Plus or minus 10 percent.

TYPE 2. *Car bits*—May be made single twist, double twist, or solid center single twist and shall have a square tapered bit stock shank and screw point. Single twist bits may have an extension lip and a single spur on opposite sides of the point (Fig. 3), or have a cutting edge and a side lip located at right angles to the cutting edge (Fig. 4), while double twist and solid center single twist bits shall have two spurs and two extension lips so beveled as to form cutting edges (Fig. 1 and Fig. 2). No producer shall make car bits in more than two styles. Car bits shall be forged from a single piece of steel and may be made in over-all lengths of 12 and 18 inches, and only in the following sizes:

Size (bit diameter in 16ths of an inch)	Length[1]		Minimum diameter of round of shank
	Maximum over-all	Twist	
	Inches	*Inches*	*Inch*
6	12 and 18	8 and 12	7/16
7	12 and 18	8 and 12	7/16
8	12 and 18	8 and 12	7/16
9	12 and 18	8 and 12	11/32
10	12 and 18	8 and 12	11/32
11	12 and 18	8 and 12	⅜
12	12 and 18	8 and 12	⅜
13	12 and 18	8 and 12	⅜
14	12 and 18	8 and 12	⅜
15	12 and 18	8 and 12	⅜
16	12 and 18	8 and 12	⅜
17	12 and 18	8 and 12	13/32
18	12 and 18	8 and 12	13/32
20	12 and 18	8 and 12	13/32
22	12 and 18	8 and 12	7/16
24	12 and 18	8 and 12	7/16

Tolerances:
Bit diameter: Plus 0.015 inch.
Length overall: Plus or minus 1 inch.
Length of twist: Plus or minus ½ inch.

[1] Bits 12 inches over-all shall have 8 inch twist. Bits 18 inches over-all shall have 12 inch twist.

TYPE 3. *Auger bits (machine except ship auger)*—May be made in both double twist and solid center single twist. Bits shall be forged from a single piece of steel, and shall have a round shank having a diameter of ½ inch and a length of 2 inches, which may be flattened on one side to a width of 7/8 inch and a length of 1½ inches, screw or brad point, and two spurs and two extension lips so beveled as to form cutting edges (Fig. 1 and Fig. 2). Machine auger bits shall be made only in the following sizes:

Size (bit diameter in 16ths of an inch)	Maximum length of twist, in inches			
3	4			
4	4	6	8	12
5	4	6	8	12
6	4	6	8	12
7	4	6	8	12
8	4	6	8	12
9	4	6	8	12
10	4	6	8	12
11	4	6	8	12
12	4	6	8	12
13	4	6	8	12
14	4	6	8	12
15	4	6	8	12
16	4	6	8	12
18	———	6	8	12
20	———	6	8	12
22	———	6	8	12
24	———	6	8	12

Tolerances:
Bit diameter: Plus 0.010 inch.
Length over-all and length of twist: Minus ¼ inch.

TYPE 4. *Ship augers (square shank)*—Shall be made single twist or solid center single twist and have a cutting edge, a side lip located at right angles to the cutting edge, and a straight square shank or nib, suitable for use with auger handle, single or double crank handle, or for welding to extension stem. Ship augers with square shank may be made only in the following sizes with and without screw point (Fig. 4 and Fig. 5).

Size (bit diameter in 16ths of an inch)	Length		Diameter of round of shank (minimum)	Size of square of shank
	Over-all	Twist		
	Inches	*Inches*	*Inch*	*Inch*
4	13	8	¼	⅜
5	13	8	¼	⅜
6	15	10	5/16	⅜
7	15	10	5/16	⅜
8	15	10	5/16	⅜
9	17	12	11/32	7/16
10	17	12	11/32	7/16
11	17	12	⅜	7/16
12	17	12	⅜	7/16
13	17	12	⅜	7/16
14	17	12	⅜	7/16
15	17	12	⅜	7/16
16	17	12	⅜	7/16
17	20	15	13/32	½
18	20	15	13/32	½
19	20	15	13/32	½
20	20	15	13/32	½
21	20	15	17/32	½
22	20	15	17/32	½
24	20	15	17/32	½
20	20	15	17/32	½
23	20	15	17/32	½
20	20	15	17/32	½
22	20	15	17/32	½

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over all and length of twist: Plus or minus ½ inch.
Square shank size: Plus or minus 1/32 inch.

TYPE 5. *Ship augers (machine or round shank)*—Shall be made single twist or solid center single twist have a cutting edge, a side lip located at right angles to the cutting edge, and a round shank having a diameter of ½ inch and a length of 2 to 2½ inches, which may be flattened on one side to a width of 7/8 inch and a length of 1½ inches. Ship augers with round shank shall be made only in the following sizes with and without screw point (Fig. 4 and Fig. 5).

[1] Figure numbers refer to figures shown at the end of the Appendix. Filed as part of the original document.

Size (bit diameter in 16ths of an inch)	Maximum length of twist in inches			
4	12			
5	12			
6	12			
7	12			36
8	12			
9	12	18	24	
10	12	18	24	
11	12	18	24	
12	12	18	24	36
13	12	18	24	
14	12	18	24	
15	12	18	24	
16	12	18	24	36
17	12	18	24	
18		18	24	
19		18	24	
20		18	24	
21		18	24	
22		18	24	
23		18	24	
24		18	24	
26		18	24	
28		18	24	
30		18	24	
32		18	24	36

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over-all and length of twist: Plus or minus ½ inch.

TYPE 6. *Ring augers*—Shall be made single twist, or solid center single twist. Single twist bits shall have one cutting edge and a side lip located at right angles to the cutting edge (Fig. 4), while solid center bits shall have two cutting edges and two side lips located at right angles to the cutting edges (Fig. 6). Both shall have screw points. The shank shall be fitted with a suitably designed ring or eye for reception of handle. Ring augers shall be made only in the following sizes:

Size (bit diameter in 16ths of an inch)	Length		Diameter of round of shank (minimum)
	Over-all	Twist	
	Inches	*Inches*	*Inch*
8	14½	10	5/16
9	17½	12	11/32
10	17½	12	11/32
11	17½	12	3/8
12	17½	12	3/8
13	17½	12	3/8
14	17½	12	3/8
15	17½	12	3/8
16	17½	12	3/8
17	20	15	15/32
18	20	15	15/32
19	20	15	15/32
20	20	15	15/32
21	20	15	19/32
22	20	15	19/32
23	20	15	19/32
24	20	15	19/32
25	20	15	19/32
26	20	15	19/32
27	20	15	19/32
28	20	15	19/32
29	20	15	19/32
30	20	15	19/32
31	20	15	19/32
32	20	15	19/32

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over-all and length of twist: Plus or minus ½ inch.

TYPE 7. *Plug bits (machine)*—Shall be made double twist with a cylindrical guide, axially located, and shall have two spurs and two extension lips so beveled as to form cutting edges (Fig. 7). The shank shall be round, with a diameter of ½ inch and a length of 2 inches, which may be flattened on one side to a width of ⅜ inch and a length of 1½ inches. Plug bits shall be forged from a single piece of steel and shall be made only in the following sizes:

Size (bit diameter)	Length		Dimension of guide		Spur height	Minimum diameter, round of shank
	Over-all	Twist	Diameter	Length		
Inches	*Inches*	*Inches*	*Inch*	*Inch*	*Inch*	*Inch*
1⅛	6	2	As desired	½	9/32	⅜
1¼	6	2	Do	½	9/32	27/64
1½	6	2	Do	½	5/16	27/64
1¾	6	2	Do	½	11/32	7/16
2	6	2	Do	½	⅜	7/16

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over-all and length of twist: Plus or minus ⅛ inch.
Height of spur: Plus or minus 1/64 inch.
Guide length: Plus or minus ⅛ inch.

TYPE 8. *Plug bits, hand, with threaded guide*—Shall be made double twist with a threaded cylindrical guide, axially located, and shall have two spurs and two extension lips so beveled as to form cutting edges (similar to Fig. 7) and a square tapered bit stock shank. They shall be forged from a single piece of steel and shall be made only in the sizes permitted for type 7 plug bits.

TYPE 9. *Plug bits, hand, with screw point*—Shall be made double twist with a screw point in lieu of a cylindrical guide (similar to Fig. 7) and a square tapered bit stock shank. They shall be forged from a single piece of steel and shall be made only in the sizes permitted for type 7 plug bits.

TYPE 10. *Expansive bits*—May be made in plain, screw, or gear adjusting styles and shall have square tapered bit stock shanks. Two cutters shall be used to bore holes of any diameter within the capacity range of the bit, except that a third cutter may be made for use in the larger bit for boring holes up to four inches in diameter. Expansive bits shall be made only in accordance to the following requirements:

Size (expansive range) (minimum)	Over-all length (maximum)	Cutter spur height	Diameter of round (minimum)	Dimensions, square of shank			Cutting edge in advance of spur (minimum)
				Large end	Small end	Length	
Inches	*Inches*	*Inch*	*Inch*	*Inch*	*Inch*	*Inches*	*Inch*
⅝ or less to 1½	7	1/64	5/16	⅜	7/32	1¼	3/32
⅞ to 3	8½	5/16	⅜	7/16	¼	1⅜	¼

Tolerances:
Height of cutter spur: Plus or minus 1/64 inch.
Square of shank dimensions of large and small ends: Plus or minus 1/32 inch.
Length of square of shank: Plus or minus ¼ inch.
Length over-all: Minus ½ inch.

TYPE 11. *Forstner bits (hand and machine)*—Shall be made only in the following sizes:

Size (diameter of cutting head)	Diameter of round (minimum)	Hand [1] length over-all	Machine [2] length over-all
Inches	*Inch*	*Inches*	*Inches*
¼	7/32	6¼	5
5/16	7/32	6¼	5
⅜	¼	6¼	5
7/16	¼	6¼	5
½	9/32	6¼	5
9/16	9/32	6¾	5
⅝	9/32	6¾	5
11/16	9/32	6¾	5
¾	9/32	6¾	5
13/16	5/16	7¼	5
⅞	5/16	7¼	5
15/16	5/16	7¼	5
1	5/16	7¾	5
1 1/16	11/32	7¾	5
1⅛	11/32	7¾	5
1 3/16	11/32	7¾	5
1¼	⅜	7¾	5
1 5/16	⅜	8¼	5
1⅜	⅜	8¼	5
1 7/16	½	8¼	6¾
1½	½	8¼	6¾
1⅝	½	8¼	6¾
1¾	½	8¾	6¾
1⅞	½	8¾	6¾
2	½	8¾	6¾
2⅛	½		6¾
2¼	¾		10
2⅜	¾		10
2½	¾		10
2⅝	¾		10
2¾	¾		10
2⅞	¾		10
3	¾		10

Tolerances:
Diameter: Plus 0.015 inch.
Tolerance on over-all length: Plus or minus ⅜ inch.

[1] Hand bits shall have a square tapered shank approximately 1 7/16 inches long by 7/16 inch square at large end, with taper of 5 degrees on a side or a total of 10 degrees.

[2] Machine bits up to and including 2⅛ inches in diameter shall have a round shank ½ inch in diameter; bits more than 2⅛ inches in diameter shall have round shanks ¾ inch in diameter. Tolerance on over-all length: Plus or minus ¼ inch.

TYPE 12. *Gimlet bits, double cut*—Shall be forged from a single piece of steel and the cutting edges shall be sharpened and terminate in a point. Gimlet bits of this type shall have square tapered bit stock shanks, and shall be made only in the following sizes:

Nominal size (largest diameter of twist) (inch)	Length		Length of square of shank
	Over-all	Twist	
	Inches	*Inches*	*Inches*
⅛	4½	1⅛	1⅛
5/32	4½	1¼	1¼
3/16	4½	1½	1¼
7/32	4¾	1¾	1⅜
¼	4¾	1¾	1⅜
5/16	6	2	1⅜
⅜	6	2¼	1⅜

Tolerances:
Nominal size: Plus 0.015 inch.
Length over-all and length of twist: Minus ⅜ inch.
Length of square of shank: Plus or minus ¼ inch.

TYPE 13. *Drills and countersinks for boring for wood screws:*

(a) *Tapered drills* (twisted section tapered to correspond with threaded part of screws)—Shall be made double drill twist (Fig. 8) and shall have a round shank, having an over-all length of not more than 4½ inches and length of twist not more than 2 inches. May be made only in sizes having larger diameters of 5/16, 7/32, and ¼ inch.

(b) *Straight drills*—Shall be made double drill twist (Fig. 8) and shall have a round shank. Shall be made only in sizes of ⅛, 5/32, 3/16, 7/32, ¼, 9/32, 5/16, 11/32, ⅜, and 7/16 inch.

(c) *Countersinks* (with square tapered bit stock shanks)—Shall be made only in rose pattern, having an over-all length of 4½ inches, and in one size with largest cut of ¾ inch. The included angle between the sides of the cutter shall be 82 degrees.

TYPE 14. *Wood drills*—Shall be made double drill twist (Fig. 8) and shall have a ta-

pered square bit stock shank. May be made in sizes from 1/16 inch to 1 inch by thirty-seconds, with an over-all length ranging from approximately 4½ to 10 inches depending on the diameter.

TYPE 15. *Bell hangers or electricians drills*—Shall be made double drill twist (Fig. 8), and shall have a tapered square bit stock shank. May be made in over-all lengths of 12, 18, and 24 inches only, and in diameters from 3/16 to 5/8 inch by sixteenths, and ¾ inch.

TYPE 16. *Dowel bit*—Shall be made double twist with two spurs and two extension lips so beveled as to form cutting edges (Fig. 1). May have a tapered square bit stock shank or a round machine shank and may be made in sizes from 3/16 to 1 inch by sixteenths, having an over-all length not to exceed 5 inches.

TYPE 17. *Machine bits*—Shall be made double drill twist with brad point, and shall have round shank having a diameter of ½ inch and a length of 2½ inches which may be flattened on one side to a width of 3/8 inch and a length of 1½ inches. Machine bits shall be made only in the following sizes:

Size (bit diameter) (inch)	Length over-all	Size (bit diameter)	Length over-all
	Inches	*Inches*	*Inches*
¼	6⅛	13/16	10
5/16	6⅜	⅞	10½
3/8	6¾	15/16	10¾
7/16	7¼	1	11
½	7¾	1 1/16	11¼
9/16	8¼	1⅛	11¾
⅝	8¾	1 3/16	12
11/16	9⅛	1¼	12½
¾	9¾		

Tolerances:
Length over-all: Plus or minus ¼ inch.
Diameter: Plus 0.010 inch.

TYPE 18. *Tapping or sugar tree bits*—Shall be made either double twist, or solid center single twist, except that no producer shall make more than one style. Bits shall be forged from a single piece of steel and shall have a square tapered bit stock shank, screw point, and a round cut head (Fig. 9). May be made in sizes of 3/8, 7/16, and ½ inch, having an over-all length not to exceed 4½ inches.

[F. R. Doc. 44-1474; Filed, January 29, 1944; 11:06 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-368]

HIDE GLUE STOCK

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

§ 3293.591 *Conservation Order M-368*—(a) *Restrictions on use of hide glue stock.* (1) On and after January 29, 1944, no person shall use the following types of hide glue stock to make gelatin, edible or inedible:

(i) Green and salted hide trimmings including limed hide trimmings, salted tips, cattle tail pieces.

(ii) Limed cattle trimmings including limed hide trimmings, limed cattle pieces.

(iii) Goat trimmings including long haired, short haired, de-haired.

(iv) Chrome stock including chrome splits, chrome shavings, chrome trimmings.

(v) Coney stock.

(vi) Goat and sheep fleshings.

(vii) Packers trimmings including green and salted ears, lips, snouts, and tails, green and salted sinew and pizzles.

(viii) Sheep trimmings including limed sheep trimmings, limed sheep tails, pickled sheep.

(ix) Horse fleshings.

(x) Calf fleshings.

(xi) Horse and beam trimmings including green and salted horse trimmings, limed horse trimmings, horse tail pieces.

(xii) Sole leather fleshings.

(xiii) Common and #2 fleshings.

(xiv) Other cattle fleshings including sulfide fleshings, kip fleshings.

(xv) Raw hide shavings.

(2) On and after January 29, 1944, no person shall use natural colored cattle chrome stock, including chrome splits, chrome shavings and chrome trimmings, for fertilizer tankage.

(b) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate stating fully the grounds of the appeal.

(c) *Communications to the War Production Board.* All appeals filed hereunder and all other reports and communications shall, unless otherwise directed, be addressed to the War Production Board, Chemical Division, Washington 25, D. C. Ref: M-368.

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

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

Issued this 29th day of January 1944.

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

[F. R. Doc. 44-1475; Filed, January 29, 1944; 11:09 a. m.]

PART 1044—CADMIUM

[General Preference Order M-65, as Amended Jan. 31, 1944]

§ 1044.1 *General Preference Order M-65*—(a) *Scope of this order.* This order controls deliveries of cadmium from a producer or distributor. No producer or distributor shall deliver cadmium to any person, and no person shall accept delivery of cadmium from any producer or distributor, except as provided in this order. The order also restricts the use which may be made of cadmium or cadmium products. The permitted uses will be found listed below in paragraphs (d) and (e).

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

(1) "Cadmium" means all grades of metallic cadmium, oxide, or plating salts produced directly from ores, concentrates or other primary materials, or redistilled or remelted from cadmium scrap or any secondary cadmium-bearing material; or cadmium-bearing materials suitable for the manufacture of pigments.

(2) "Cadmium product" means an electroplated coating of cadmium.

(3) "Distributor" means any person regularly engaged in the business of buying cadmium and selling the same in forms suitable for general fabrication or electroplating.

(c) *Deliveries of cadmium.* Producers and distributors may deliver cadmium, and persons may accept delivery of cadmium from a producer or distributor in the following cases only:

(1) *Small order delivery.* Deliveries of cadmium from a producer or distributor may be made and accepted without the necessity of obtaining any specific authorization from the War Production Board if (i) The delivery in question, combined with all other deliveries of cadmium to the purchaser during that calendar month, from whatever source, will not aggregate more than 100 pounds of contained cadmium; (ii) The purchaser has not requested from the War Production Board authorization for that particular month to accept delivery of cadmium in any quantity—see paragraph (c) (4) below (a request to the War Production Board shall be deemed a request within the meaning of this paragraph, regardless of whether it has been granted or denied); (iii) The cadmium purchased will be used only as permitted in paragraphs (d) and (e) of this order and not for resale; (iv) The inventory of the purchaser is not, and will not upon acceptance of the delivery become, in excess of a 30-day supply on the basis of his current method and rate of operation; and (v) The producer or distributor may make deliveries without any specific authorization from the War Production Board unless he knows or has reason to believe, that the delivery will be in violation of this paragraph (c) (1) or that the cadmium delivered is to be used in violation of the restrictions of this or other applicable orders of the War Production Board.

(2) *Deliveries to distributors.* Deliveries of cadmium may be made to and accepted by distributors.

(3) *Deliveries to Metals Reserve Company.* Deliveries of cadmium may be made to and accepted by Metals Reserve Company for the sole purpose of stockpiling or redistribution.

(4) *WPB authorization.* Other deliveries of cadmium may be made only on specific authorization of the War Production Board and in accordance with an authorization certificate issued by the War Production Board on Form WPB-945. Deliveries so specifically authorized shall take precedence over any preference rating which may be assigned to deliveries on other contract or orders. Authorization certificates will be issued on or about the first of each month for this purpose. An authorization certificate will authorize the holder to accept from a producer or distributor deliveries of specified amounts of cadmium shipped during the month for which the certificate is issued. The producer or distributor may ship on notification from the purchaser of the date and serial number of the authorization certificate. Any

person wishing to apply for an authorization certificate should file an application on Form WPB-945 not later than the fifteenth day of the month preceding the month in which the authorization to purchase is desired.

(d) *Restrictions on the use of cadmium.* No person may use in any fashion any cadmium after January 22, 1944, except upon receipt by him of a certificate in substantially the form prescribed by Priorities Regulation No. 7 that the cadmium containing item to be produced will be used for one or more of the following purposes, and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end product:

(1) For the manufacture of pigments for the following:

Luminescent paint for military uses
Luminescent printing ink for military uses
Luminescent paper for military uses
Luminescent plastic for military uses
Signal and illuminating glass ware for safety, religious, military and industrial uses only
Thermometer tubing
Rubber sea buoys
Dental rubber
Artist's colors

(2) For the manufacturer of silver brazing alloys containing no more than 11% by weight of cadmium to be used for military and industrial purposes to the extent that the use of a less critical material is impracticable except that silver brazing alloys containing up to 19% may be manufactured for applications specifically required by the Armed Services.

(3) For the manufacture of copper base alloys containing no more than 1¼% by weight of cadmium for the following:

(i) Current carrying parts of electrical current interruption devices to the extent that sufficient contact pressure cannot be maintained in service with other less critical materials.

(ii) Parts inside electronic tubes.

(iii) Resistance welding electrodes.

(4) For the manufacture of bearings for the following:

(i) Internal combustion engines for the propulsion of naval vessels when specifically required by the U. S. Navy.

(ii) In radio and radar equipment.

(5) For the manufacture of low melting point alloys for the following:

(i) On dry type rectifier elements.

(ii) In fire protective systems and electrical fuses.

(iii) In plastic fire control instruments for the mounting of optics.

(6) For the manufacture of a lead base alloy containing no more than 3% by weight of cadmium for the coating of copper wire;

(7) For the manufacture of any cadmium product permitted by paragraph (e).

(e) *Restrictions on the use of cadmium products.* No person may use in any fashion any cadmium product made after January 22, 1944 except as permitted in subparagraphs (1) to (12), and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end product.

(1) On functional parts which in service are subjected to frequent and extended periods of alternate immersion in sea water or wet spray of sea water to the extent that other finishes cannot be used for reasons of close tolerance or performance;

(2) On heddles and pin boards used in textile plants to the extent that corrosive action makes the use of other materials impracticable;

(3) On ferrous hardware parts in direct contact with fabric or leather when used on the following:

Aircraft parachutes.
Aircraft safety belts.
Aircraft shoulder harnesses.
Aircraft bomb slings.

(4) On moving parts which require close tolerances for proper functioning and on adjacent parts to the extent that the tolerances cannot be maintained in service with other finishes because of inadequate hardness or mechanical or electrical interference by corrosion products;

(5) On electric controllers and switches incorporated into underground mining machinery as required by the safety regulations of the Bureau of Mines;

(6) On functional ferrous parts subjected to the combined effects of corrosion, stress and temperatures exceeding 500° F. and on parts in direct contact therewith;

(7) On parts which serve to maintain an electrical contact for the suppression of radio interference to the extent that one of the contacted surfaces is aluminum, magnesium or their alloys;

(8) On electrical contact parts of aircraft ignition harnesses and propeller hubs;

(9) On parts in electronic equipment which for performance reasons must be soldered with the use of non-corrosive fluxes without affecting nearby parts of organic materials to the extent that other finishes do not provide required corrosion protection;

(10) On the following parts of electronic equipment when required by the Armed Services, the Maritime Commission and War Shipping Administration:

(i) Surfaces involved in unsoldered butt joints which must remain constant in electrical and radio frequency resistance or both.

(ii) Surfaces which require good conductivity for radio frequency current.

(iii) Non-ferrous parts in contact with aluminum parts for prevention of electrolytic corrosion.

(11) On ferrous nuts, bolts, machine screws and washers for use in aircraft except for self-locking nuts designed for application below 250° F;

(12) On nuts, bolts, machine screws and studs having threads ⅜ inch diameter and smaller and/or having sixteen or more threads per inch for use by the United States Navy, Maritime Commission or War Shipping Administration and for use by the United States Army in ship construction.

(f) *Certification on purchase orders.* No person shall place an order for, deliver or accept delivery of any cadmium or cadmium product, unless the purchaser shall have certified in substantially the form set forth in Priorities Regulation No. 7 that the cadmium products to be delivered will be used for a purpose permitted by this order.

(g) *Appeals.* Any person may appeal from the provisions of paragraphs (d) or (e) of this order in letter form, in triplicate, and filed with the Field Office of the War Production Board for the district in which is located the plant to which the appeal relates, setting forth essentially the following information where applicable. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(1) Name and address of plating firms or other persons who actually process the cadmium and the quantity of cadmium required by each processor;

(2) The quantity of cadmium required for each part or group of parts fulfilling related functions;

(3) Period of time for which relief is requested;

(4) Description and function of each part or group of parts;

(5) Prime contract number, including symbol, if the item on appeal is covered by an Army, Navy, Maritime Commission or War Shipping Administration contract;

(6) Justification, including the reasons why substitutes are unsatisfactory because of performance, lack of facilities or manpower.

(h) *Special directions.* The War Production Board may, from time to time, issue special directions to any person as to the sources, destination, or amounts of cadmium or cadmium products to be shipped and delivered by any producer or distributor or received by any person, and the War Production Board may also specifically direct the manner and quantities in which such cadmium or cadmium product may be processed.

(i) *Reports.* All producers, distributors and consumers of cadmium shall file reports with the War Production Board, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, at such time and in such manner and form as it may prescribe, showing inventory, production, purchases, sales and consumption and such other information that the War Production Board may require.

(j) *Communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, other than appeals from the provisions of paragraphs (d) and (e), shall be addressed to: War Production Board, Zinc Division, WPB Dept. 7515, Washington 25, D. C.; Ref.: M-65.

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

Issued this 31st day of January 1944.

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

[F. R. Doc. 44-1544; Filed, January 31, 1944; 11:25 a. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Iron and Steel Conservation Order M-126, Amdt. 3]

Section 1176.1 *Conservation Order M-126,* is hereby amended:

(a) By amending the line of List A which now reads:

Automobile accessories

to be and read as follows:

Automotive accessories—except those items the production of which as automotive replacement parts is permitted under Limitation Order L-158, as amended from time to time, whether produced as replacement parts or as original or optional equipment for new vehicles.

(b) By amending the lines of List A which now read:

Automobile heaters*—except for passenger carriers as defined in Limitation Order L-158, police cars, ambulances, trucks and fire wagons.

to be and read as follows:

Automotive heaters—except when produced as replacement parts under Limitation Order L-158.

(c) By amending the lines of List A which now read:

Cans, containers and closures—except (i) shipping packages; and (ii) cans, containers, and closures as may be permitted under Conservation Orders M-81, M-104, M-255, and M-261.

By deleting the reference to Order M-255, and adding a reference to Limitation Order L-197.

(d) By amending the lines of List A which now read:

Hose reels—(i) except fire fighting equipment; (ii) except for industrial use in direct fire hazard areas; and (iii) except for industrial use where required for lubricating equipment but only if made from steel in the form of re-rolled rail stock.

to be and read as follows:

Hose reels—(i) except fire fighting equipment; (ii) except for industrial use in direct fire hazard areas; and (iii) except as may be permitted under Limitation Order L-314.

(e) By amending the lines of List A which now read:

Measuring pumps and dispensers*—for gasoline station, garage and household uses, including but not limited to:
- Air pumps—except as may be permitted under Limitation Order L-270
- Grease guns
- Grease pumps
- Gasoline dispensing pumps
- Kerosene pumps
- Oil pumps—except barrel pumps and lubesters

to be and read as follows:

Measuring pumps and dispensers*—for gasoline station, garage and household uses, including but not limited to:
- Air pumps—except as may be permitted under Limitation Order L-270
- Grease guns—except as may be permitted under Limitation Order L-314
- Grease pumps—except as may be permitted under Limitation Order L-314
- Gasoline dispensing pumps
- Kerosene pumps
- Oil pumps—(i) except barrel pumps and lubesters; and (ii) except as may be permitted under Limitation Order L-314

(f) By amending the lines of List A which now read:

Motion picture projectors and projection equipment*—except that for motion picture projectors and projection equipment of the types regulated by Order L-267 iron or steel may be used to the extent permitted under that order.

to be and read as follows:

Motion picture projectors and projection equipment*—(i) except for motion picture projectors and projection equipment of the types the production and distribution of which is regulated by Limitation Order L-325; and (ii) except that for motion picture projectors and projection equipment of the types regulated by Limitation Order L-267, iron or steel may be used to the extent permitted under that order

(g) By amending the lines of List A which now read:

Motion picture sound reproducing equipment*

to be and read as follows:

Motion picture sound reproducing equipment—except for motion picture sound reproducing equipment of the types the production and distribution of which is regulated by Limitation Order L-325

(h) By amending the lines of List A which now read:

Sinks, sink aprons and sink legs—except as may be permitted under Limitation Order L-42.

to be and read as follows:

Sinks, sink aprons and sink legs—(i) except scullery sinks; and (ii) except as may be permitted under Limitation Order L-42.

(i) By amending the lines of List A which now read:

Stands, all types—(i) except for essential industrial use; and (ii) except as may be permitted under Limitation Order L-54-c and Schedule 3 of Limitation Order L-214.

to be and read as follows:

Stands, all types—(i) except for essential industrial use; and (ii) except as may be permitted under Limitation Order L-54-c and L-199, and Schedule 3 of Limitation Order L-214.

(j) By amending the line of List C which now reads:

Automobile accessories.

to be and read as follows:

Automotive accessories.

(k) By amending the lines of List C which now read:

Automobile heaters—where specified for military vehicles.

to be and read as follows:

Automotive heaters—where specified for military vehicles.

(l) By amending the item of List C which now reads:

Cigarette lighters—when ordered by the Army Exchange Service, Bureau of Naval Personnel, and Marine Corps, for use by the Army, Navy, Marine Corps, Coast Guard, Maritime Commission, and War Shipping Administration.

to be and read as follows:

Cigarette lighters—when ordered by the Army Exchange Service, the Quartermaster Corps, the Bureau of Naval Personnel and the Marine Corps, for use by the Army, Navy, Marine Corps, Coast Guard, U. S. Maritime Commission, and War Shipping Administration.

(m) By amending the line of List C which now reads:

Thermos jugs and bottles.

to be and read as follows:

Thermos or insulated jugs and bottles.

Issued this 31st day of January 1944.

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

[F. R. Doc. 44-1546; Filed, January 31, 1944; 11:25 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 11 as Amended Jan. 31, 1944]

SHIPBUILDING DIVISION

§ 3208.12 *Table for Shipbuilding Division.* The following amended table is issued pursuant to the provisions of General Scheduling Order M-293:

Type of M-293 product	Designation	Applicable forms column [1]		
		1	2	3
1. Valves, piping systems, including all valves such as industrial, marine, hydrant, sluice gate, drilling, flow line, cocks, etc. except refrigeration, aircraft, automotive, instrument, regulating and control valves, air brake equipment, plumbing fixture fittings and trim.				
a. Steel valves:				
Safety and relief		2000.15		
Turbine (including astern, crossover, maneuvering, manifold and throttle)		2000.15		
All other steel valves		2000.15		
b. Iron valves:				
Safety and relief		2000.15		
All other iron body valves		2000.15		
c. Bronze valves:				
Safety and relief		2000.15		
Compressed gas and cylinder		2000.15		
All other bronze valves 100 lbs. W. S. P. and over		2000.15		
2. Pipe fittings, except compression, flared, Parker type, bell and spigot.				
a. All steel fittings		2000.15		
3. Turbines, main marine propulsion	XZ		1500	
4. Diesel engines (marine only)	XZ	875.00	2000	
Main propulsion				
Auxiliary drive				
Emergency generator drive				
a. Purchase orders of ship repair yards for engines for vessels not operated under the jurisdiction of the United States or Canadian Army or Navy, the War Shipping Administration, Wartime Merchant Shipping, Ltd. or Trafalgar Shipbuilding Company, Ltd.	Y			121
b. Purchase orders for engines for new vessels which are not for the account of the United States or Canadian Army or Navy, the Maritime Commission, Wartime Merchant Shipping, Ltd. or Trafalgar Shipbuilding Company, Ltd.	Y			121

[1] A manufacturer of a Class X product must file his shipping schedule on Form WPB-2003, 3401 or on the form shown in Column 2. A person placing an order for a Class Z product under paragraph (c) of M-293 must use Form WPB-2003, 3400 or 3401, as specified in the instructions he received, to accompany his purchase order.

Type of M-293 products	Designation	Applicable forms column[1]		
		1	2	3
5. Gears (marine only):				
Main reduction gears (turbine propulsion)	XZ		1826	
Main reduction and reverse gear units (Diesel and gasoline propulsion engine)		3002.33		
Speed reduction units (engine room auxiliary equipment)		2578.00		
6. Marine boiler units, steel (shipboard use)	XZ		3003	
Main propulsion boiler units				
Auxiliary boiler units				

Issued this 31st day of January 1944.

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

[F. R. Doc. 44-1547; Filed, January 31, 1944; 11:25 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M-364, Direction 3]

ASH SPECIALISTS

The following direction is issued pursuant to Conservation Order M-364:

(a) This direction, issued pursuant to paragraph (d) of Order M-364, tells how "ash specialists" may obtain ash lumber, and what rules they must observe in disposing of it.

(b) Any producer may deliver ash lumber to an ash specialist without restriction, just as if he were another producer.

(c) Unless specifically directed, an ash specialist may deliver ash lumber only to fill orders supported by certificates as prescribed in paragraphs (b) (1) and (b) (2) of M-364, as prescribed in Directions 1 and 2 to M-364, or as may be prescribed in other directions not yet issued; and to fill orders approved on Form WPB-2720 as prescribed in paragraph (b) (5) of M-364. In other words, in his deliveries of ash lumber, the ash specialist is subject to the same restrictions as if he were a producer.

(d) For the purposes of this direction an "ash specialist" is a person who operates a concentration yard dealing exclusively in ash lumber.

Issued this 31st day of January 1944.

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

[F. R. Doc. 44-1548; Filed, January 31, 1944; 11:25 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Supplementary Limitation Order L-30-d, as Amended Jan. 31, 1944]

MISCELLANEOUS COOKING UTENSILS AND OTHER ARTICLES

§ 3291.165 *Supplementary Limitation Order L-30-d*—(a) *Definitions.* For the purposes of this order:

(1) "Manufacturer" means any person who produces or assembles any article listed on Schedule A or Schedule B attached to this order, or any part for any such article.

(2) "To produce" or "to assemble" an article does not include the application of a coating or finish or the attaching of bails, handles, spouts or ears to articles which are otherwise completed.

(3) "To put into process" means for a person to perform the first manufacturing or assembly operations on material or parts received by him.

(4) "Base period" means the twelve months ending June 30, 1941.

(5) "Joining hardware" means nuts, screws, nails, bolts, clasps, rivets and other similar items of small hardware used for joining or other similar purposes.

(6) "Repair parts" means any part for an article or product which is not produced for or used in a new article or product.

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

(b) *Prohibition of production of articles on Schedule A.* No manufacturer shall produce or assemble any of the articles listed on Schedule A or parts (including repair parts) for such articles containing any metal.

(c) *Restrictions on production of articles on Schedule B.* No manufacturer shall produce or assemble any articles listed on Schedule B or any parts (including repair parts) for such articles containing any metal except in accordance with the provisions of that schedule.

(d) *Exceptions.* (1) The provisions of paragraphs (b) and (c) do not apply to (i) articles produced to fill preferred orders; (ii) articles containing not more than 5% by weight of iron and steel, including joining hardware; (iii) articles covered by other orders in the L-30 series, as amended from time to time, or by supplements or directions issued under those orders; or (iv) articles produced from iron or steel which, on November 17, 1942, had been cut, blanked or otherwise formed to size or shape for the articles, and is not in mill standard gauges and sizes.

(2) The War Production Board from time to time may issue directions under this order controlling the production of articles it covers. When a direction is issued its provisions will supersede the provisions of this order for the articles it covers, unless the direction states otherwise.

(e) *Provisions concerning distribution.* (1) For the purpose of this paragraph

(i) "Special order" means a rated purchase order or contract bearing a statement that the preference ratings were assigned pursuant to Form WPB-547 (formerly PD-1X). It is the policy of the War Production Board to assign such ratings only to take care of emergencies or to fill special needs arising from war conditions.

(ii) "Total quarterly production" means either the total dollar value or the total number of units of each article produced under this order during a calendar quarter. Articles produced or sold on preferred orders shall be disregarded in this calculation.

(2) Of his total quarterly production of any article each manufacturer shall allocate his sales so that 25% are sold on special orders and 75% on other orders. Fifteen days after the end of the quarter any balance of the 25% for which he has no special orders may be sold on other orders. For example, articles produced in the third quarter and held for sale on special orders may be sold on or after October 15th on other orders.

(3) It is hereby declared to be the policy of the War Production Board that each manufacturer shall distribute equitably all articles sold on other than special orders. In line with this policy, each manufacturer should follow his 1942 pattern of distribution, making any adjustments necessary to take care of population and other changes resulting from war conditions. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any person to distribute his product equitably, and may issue such instructions as are necessary to obtain equitable distribution. Any instructions pursuant to this paragraph to be valid must be in writing.

(4) It is hereby further declared to be the policy of the War Production Board that the following articles produced in accordance with Schedule B shall be sold for use only by commercial or industrial establishments, and not by the general public:

Baking pans—commercial type.
Heavy duty roast pans.
Basting spoons.
Cake turners.
Can openers—institutional type.
Ice cream dippers.
Ice picks.
Scoops.
Wire whips.
Garment hangers.

(5) In complying with the provisions of subparagraphs (3) and (4) above, each manufacturer shall fill all rated orders (other than special orders) in accordance with applicable War Production Board regulations. However, it should be noted that under Priorities Regulation No. 3, as amended, articles produced under this order are not subject to preference ratings assigned by any regulations or orders of the War Production Board for maintenance, repair or operating supplies (including CMP Regulation Nos. 5 and 5A).

(f) *Applicability of other orders and regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of

articles covered by this order to a greater extent than this order or any direction issued under it, the other order shall govern unless there is a provision stating otherwise.

NOTE: Paragraph (g) through (j), formerly (h) through (k), redesignated Jan. 31, 1944.

(g) *Appeals.* Any appeal from this order should be made on Form WPB-1477 (formerly PD-500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(h) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any 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.

(i) *Reports.* On or before January 20, April 20, July 20, and October 20 of each year, each manufacturer shall file with the War Production Board, Form WPB-1600, showing his production, shipment and inventory during the preceding quarter, of articles produced in accordance with Schedule B. This reporting provision has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-30-d.

Issued this 31st day of January 1944.

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

SCHEDULE A: *Prohibited articles.* The production of the following articles is prohibited in accordance with the provisions of paragraph (b) of this order, except as provided in paragraph (d):

Cake coolers
Camp grids
Candlesticks
Carpet beaters
Clothes pins
Concrete garbage receptacle, containing more than 5 percent, by weight, of metal, exclusive of the weight of separate bases or blocks
Cup frames
Curtain rods and fixtures and drapery attachments
Cuspidors and spittoons
Dish pans
Dust pans, silent butlers and crumb sets
Fly swatters
Funnels
Household storage articles (all articles designed for the storage of foods or household supplies, including but not limited to, vegetable bins, canisters, spice sets, bread boxes, cake covers or safes, holders for salt, soap or cleanser cartons, step-on cans and window boxes for the storage of food, but excluding (i) pails, buckets and tubs; and (ii) containers designed for the packing, shipment or delivery of materials or products of any kind, including but not limited to, cans as defined in Conservation Orders M-81 or M-135, glass containers or closures as defined in Limitation Order L-103, and drums as defined in Limitation Order L-197
Picnic stoves
Pot chains
Pot cover holders
Sink accessories, including but not limited to, sink drainers, dish drainers, rinsing pans and pot scourers (except pot scourers produced from wire scrap only)
Soap savers and soap dishes
Toilet paper holders
Tooth brush holders
Towel bars and racks
Wash boards

SCHEDULE B. *Permitted articles.* The production of the articles listed must conform to the restrictions of this schedule in accordance with the provisions of paragraph (c) of Order L-30-d, except as provided in paragraph (d) of that order.

No manufacturer shall produce or assemble any article falling within any class in column (1) or any part for such article, containing any metal, except articles listed in column (2) conforming to the restrictions of column (3) and containing only the metals listed in column (4).

Definitions of terms used in column (4)

"Iron and steel" means unalloyed iron and steel.

"Black steel" means uncoated, polished or lacquered carbon steel. It does not include any steel which has a metal or vitreous-enameled coating.

"Plated" means that the iron or steel may be plated with another metal when not prohibited by any M Order or any other Order of the War Production Board.

"Specified materials" means iron or steel which falls within one or more of the following classes:

(i) Iron or steel obtained pursuant to a special sale as defined in Priorities Regulation No. 13, and in accordance with the terms of that regulation;

(ii) Top cuts of steel (being that portion of steel in ingot normally discarded as not meeting special quality requirements of the customer's order for which it was melted);

(iii) Bessemer processed steel;

(iv) Sheet mill seconds, rejects and wasters, 28-gauge and heavier;

(v) Tin mill black plate rejects, 29 and 30-gauge;

(vi) Iron or steel obtained from a warehouse (as defined in Conservation Order M-21-b);

(vii) Rerolled rail steel.

(viii) Scroll-sheer butts and slitter waste;

(ix) Wire shorts and rejects.

Quarterly quotas of iron and steel. Except in fulfillment of preferred orders, no manufacturer shall put into process during any calendar quarter, beginning July 1, 1943, more iron and steel, by weight, in the production of any articles listed in column (2) and parts for such articles, than the percentage specified in column (5) of the average quarterly amount of iron and steel, by weight, put into process by him in the production of such articles and parts during the base period. Unless otherwise noted, the base period production shall include all articles of the type listed in column (2) produced by him in the base period, whether or not they conformed to the limitations of columns (3) and (4).

In addition to his quota as explained above, a manufacturer may put into process in the production of any articles during any calendar quarter any unused part of his previous quarter's quota of iron and steel for such articles.

NOTE: "Miscellaneous cooking utensils * * *" amended Jan. 31, 1944.

(1) Class of articles	(2) Permitted type in each class	(3) Restrictions on size, weight, etc.	(4) Permitted metals	(5) Quarterly quotas
Miscellaneous cooking utensils (any utensil containing more than 10%, by weight, of metal which is designed primarily for use in the preparation or cooking of food, whether for household, institutional, commercial, governmental or any other purpose.	Utensils containing more than 10% but less than 20% of metal, by weight.		Iron and steel; plated	100% plus 5% for repair parts.
	Frying pans	Top diameter—8 to 12 inches, inclusive.	Black steel	75%.
	Baking pans of a type designed for household use.		Black steel; only Bessemer, tin mill black plate rejects or material in inventory on July 17, 1943.	July to Sept., 1943—50%; Oct. to Dec., 1943, and thereafter—25%.
	Baking pans of a type designed for use and reuse in commercial bakeries and institutions.		Tin plate and black steel	75%.
	Heavy duty roast pans	Without covers; capacity—675 cubic inches to 2000 cubic inches, inclusive; two or three reinforcing straps; wired edges.	Black steel	25%.
	Pressure canners	See Direction 1.	See Direction 1.	See Direction 1.
Kitchen tools (articles containing more than 5% by weight, of metal, commonly known as kitchen tools, including, but not limited to, can openers, jar openers, bottle openers, strainers, flour sifters, food	Basting spoons	Over-all length, 14 to 21 inches, inclusive.	Bessemer steel; plated	35%.
	Cake turners	Over-all length, 13 to 21 inches, inclusive	Bessemer steel; plated	25%.

(1) Class of articles	(2) Permitted type in each class	(3) Restrictions on size, weight, etc.	(4) Permitted metals	(5) Quarterly quotas
whips, food mills, dippers, scoops, choppers, slicers, corers, mashers, shapers, beaters, graters, grinders, cutters, sieves, cake turners, basting spoons, cork screws and skewers, but excluding cutlery (which is governed by Limitation Order L-140-a), electrical appliances (as governed by Limitation Order L-65), gas appliances and power-driven equipment.	Can openers, household type.	Not more than 16 oz. of metal.	Iron and steel; plated	50%.
	Can openers, institutional type.		Iron and steel; plated; bronze bearings and bushings.	15%.
	Egg beaters, rotary type	Over-all length, 10 inches or more.	Iron and steel; plated	35%.
	Flour sieves	With wood rims	Iron and steel	35%.
	Food choppers and grinders.		Iron and steel; tinned, if permitted under Order M-43, or under relief granted pursuant to an appeal from that Order.	75%.
	Food mills		Iron and steel; plated	35%.
	Ice cream dippers, commercial type.		Iron and steel; plated; die-cast zinc gears.	15%.
	Ice picks	Wood handles; metal in ferrules and blades only; length of blade, including part in handle—5½ inches or less.	Iron and steel	50%.
	Jar wrenches	No rubber; not more than 12 oz. of metal.	Iron and steel; plated	35%.
	Scoops, commercial type	Iron and steel in blade only; Over-all length—6 to 10 inches, inclusive.	Iron and steel; plated; only specified materials or material in inventory on March 26, 1943.	35%.
	Wire strainers		Iron and steel; plated	35%.
	Wire whips, commercial type.	Over-all length—12 inches or more.	Iron and steel; plated	35%.
	Repair parts for any kitchen tool.		Any metal, subject to applicable M Orders.	5% of metal in such tool in base period.
Clothes wringers (except wringers which are integral parts of power-driven equipment as covered by Limitation Orders L-6 and L-91, as amended from time to time).	Hand clothes wringers	Weight—18 pounds or less; not more than 50% of metal, by weight.	Iron and steel	30%, plus 5% for repair parts.
Carpet sweepers	Carpet sweepers	Containing 1½ pounds of metal or less.	Iron and steel	30%.
Vacuum bottles and jugs	Vacuum bottles with capacity of one quart or less.		Iron and steel; plated; zinc and aluminum to the extent permitted by applicable M Orders.	75%.
Lunch boxes and dinner pails	Workers' lunch boxes of a type designed to hold a vacuum bottle.	28-gauge or lighter	Iron and steel; only specified materials and material in inventory on July 17, 1943.	July-Sept., 1943 and Oct.-Dec., 1943—100%; Jan.-Mar., 1944 and thereafter—75%.
	Miners' dinner pails		Iron and steel; tinplate for water compartment only, if permitted under Order M-21-c or under relief granted pursuant to an appeal from that Order.	July-Sept., 1943, and Oct.-Dec., 1943 100% of average quarterly number of units in base period; Jan. to Mar., 1944 and thereafter—75% of same.
Closet accessories, including but not limited to coat and garment hangers (whether used in closets or elsewhere), tie racks and boot and shoe trees, except coat and hat hooks if expressly permitted by Order L-236 or a Schedule under it.	Garment bags	Metal in hooks and joining hardware only.	Iron and steel	100%.
	Garment hangers, other than hangers specifically designed for trousers or skirts only.	No wire heavier than .1205 inches for all wire hangers; no wire heavier than .135 inches for hangers containing wire in hooks only.	Iron and steel; only wire shorts or rejects, or material obtained by special sale under Priorities Regulation 13 or in inventory on July 17, 1943.	20%.
Pails, buckets and tubs, except: (i) pails or tubs designed expressly for use as packing or shipping containers; and (ii) dairy pails	Pails, buckets and tubs	Metal in hoops, bails, ears, handles and joining hardware only, not exceeding 15% of total weight.	Iron and steel; zinc coated	Unlimited.

[F. R. Doc. 44-1549; Filed, January 31, 1944; 11:26 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-30-d, Interpretation 1, Revocation]

Interpretation 1 of Order L-30-d is superseded by paragraph (d) (1) (ii) of the order as amended January 31, 1944.

Issued this 31st day of January 1944.

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

[F. R. Doc. 44-1550; Filed, January 31, 1944; 11:26 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-30-d, Direction 1]

ALUMINUM PRESSURE CANNERS

The following direction is issued pursuant to Limitation Order L-30-d:

(a) *What this direction does:* In order to provide for the production of aluminum pressure canners for the 1944 canning season, this direction tells what types of pressure canners may be made, who may make them and how many may be made.

(b) *Definition of "pressure canners".* As used in this direction, "pressure canner" means any device commonly known as a pressure cooker or pressure canner which may be used for canning food products under steam pressure, and which is equipped with a dial, indicating or weighted gauge, a venting device and a safety valve.

(c) *Production of pressure canners*—(1) *Authorized list of manufacturers.* The following manufacturers may produce or assemble before July 1, 1944 at their plants at the addresses indicated, aluminum pressure canners in quantities not exceeding the number indicated opposite their names:

	7-quart size	14-quart size
Burpee Can Sealer Co., Barrington, Ill.	39,500	10,000
National Aluminum Mfg. Co., Peoria, Ill.	34,000	22,500
Wisconsin Aluminum Foundry Co., Manitowoc, Wis.	53,000	5,000
Pressure Cooker Co., Denver, Colo.	6,000	----------
National Pressure Cooker Co., Eau Claire, Wis.	153,500	62,500
Lakeside Aluminum Co., Minneapolis, Minn.	14,000	----------

(2) *Restriction on aluminum permanent mold castings.* No person may make any aluminum permanent mold castings for the aluminum pressure canners to be produced under this direction without first obtaining the written specific authorization of the War Production Board. Applications for authorization to make such castings should be made by letter to the War Production Board, Washington 25, D. C., Ref: L-30-d, Direction 1. Each applicant should submit complete information as to the availability of his facilities for making castings in the light of his present and potential war work and the manpower situation in his plant and in the area where it is located. The War Production Board will not issue any authorization to produce permanent mold castings if the Board finds that such production will interfere with the production and delivery of war orders, and the Board intends to change or revoke any authorization if later conditions show that such interference is likely.

(3) *Additional production.* The War Production Board may add additional manufacturers to those listed above or increase the quantities specified to the extent that materials, facilities and manpower are available and additional pressure canners are needed to meet requirements. Any person desiring to produce aluminum pressure canners in addi-

tion to those mentioned above should apply by letter to the War Production Board, Washington 25, D. C., Ref: L-30-d, Direction 1. Each applicant should submit full details of the pressure canners he proposes to make, including a bill of materials on Form CMP-1, and illustrations, designs or samples when practicable. He should also submit complete information as to the availability of his facilities for this production in the light of the war work which he is doing and the manpower situation in his plant and in the area where his plant is located. A CMP-4B application for any controlled materials needed should accompany any application under this paragraph.

(4) *Revision of quotas.* If the War Production Board finds that any manufacturer will be unable to produce his quota of pressure canners because of interference with war orders or for any other reason, the Board intends to reduce his quota and transfer the excess to another manufacturer.

(d) *What types of pressure canners may be made; sizes and permissible metals*—(1) *Sizes.* Only two sizes of pressure canners may be made under this Direction, one with a capacity of 7 one-quart glass jars, and the other with a capacity of 14 one-quart glass jars.

(2) *Materials which may be used.* The body, cover and insets for preparing food must be made of aluminum or aluminum alloy. Carbon steel may be used in any other parts or attachments, including wire racks. Alloy steel may be used in locking devices and safety and relief valves only. Copper and copper base alloy may be used in indicating gauges, safety and relief valves and blowout plugs only. Tin may be used in plating wire racks only. These provisions supersede any provisions in Orders M-1-i, M-9-c, M-43 and M-126, which would prevent the use of these materials. In all other respects the use of materials in pressure canners must conform to applicable conservation orders.

(e) *Reports.* (1) Beginning March 10, 1944, each manufacturer shall file by the 10th day of each month, a report by letter with the War Production Board, Washington 25, D. C., Ref: L-30-d, Direction 1, stating the number of pressure canners which he made in the preceding calendar month by sizes.

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

Issued this 31st day of January 1944.

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

[F. R. Doc. 44-1551; Filed, January 31, 1944; 11:26 a. m.]

PART 3301—CORK, ASBESTOS AND FIBROUS GLASS

[Conservation Order M-79, as Amended Jan. 31, 1944]

ASBESTOS

§ 3301.6 (*Conservation Order M-79*)—(a) *References to Canadian grades.* References to Canadian grades of asbestos are in accordance with the Canadian Chrysotile Asbestos Classification as revised December 1, 1942, and adopted by the Quebec Asbestos Producers Association March 22, 1943.

(b) *Restrictions on the use of South African asbestos.* (1) No person shall process Rhodesian Chrysotile Asbestos Grade C&G/1 or C&G/2, or Rhodesian Chrysotile Asbestos having a fibre length equivalent to that of Rhodesian Grade C&G/1 or C&G/2 except for:

(i) Products covered in Navy Specification No. 17-I-29 (Insulation, Electrical, Asbestos Fibre, Treated and Untreated; dated January 2, 1942, or as same may be amended), or

(ii) Rovings, lapps, yarns, tapes, and cloth which are approved or required to be of non-ferrous nature by Army, Navy, Maritime Commission or War Shipping Administration performance or other specifications or Underwriters or governmental safety regulations in effect May 1, 1942.

Provided, however, That one ton of Rhodesian Asbestos Grade C&G/1 and C&G/2 may be used for other textile purposes during any calendar quarter for every five tons of Rhodesian Asbestos Grade C&G/3 used for textile purposes during the same calendar quarter.

(2) No person shall process amosite asbestos Grades B-1, B-3, D-3, or 3/DM-1, or amosite asbestos having a fibre length equivalent to that of Grades B-1, B-3, D-3, or 3/DM-1, except for:

(i) Amosite woven insulating felt for use on ships, or

(ii) Fireproof insulating board for use on ships, or

(iii) Molded amosite insulations provided, however, that the amount of 3/DM-1, B-3, or D-3 or equivalent length amosite fibre used in such insulations shall not exceed 15 per cent by weight of finished product, or

(iv) Flexible amosite pipe insulation for use on ships.

(c) *Restrictions on Canadian asbestos.* On and after November 1, 1943: (1) No person shall process Canadian crudes or spinning fibre Grades 3F or 3K for asbestos textiles of commercial grade (as defined in paragraph (7) (a) of A. S. T. M. Designation D-299-42).

(2) No person shall accept delivery of Canadian crudes or spinning fibre Grades 3F or 3K for the manufacture of compressed asbestos sheet packing.

(3) No person shall accept delivery of Canadian fibre Grades 3F, 3K, 3R, or 3T for the manufacture of 85% magnesia or other high temperature molded insulations.

(4) No person shall put into process Canadian spinning fibre Grades 3F or 3K at a greater monthly rate than his average monthly consumption for June and July 1943.

(5) No person shall put into process during any one calendar month Canadian spinning fibre Grades 3R or 3T in amount by weight greater than 20 per cent of the finished compressed asbestos sheet packing which he produced during that month.

(6) No person shall process Canadian spinning fibre Grade 3R for textile purposes during any calendar quarter unless during that quarter he uses at least one ton of Rhodesian Fibre Grade C&G/3 for textile purposes for every five tons of Canadian Spinning Fibre Grade 3R.

(d) *Exemption for waste asbestos materials.* Waste or scrap materials produced in the fabrication, spinning or processing of asbestos fibre which cannot be reprocessed and used in fabricating, spinning or processing operations permitted under the foregoing limitations of this order, may be sold or disposed of without restriction under this order.

(e) *Reports.* The War Production Board may send copies of Form WPB-2916, WPB-2917 or WPB-2918 (formerly PD-251, PD-252 and PD-253) to any person who manufactures any product containing asbestos or who maintains a stock of asbestos. The person receiving the forms shall return them with the required information to the War Production Board on or before the following 10th of the month.

(f) *Prohibitions against sales or deliveries.* No person shall sell or deliver asbestos fibre or any product made therefrom if he knows or has reason to believe such material or product is to be used in violation of the terms of this order.

(g) *Special directions.* The War Production Board at its discretion may at any time issue special directions to any person with respect to his use, processing, delivery or acceptance of delivery of any grade or type of asbestos, notwithstanding any other provision of this order.

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

(2) *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.

(3) *Forms.* Forms WPB-2916, WPB-2917, and WPB-2918, referred to in paragraph (e), have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States Government 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.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Cork, Asbestos & Fibrous Glass Division, Washington 25, D. C., Ref.: M-79.

Issued this 31st day of January 1944.

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

[F. R. Doc. 44-1545; Filed, January 31, 1944; 11:25 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 131]

CAMELBACK AND TIRE AND TUBE REPAIR MATERIALS

Maximum Price Regulation 131 is redesignated Revised Maximum Price Regulation 131 and is revised and amended to read as set forth herein.

In the judgment of the Price Administrator, it is necessary and proper to establish specific and uniform maximum prices for manufacturers' and jobbers' sales and deliveries of tire and tube repair materials, and for jobbers' sales and deliveries of camelback, and to incorporate such maximum prices into the regulation which sets manufacturers' maximum prices for camelback.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

§ 1315.1301 *Maximum prices for camelback and tire and tube repair materials.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 131 (Camelback and Tire and Tube Repair Materials), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.1301 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 131—CAMELBACK AND TIRE AND TUBE REPAIR MATERIALS

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SECTION 1. *To what transactions, persons and commodities this regulation applies and the relation to other regulations*—(a) *Commodities covered.* This regulation applies to all camelback and tire and tube repair materials. "Camelback" as used in this regulation means the uncured rubber compound, including base stock and lug stock, applied to a worn tire to make a new tread in the process of recapping or retreading of rubber tires. "Tire and tube repair materials" as used in this regulation means any materials other than camelback (including but not limited to tire patches and reliners, tube repair kits, airbags and curing tubes, filler strip, stripping stock and padding stock) made in whole or in part of rubber and generally recognized as usable in the repairing of rubber tires or tubes. Where any tire or tube repair materials are composed of several items sold as a unit, as in the case of tube repair kits, the unit shall be deemed to be made in part of rubber, if any item in the unit is made in whole or in part of rubber. "Rubber" is defined in section 19.

(b) *Sales covered.* This regulation applies to all sales to recappers, vulcanizers, retailers and jobbers, whether such sales are made by a manufacturer, by a jobber, or by any other person. "Recapper" as used in this regulation means any person, including a retreader, who is in the business of recapping or retreading tires. "Vulcanizer" as used in this regulation means any person who is in the business of repairing tires or tubes. "Retailer" as used in this regulation means any person who sells camelback or tire and tube repair materials to individual consumers. A person is a recapper, vulcanizer or retailer within the meaning of this regulation if he does any of such business, even though he may also make some jobber sales. "Jobber" as used in this regulation means any person who buys camelback or tire and tube repair materials exclusively for resale to persons other than individual consumers buying at retail. For purposes of this regulation, a recapper or vulcanizer is not considered an individual consumer buying at retail.

(c) *Sales not covered.* This regulation does not apply to sales to the United States or any agency thereof. Such sales are subject to Maximum Price Regulation 403[1]—Certain Rubber Commodities Purchased for Governmental Use. Neither does this regulation apply to sales at retail to individual consumers.

(d) *Relation to other regulations.* This regulation supersedes any other maximum price regulation, including Maximum Price Regulation 131,[2] Maximum Price Regulation 220,[3] and the General Maximum Price Regulation,[4] with respect to sales covered by this regulation. The maximum price at which a person may export any camelback or tire and tube repair materials shall be determined in accordance with the Second Revised Maximum Export Price Regulation.[5]

(e) *Geographical applicability.* This regulation applies in the 48 states of the United States, the District of Columbia, and the territories and possessions of the United States.

SEC. 2. *Prohibition against dealing in camelback and tire and tube repair materials at prices above the maximum.* On and after the effective date of this revised regulation, regardless of any contract or other obligation, no person shall sell or deliver camelback or tire and tube repair materials, and no person shall buy or receive camelback or tire and tube repair materials in the course of trade or business, at prices higher than the maximum prices fixed by this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing. "Person" as used in this regulation includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes any government, or any of its political subdivisions, and any agency of any of the foregoing.

SEC. 3. *Maximum prices for camelback meeting War Production Board specifications*—(a) *Commodities covered by this section.* This section applies to any camelback which complies with the specifications issued by the War Production Board for Grades A, C and F camelback.

(b) *To recappers and vulcanizers.* The maximum price for any sale of camelback covered by this section to a recapper or vulcanizer, as defined in section 1 (b), whether the seller is a manufacturer, jobber or any other person, shall be the price set forth in the following table: *Provided,* That the maximum price for any sale to a recapper or vulcanizer of camelback (other than base and lug stock) which is produced by the Denman Tire and Rubber Company of Warren, Ohio, for the Webster Rubber Company of Warren, Ohio, and which is predesigned for use with the open steam method of retreading or recapping by cutting a non-skid pattern therein, shall be determined by adding 8 cents per pound to the price set forth

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

[1] 8 F.R. 7498, 8837, 10434.
[2] 8 F.R. 10566, 12542.
[3] 8 F.R. 16689.
[4] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4987, 6047, 6962, 8511, 9025, 9991, 11055, 13724.
[5] 8 F.R. 4132, 5987, 7662, 9998, 15193.

for such camelback in the following table:

Item	Maximum price in cents per pound		
	Grade A	Grade C	Grade F
Camelback, other than base and lug stock	28	23	18
Base stock, 5/32 inch gauge	36	31	--------
Base stock, 3/32 inch gauge	31	26	--------
Lug stock	34	29	--------

(c) *To jobbers.* On a sale to a jobber as defined in section 1 (b), the seller must deduct from the maximum price set forth in paragraph (b) of this section, a percentage discount at least as large as the seller had in effect during June 1943, on sales to purchasers of that class.

SEC. 4. *Maximum prices for certain tire and tube repair materials meeting general War Production Board specifications*—(a) *Commodities covered by this section.* This section applies to tire and tube repair materials which are of a type listed in Table I in paragraph (b) (1) and which comply with the general specifications for such materials issued by the War Production Board. All sizes of such materials are covered by this section except cement in containers of one quart or less and gum stocks (cushion stock, tread stock, tube repair gum and combination tube repair gum) sold in packages of less than one pound, which are covered by section 6.

(b) *Prices to which discounts are to be applied in calculating maximum prices under this section*—(1) *Sizes listed in Table I.* The prices to which discounts are to be applied set forth in Table I vary with the type and size of the tire and tube repair materials. Where the size is indicated by width only, no distinction is made between different gauges and materials of all gauges are covered at the price set forth for that width.

TABLE I—CERTAIN TIRE AND TUBE REPAIR MATERIALS

Type	Size	Unit	Price to which discounts are to be applied
Passenger tire repair cushion stock	1½ inch width	Per lb	$1.10
	5 to 7 inch width: 3/64 inch gauge	Per lb	1.23
	17 to 19 inch width: 3/32 inch gauge	Per lb	.93
	3/64 inch gauge	Per lb	1.15
Truck tire repair cushion stock	1½ inch width	Per lb	1.17
	17 to 19 inch width	Per lb	1.00
Tread repair stock	17 to 19 inch width	Per lb	.65
Tube repair gum (uncured)	5 to 7 inch width	Per lb	.95
	17 to 19 inch width	Per lb	.85
Combination tube repair gum (cured back, uncured face)	5 to 7 inch width	Per lb	.93
	17 to 19 inch width	Per lb	.85
Passenger tire cord repair friction (cotton)	18 inch width or wider	Per lb	1.09
Truck tire cord repair friction (cotton)	18 inch width or wider	Per lb	1.12
Passenger, truck or passenger, and truck tire cord repair friction (rayon).	18 inch width or wider	Per lb	1.23
Square woven fabric	5 to 7 inch width	Per lb	1.23
	27 to 29 inch width	Per lb	1.00
Filler strip	2 to 4 inch width	Per lb	.69
Stripping stock	any size	Per lb	.65
Padding stock	18 inch width or wider cut in strips.	Per lb	.75
		Per lb	.89
Vulcanizing cement	1 gal. container	Per gal	1.20
	5 gal. container	Per gal	1.09
	50 or 55 gal. drum	Per gal	.90
Cold cure cement	1 gal. container	Per gal	1.20
	5 gal. container	Per gal	1.05
	50 or 55 gal. drum	Per gal	.99

(2) *Sizes not listed in Table I.* Cement in containers of one quart or less and gum stocks in packages of less than one pound are covered by section 6. For all other sizes of tire and tube repair materials covered by this section which are different from the sizes listed in Table I, the price to which discounts are to be applied shall be the price listed in Table I for the same tire and tube repair material in the size nearest to the size being priced.

(c) *Discounts to be applied*—(1) *Sales on a discount basis.* The following are the minimum discounts to be applied to the prices established by paragraph (b). However, on sales to jobbers, and on sales of over 50 pounds to recappers, vulcanizers, and retailers, if a seller had in effect on March 31, 1942, for deliveries of the same type of tire and tube repair materials, a percentage discount from list prices greater than the minimum discount set forth below, he must, on such sales, deduct from the prices established by paragraph (b) a percentage discount at least as large as that he had in effect on March 31, 1942, to that class.

Minimum discounts:

Sales to jobbers	28%
Sales of over 50 pounds to recappers, vulcanizers and retailers	20%
Sales of 50 pounds or less to recappers, vulcanizers and retailers	No discount required

(2) *Sales on a net price basis.* A seller who sold or offered for sale tire and tube repair materials during March 1942, on the basis of net prices rather than on the basis of discounts from list prices shall compute his maximum prices as follows:

(i) The maximum price for sales to the class of purchaser to which the seller had the highest net price in effect on March 31, 1942, shall be, in the case of sales to jobbers, 72%, and in the case of sales of over 50 pounds to recappers, vulcanizers, and retailers, 80%, of the price established by paragraph (b) for such sales of the same size and type of tire and tube repair materials.

(ii) Where to a particular class of purchaser, a seller had a net price in effect on March 31, 1942, which was lower than the net price to the class of purchaser covered by (i) above, he shall calculate his maximum price for the particular class as follows:

(*a*) For sales to jobbers, 72%, and for sales of over 50 pounds to recappers, vulcanizers and retailers, 80%, of the price established in paragraph (b) shall be considered a "list" price.

(*b*) Express the net price which the seller had in effect on March 31, 1942, to the particular class as a percentage of the highest net price in effect on March 31, 1942, on sales to jobbers or on sales of over 50 pounds to recappers, vulcanizers, and retailers, as the case may be.

(*c*) Apply the percentage in (*b*) to the "list" price in (*a*) to arrive at the maximum price to the particular class of purchaser.

(iii) The price established in paragraph (b) is the maximum price for sales of 50 pounds or less to recappers, vulcanizers and retailers.

(d) *Cement containers*—(1) *Five gallon or smaller.* The maximum prices fixed by this section for rubber cement sold in containers of five gallon size or smaller are for the cement and container. No addition may be made to such maximum prices on account of the containers and no deposit charge may be made for the return of the containers.

(2) *Fifty and fifty-five gallon drums.* The maximum prices fixed by this section for rubber cement sold in fifty or fifty-five gallon drums may not be increased by any charge for the drums. The seller may, however, require a deposit not to exceed $10 per drum, to insure the return of the drum. The deposit must be refunded upon return of the drum in a satisfactory condition for such a used drum. The seller shall not require the purchaser to pay a larger proportion of the return transportation charges on the empty drum than the seller required purchasers of the same class to pay during March 1942.

SEC. 5. *Maximum prices for camelback and certain tire and tube repair materials not meeting general War Production Board specifications*—(a) *Commodities covered by this section*—(1) *Camelback.* This section applies to any camelback which does not comply with the specifications issued by the War Production Board for Grades A, C, and F camelback. Any camelback which is not covered by section 3 is covered by this section.

(2) *Tire and tube repair materials listed in Table I.* This section applies to any tire and tube repair materials which are of a type and size covered by section 4 but which do not comply with the general specifications for such materials issued by the War Production Board.

(b) *How a manufacturer determines his maximum prices.* The maximum price for any sale of camelback or tire and tube repair materials covered by this section by a manufacturer shall be a price, in line with the level of maximum prices established by this regulation, spe-

cifically authorized by the Office of Price Administration or determined by the manufacturer after specific authorization from the Office of Price Administration. The manufacturer must determine the maximum price under this paragraph before he is permitted to sell or offer for sale any camelback or tire and tube repair materials covered by this section. A manufacturer who seeks an authorization under this paragraph shall file with the Office of Price Administration, Washington, D. C., an application setting forth:

(1) A description of the camelback or tire and tube repair materials being priced, showing the amount of each material used in the manufacture of a given unit of the material being priced.

(2) His proposed pricing method, showing the maximum price to recappers, vulcanizers, and retailers and the maximum price to jobbers, if any, that would result from the use of such method.

(3) A statement of the reasons why he believes that the use of this method will result in a maximum price or in maximum prices which are in line with the level of maximum prices established by this regulation.

The authorization will be in writing and will either establish a specific maximum price or prices or give a method for determining the maximum price or prices.

(c) *Notification to jobbers.* Any manufacturer who establishes maximum prices under this section for any camelback or tire and tube repair materials shall notify in writing all jobbers to whom he sells such camelback or tire and tube repair materials of the maximum price established for sales to recappers, vulcanizers and retailers and of the maximum price established for sales to jobbers. The manufacturer must give such written notification to the jobber when he first sells or offers to sell any of the camelback or tire and tube repair materials to the jobber, or at any time prior thereto.

(d) *Jobbers' maximum prices.* The maximum price for any sale of camelback or tire and tube repair materials covered by this section by a jobber shall be the price for sales to recappers, vulcanizers and retailers of which he is notified pursuant to paragraph (c). The jobber is not permitted to sell or offer for sale any camelback or tire and tube repair materials covered by this section until he has received a written notification of the maximum price. If the jobber does not in fact receive such written notification from the manufacturer, he shall apply to the Office of Price Administration, Washington, D. C., for such notification.

SEC. 6. *Maximum prices for all other tire and tube repair materials, including tire patches and reliners, tube repair kits, airbags and curing tubes*—(a) *Commodities covered by this section.* This section applies to all tire and tube repair materials not covered by sections 4 and 5. Among the chief items covered by this section are all tube repair kits, all airbags and curing tubes, all tire patches and reliners, containers of cement which are one quart or less and gum stocks (cushion stock, tread stock, tube repair gum and combination tube repair gum) of a type listed in Table I in section 4 which are sold in packages of less than one pound. All tire patches made in whole or in part of rubber are covered by this section, including those for use in vulcanized repairs and cold patches. Maximum prices for such commodities are to be determined in accordance with the first applicable method set forth in paragraphs (b), (c), (d) and (e) of this section.

(b) *Items which are the same as items dealt in by the manufacturer during March 1942*—(1) *Maximum prices.* The maximum price for any item of tire and tube repair materials which is the same as an item dealt in by the manufacturer during March 1942 shall be the highest net price at which the manufacturer delivered, or if he did not deliver, at which he offered for delivery during March 1942, that item to a purchaser of the same class, or if he did not deliver or offer for delivery to a purchaser of the same class, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers. If during March 1942, the manufacturer included in his selling price the federal excise tax which was in effect on rubber products and did not customarily state and collect it separately, the amount of such tax shall be deducted from the price so determined.

(2) *Definition of "same as."* An item shall be deemed to be the same as an item delivered or offered for delivery by the manufacturer during March 1942:

(i) If it has the identical specifications as the March 1942 item; or

(ii) If its factory costs do not differ from the factory costs of the March 1942 item by more than 2 percent and it is identical in the following characteristics:

Type:	*Characteristics*
Tire patches	1. Size (regardless of shape).
	2. Number of plies.
	3. Fabric materials used (cotton, rayon, etc.).
	4. Number of cushions.
	5. Cure (uncured, semi-cured or cured).
Reliners	1. Size.
	2. Number of plies.
Airbags or curing tubes	1. Size.
	2. Type (full circle, ⅓ circle, ⅙ circle, etc.).
Tube repair kits	1. Total quantity of combination tube repair gum
	2. Number of bevel-cut patches
Any other type	1. Recognized use

(iii) Or, if the only differences are those resulting from the substitution of buna-S (GR-S) or butyl (GR-I) for crude or reclaimed rubber.

(c) *Items for which maximum prices have been established under Maximum Price Regulation 220.* If, prior to the effective date of this regulation, a manufacturer has already established a maximum price for an item under Maximum Price Regulation 220, the maximum price for such item under this regulation shall be the maximum price which was approved by the Office of Price Administration, Washington, D. C., pursuant to Maximum Price Regulation 220.

(d) *Items which are not the same as, but which are comparable to, items dealt in by the manufacturer during March 1942*—(1) *Items covered by this paragraph.* This paragraph applies to any item of tire and tube repair materials which is not the same, as defined in paragraph (b) (2), as an item dealt in by the manufacturer during March 1942, but whose factory costs do not differ by more than 25 percent from the factory costs of an item dealt in by the manufacturer during March 1942. Maximum prices for such items in general are to be calculated by subtracting from or adding to the maximum price of the comparable item dealt in during March 1942, the difference between the factory costs of such item and the factory costs of the item being priced. Detailed instructions for such calculations are contained in the following provisions of this paragraph.

(2) *Calculation of factory costs.* Factory costs and maximum prices may be calculated for one unit, 100 units or 1,000 units, depending upon which amount is customary to the manufacturer as a pricing basis for the items involved. The factory costs of any item of tire and tube repair materials shall be the sum total of direct labor costs, direct materials costs including waste, and factory overhead costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the item by the wage rates determined in accordance with (i) below. The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the item by the materials prices determined in accordance with (ii) below. Waste shall be determined by applying the same methods as were used or would have been used by the manufacturer in similar production during March 1942, adjusted to reflect the actual quantity of waste in the production of the item. Factory overhead costs shall be determined in accordance with (iii) below.

(i) *Wage rates.* The wage rates applicable to any item of tire and tube repair materials shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March 1942, for each class of labor involved in the production of the item. If the manufacturer did not employ a given class of labor in March 1942, he shall use the highest wage rate paid for any substantial portion of March 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(ii) *Materials prices*—(a) *All materials, except crude, synthetic, substitute or balata rubber.* The price for any such material shall be the highest price for the material in effect to the manufacturer, or if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class, during March 1942, or the maximum

price set by the Office of Price Administration, whichever is the lower. If there was no prices for the material in effect to the manufacturer or a purchaser of the same class during March 1942, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after March 1942, or the maximum price set by the Office of Price Administration, whichever is the lower.

(b) *Crude, synthetic, substitute or balata rubber.* The price for any such material shall be the highest price for the material in effect to the manufacturer, or if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class on August 1, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower. If there was no price for the material in effect to the manufacturer or a purchaser of the same class on August 1, 1943, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after August 1, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower.

(iii) *Factory overhead costs.* Factory overhead costs shall be determined by using the methods and average actual rates which were in effect in the manufacturer's plant during the year 1942 for operations similar to those employed in the manufacture of the item being priced. It shall include only those costs which the manufacturer used during 1942 in calculating factory overhead costs. In no case shall factory overhead costs include any selling or administrative costs.

(3) *Items on which factory costs must be calculated.* (i) Where a line of items being priced consists of items which are of the same size and construction as a line of items delivered or offered for delivery by the manufacturer during March 1942, the manufacturer need calculate factory costs only on the base item listed below if such base item is being priced and if the manufacturer had established price relationships (in the form of price lists or otherwise) in effect during March 1942, between an item of the same construction and size as the base item and items of the same construction and size as the other items being priced.

(ii) If (i) above does not apply, but a line of items being priced consists of items which are of the same size and a comparable construction as a line of items delivered or offered for delivery by the manufacturer during March 1942, the manufacturer need calculate factory costs only on the base item listed below if such base item is being priced and if the manufacturer had established price relationships in effect during March 1942, between an item of the same size and comparable construction as the base item and items of the same size and comparable construction as the other items being priced.

(iii) If (i) and (ii) above do not apply, the manufacturer must calculate factory costs on all sizes, constructions, and types of items being priced.

General type:	*Base item*
Tire patches	Tho cured, semi-cured or uncured single cushion, four ply, cotton patch which most nearly equals 86 square inches in area.
Reliners: Truck tires.	32 x 6 size, 4 ply.
Passenger tires	6.00–16 size, 2 ply.
Passenger airbags:	
⅓ circle	6.00 size, first choice; 6.50 size, alternate.
⅙ circle	6.00 size, first choice; 6.50 size, alternate.
Full circle	6.00–16 size, first choice; 6.50–17 size, alternate.
Truck airbags and steambags.	8.25–20 size, first choice; 9.00–20 size, alternate.
Passenger curing tubes, full circle.	6.00–16 size, first choice; 6.50–17 size, alternate.
Truck curing tubes, full circle.	8.25–20 size, first choice; 9.00–20 size, alternate.
Tube repair kits: Consumers' kit.	Select the consumers' kit which the manufacturer is presently delivering of the largest volume.
Garage kit	Select the garage kit which the manufacturer is presently delivering in the largest volume.
Any other type	Select the item which the manufacturer is presently delivering in the largest volume.

(4) *Selection of comparable item.* The manufacturer shall select the first applicable of the following items of tire and tube repair materials which he delivered or offered for delivery during March 1942, as the comparable item to be used in calculating the maximum price of an item being priced.

(i) The item of tire and tube repair materials which would be the same as the item being priced but for changes in specifications that have taken place since March 1942.

(ii) The item which has the same use as the item being priced. If there is more than one such item, the manufacturer shall use that one of those items whose factory costs are nearest to the factory costs of the item being priced.

(iii) The item manufactured by the same processes as the item being priced. If there is more than one such item, the manufacturer shall use that one of those items whose factory costs are nearest to the factory costs of the item being priced.

(iv) The item whose factory costs are nearest to the factory costs of the item being priced.

(5) *Calculation of maximum prices.* (i) The manufacturer shall select the comparable items pursuant to the method set forth in (4).

(ii) The manufacturer shall then determine a key price for the comparable item as follows: The manufacturer shall determine his highest net maximum price (for sales of over fifty pounds) of the comparable item to recappers, vulcanizers and retailers, and deduct ten percent from such price. If during March 1942, he sold the comparable item to jobbers only, he shall determine the key price by taking his highest net maximum price to jobbers for the comparable item.

(iii) The manufacturer shall then calculate the factory costs of the item being priced and of the comparable item.

(iv) The manufacturer shall then find his key price for the item being priced by adding to or subtracting from the key price of the comparable item determined in (ii) the amount by which the factory costs of the item being priced are greater or less than the factory costs of the comparable item.

(v) The manufacturer shall then calculate net maximum prices for all classes of purchasers on the item being priced in the following manner:

(a) Determine the manufacturer's net price to each class of purchasers for the comparable item.

(b) Express the price under (a) for each class of purchasers as a percentage of the key price determined under (ii) above.

(c) Apply the percentage in (b) for each class of purchasers to the key price calculated under (iv) above to obtain the net maximum price to that class.

(vi) Where factory costs are calculated only on a base item, maximum prices for other items on which factory costs need not be calculated shall be determined in the following manner:

(a) Determine the net maximum price which the manufacturer had in effect during March 1942, to any class of purchasers, on each item (which corresponds to an item being priced) in the line from which the base item was selected.

(b) Express the manufacturer's March 1942, price of each item selected under (a) as a percentage of the manufacturer's March 1942, price of the base item.

(c) Apply the percentage in (b) for each item to the net maximum price for each class of purchasers calculated under (v) above for the base item.

(vii) Once a manufacturer has determined his maximum price under this paragraph (d), that price is his maximum price for all future sales until a new maximum price is calculated and filed as provided in paragraph (f) because of a subsequent change in the item involved.

(e) *Items which cannot be priced under paragraphs (b), (c) or (d).* Two of the chief instances where this paragraph (e) applies are cases where the manufacturer did not offer for sale any tire and tube repair materials during March 1942, and cases where the factory costs of the item of tire and tube repair materials being priced differ by more than 25 percent from the factory costs of the item with which it is being compared, selected according to paragraph (d) (4). Notwithstanding any other provision of this regulation, this paragraph shall also apply to tire patches and reliners made from scrap rubber, provided such tire patches and reliners are not identical to items dealt in by the manufacturer during March 1942. The maximum price under this paragraph (e) shall be determined according to the procedure in section 5 (b). The manufacturer must file with the Office of

Price Administration, Washington, D. C., the application required by that section.

(f) *Manufacturers' reports of maximum prices*—(1) *Reports required.* (i) A manufacturer who determines a maximum price under paragraph (d) for an item on which factory costs are calculated must file with the Office of Price Administration, Washington, D. C., a report on a copy of the form set forth in Appendix A, and must give all the information required by that form.

(ii) A manufacturer who determines a maximum price under paragraph (d) for an item on which factory costs are not calculated must report to the Office of Price Administration, Washington, D. C., the maximum price so determined for each class of purchasers, and must also submit his price lists or other established prices in effect during March 1942, on comparable items which were used to determine price relationships under paragraph (d) (3).

(2) *When calculations and reports must be made*—(i) *Items in production.* For an item which is in production on the effective date of this regulation, and which is priced under paragraph (d), the manufacturer shall calculate his maximum price and make the required report within 30 days after such date. Until the reported maximum price on any such item becomes effective as provided in (3) below, the manufacturer's maximum price shall be the price which he had in effect during March 1942, on the most comparable item to a purchaser of the same class.

(ii) *New items.* For an item which is not in production when this regulation becomes effective, the manufacturer shall calculate his maximum prices and make the required report within 30 days after a purchaser first agrees to buy the item.

(iii) *Modified items.* If an item of tire and tube repair materials on which maximum prices have been determined under paragraphs (c) and (d) is subsequently modified, its factory costs must be recalculated in accordance with the provisions of paragraph (d). If this recalculation reveals that the factory costs of the item as modified vary by more than 2 percent from the factory costs of the item before modification, the maximum price of the item must be redetermined in accordance with paragraph (d), and a new report must be filed within 30 days after a purchaser first agrees to buy the modified item. The manufacturer shall indicate on the report that it is being filed for a modified item. However, the report need not be filed if the item has been modified by the substitution of materials which would result in a higher maximum price and if the manufacturer does not elect to charge the higher maximum price.

(3) *When reported maximum prices become effective.* The manufacturer may not accept payment for any item of tire and tube repair materials being priced until fifteen days have elapsed after the mailing of the report required by this paragraph, except that in the case of any item which is in production when this regulation becomes effective, until the fifteen day period has expired, the manufacturer may continue to charge his March 1942, price on the most comparable item to a purchaser of the same class. Within that fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to that fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

(g) *Notification to jobbers.* Any manufacturer who establishes maximum prices for an item under paragraph (d) of this section shall notify in writing all jobbers to whom he sells such item of the maximum price established for sales to recappers, vulcanizers and retailers and of the maximum price established for sales to jobbers. The manufacturer may not give such written notification to any jobber until the reported maximum prices have been approved in writing by the Office of Price Administration or until fifteen days have elapsed after the mailing of the report required by paragraph (e). The manufacturer must give such written notification to the jobber immediately after the maximum prices have been so approved or the fifteen days have elapsed.

(h) *Jobbers' maximum prices for items covered by this section*—(1) *Items dealt in during March 1942.* The maximum price for sales by a jobber of an item of tire and tube repair materials covered by this section which is the same as an item dealt in by the seller during March 1942 shall be the highest net price at which he delivered, or if he did not deliver, at which he offered for delivery, that item to a purchaser of the same class. The test of whether an item is the same as a March 1942 item shall be the same as that set forth for a manufacturer in paragraph (b) (2).

(2) *Items not dealt in during March 1942.* The maximum price for sales by a jobber of an item covered by this section which is not the same as an item delivered or offered for delivery by the seller during March 1942, shall be the price for sales to recappers, vulcanizers and retailers of which he is notified pursuant to paragraph (g). The jobber is not permitted to accept payment for any tire and tube repair materials covered by this paragraph (2) until he has received a written notification of the maximum price. If the jobber does not in fact receive such written notification from the manufacturer, he shall apply to the Office of Price Administration, Washington, D. C., for such notification.

SEC. 7. *Fractions of a cent.* Maximum prices determined under this regulation shall be adjusted to the smallest fraction of a cent that the seller customarily used during March 1942, in pricing products in the same line.

SEC. 8. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 9. *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of camelback or tire and tube repair materials imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 10. *Credit.* The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless the seller during March 1942, required payment of a separately stated additional charge for the extension of credit, by purchasers of the same class on camelback or tire and tube repair materials, and the amount charged for the extension of credit is not in excess of the charge the seller had in effect during March 1942, for extension of credit involving the same amount and term.

SEC. 11. *Transportation charges.* (a) The maximum prices for camelback set forth in section 3 include all costs of transportation by the common carrier having the lowest rate for transportation to the purchaser's plant, except that the actual freight charges may be added to the maximum price on shipments of less than 100 pounds. On sales of 100 pounds or more, if the seller does not deliver the goods to the purchaser's plant, the maximum prices shall be the prices set forth in section 3 less the actual cost of transportation by the common carrier having the lowest rate for transportation to the purchaser's plant.

(b) No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of tire and tube repair materials than the seller required purchasers of the same class to pay during March 1942 on such deliveries.

SEC. 12. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to camelback or tire and tube repair materials, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 13. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[9]

SEC. 14. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted

[9] 7 F.R. 8961.

upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 15. *Sales slips and receipts.* Any seller who has customarily given purchasers invoices, sales slips, receipts, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the quantity of each grade and type of camelback or tire and tube repair materials sold, and the price charged therefor.

SEC. 16. *Records.* Every person making sales or purchases of camelback or tire and tube repair materials subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade and type purchased or sold.

SEC. 17. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 18. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 19. *Definitions.* (a) When used in this regulation the term:

(1) "Purchaser of the same class" and "class of purchasers" refer to the practice adopted by the seller in setting different prices for camelback or tire and tube repair materials for sales to different purchasers or kinds of purchasers (for example, recapper, vulcanizer, jobber, retailer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(2) "Rubber" means substitute rubber and all forms and types of rubber including scrap, synthetic, balata and reclaimed rubber.

(3) "Substitute rubber" means a substance made in whole or in part by a chemical process or from natural gums, resins or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied.

(4) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(5) "Base stock" means a rubber compound used to establish a permanent undertread, to act as a cushioning agent against carcass abuse, or to serve as an anchor for lug stock. It is usually manufactured 5/32" to 8/32" in gauge.

(6) "Lug stock" means a lug-shaped heavy rubber compound used in producing the tread design on off-the-road tires. It is applied and vulcanized to a base stock undertread.

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

APPENDIX A—FORM FOR REPORTS OF MAXIMUM PRICES DETERMINED UNDER SECTION 6

OPA FORM 696-691 — Form Approved Budget Bureau No. 08-R631

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

WASHINGTON, D. C.

TIRE AND TUBE REPAIR MATERIALS

Report to be filed under section 6 of Revised Maximum Price Regulation 131.

Manufacturer_____ _____ (Date)

Address_____ (Street) (City) (State)

1. Description of item of tire and tube repair materials being priced: (Include a sufficient physical description to identify the item and a statement of the type of rubber contained in the item, as defined in paragraph (a) (2) of section 19.)
2. Description of comparable item of tire and tube repair materials.
3. Reason for choice of comparable item. (Explain how the comparable item was selected, following the directions in paragraph (d) (4) of section 6.)
4. Factory Costs: Unit used in this calculation (one, 100, 1,000, pound etc.)_____

Elements of cost	Comparable item	Item being priced	Date price or rate in effect
a. Direct labor	$_____ (March 1942, wage rates must be used in these calculations.)	$_____	
b. Direct materials: Rubber	$_____ (For crude, synthetic, substitute or balata rubber, August 1, 1943, prices must be used in your calculations. If OPA has established lower maximum prices, such prices must be used.)	$_____	
Other materials	$_____ $_____ $_____ (For these materials, March 1942, prices must be used in your calculations. If there was no March 1942, price, you must use the first price after March 1942. If OPA has established lower maximum prices such prices must be used.)	$_____ $_____ $_____	
c. Waste	$_____ (Apply the same methods you would have used in March 1942, adjusted to reflect the actual quantity of waste. If included under materials costs, do not fill in.)	$_____	
d. Factory overhead	$_____ (Factory overhead must be computed in exactly the same manner using the same elements of costs and the average actual rates in effect in your plant during the year 1942 for similar operations.)	$_____	
e. Total factory costs	$_____	$_____	
f. Key price	$_____		
To_____ (Fill in class of purchasers selected under paragraph (d) (5) (iii) of section 6.)			
g. Difference in total factory costs	$_____ (The difference between the total factory costs of the two items as shown on line (e) is the dollar amount to be added to or subtracted from the key price of the comparable item used as a basis for pricing, as shown on line (f).)		

5. Key price of item being priced: $_____
6. Maximum prices of item being priced to all classes of purchaser computed pursuant to paragraph (d) (5) (v) of section 6: (Maintaining March 1942 relationships between classes of purchasers.)

Class of purchasers	*Maximum price*
_____	$_____
_____	$_____

7. Method by which factory overhead was computed: (State the method employed, including the rates used and the bases to which the rates were applied.)

_____ (Signature of reporting officer)

_____ (Official title)

Effective date. This regulation shall become effective in the District of Columbia and the 48 states February 3, 1944. This regulation shall become effective in the territories and possessions of the United States March 20, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been ap-

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

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1462; Filed, January 28, 1944; 4:16 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220,[1] Amdt. 14]

CERTAIN RUBBER COMMODITIES

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 220 is amended in the following respects:

1. Section 1315.1567 (c) is amended to read as follows:

(c) Cements and adhesives made in whole or in part of natural, synthetic, reclaimed, or balata rubber, except tire and tube repair cement.

2. Section 1315.1567 (g) is revoked.

3. Section 1315.1567 (h) (1) is revoked.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 4328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1463; Filed, January 28, 1944; 4:16 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 403,[2] Amdt. 6]

CERTAIN RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE

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 20 (c) (26) is added to read as follows:

(26) Camelback and tire and tube repair materials sold or delivered to the United States or any agency thereof.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1465; Filed, January 28, 1944; 4:17 p. m.]

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

[1] 8 F.R. 16689.

[2] 8 F.R. 7498, 8837, 10434, 16406.

PART 1335—CHEMICALS

[RPS 76,[1] Amdt. 5]

HIDE GLUE

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

Revised Price Schedule No. 76 is amended in the following respects:

1. Section 1335.709 (f) (2) is amended by substituting the words and figures "forty cents (40¢)" for the words and figures "twenty-four cents (24¢)" wherever they occur.

2. Paragraph (g) of § 1335.709 is redesignated (h) and a new paragraph (g) is added to read as follows:

(g) *Hide glue produced from imported material other than coney stock*—(1) *Sales by producers*—(i) *Produced solely from imported material.* The maximum price per pound for hide glue, other than coney glue, produced from imported raw material shall be the applicable price established in paragraphs (a), (b), (c) and (d) of this section increased by 7.5 cents per pound.

(ii) *Produced partly from imported material*—(a) *Mixtures of hide glues.* The maximum price per pound for hide glue consisting of a mixture of a hide glue or glues produced from domestic raw material with a hide glue or glues produced from imported raw material other than coney stock, shall be a price computed by adding the maximum prices for the amounts in pounds of the particular glues in the mixture as established by paragraphs (a), (b), (c), (d) and (g) (1) (i) of this section and then dividing the sum by the total amount in pounds of the glue in the mixture. In selecting a maximum price for any particular glue in a mixture for the purposes of the above computation, where the quantity of the mixture being sold by the producer is a carload lot or more, the producer shall use the maximum price established for carload lots for the particular glue; where the quantity being sold is less than a carload lot, the maximum price established for less than carload lots shall be used.

Example of the above computation on a sale of glue under paragraphs (a) and (g) (1) (i):

Quantity	Grade	Raw material source	Maximum price under paragraphs (a), (b), (c), (d), (g) (1) (i)	Total
Pounds	*Grams*			
23,250	322	Domestic	$0.21	$4,882.50
6,750	197	Imported	$0.17+$.075	1,653.75
30,000	$\frac{\$6,536.25}{30,000}=\$0.2178$ maximum price			$6,536.25

(b) *Produced from a mixture of domestic and imported raw material.* The maximum price per pound for hide glue produced from a mixture of domestic raw material with imported raw material other than coney stock, shall be the applicable maximum price established by paragraphs (a), (b), (c) and (d) of this section above for each grade of hide glue so produced, increased by an amount computed by multiplying 7.5 cents by the number representing the percentage by weight, in the finished glue, of glue yielded from the imported stock.

Example of the above computation:

Quantity	Raw material source	Yield	Percentage composition of finished glues
Tons		*Pounds*	
150	Domestic	30,000	73.17
25	Imported	11,000	26.83
		41,000	100.00

Permitted increase per pound over prices established in paragraphs (a), (b), (c), (d) for glues of all test produced from above=7.5¢×26.83%=2¢ per pound.

(2) *Sales by jobbers.* Where a producer has increased his price on a sale of hide glue to a jobber under paragraph (g) (1) above of this section, the jobber may increase his price on sales by him of the hide glue by an amount equal to the difference between the producer's maximum price under paragraphs (a), (b), (c) and (d) of this section above and the increased sale price to the jobber but not in excess of the increase in the producer's maximum price permitted under paragraph (g) (1) above.

Where a jobber has sold a hide glue at a price exceeding that permitted by this subparagraph (2) as a result of a producer selling to him at a price exceeding that permitted under subparagraph (1) above, the jobber shall not be deemed to have violated this subparagraph (2): *Provided,* That he has obtained the written notice from the seller referred to below prior to payment by him, that he has no reason to believe that the producer has violated the regulation and that the jobber has otherwise complied with the regulation.

(3) *Notification.* Every seller who increases his maximum price on a hide glue under the provisions of this paragraph (g) shall, with or prior to the first delivery at the increased price, furnish his purchaser with a written notice, or state on the invoice or bill to the purchaser, that the glue is produced from imported raw material, or contains glue so produced, and that the seller has fully complied with the regulation.

This amendment shall become effective January 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1458; Filed, January 28, 1944; 4:14 p. m.]

[1] 7 F.R. 1351, 2132, 2241, 2818, 4381, 8948.

PART 1340—FUEL

[RMPR 137]

PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS

Maximum Price Regulation No. 137 is redesignated Revised Maximum Price Regulation No. 137 and is amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade and industry affected. A statement of considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1340.81 *Maximum prices for petroleum products sold at retail establishments.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328 Revised Maximum Price Regulation No. 137 (Petroleum Products Sold at Retail Establishments), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1340.81 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 137—PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. To what transactions, products and areas this regulation is applicable.
2. Changes in operators of and sales of retail establishments.
   (a) Sale or transfer of a going business.
   (b) Sale or transfer of a business site.
3. Federal and State taxes.
   (a) Tax in effect during March 1942.
   (b) Tax or increase in tax effective after March 1942.
4. Records, receipts and posting of prices.
   (a) Base period records.
   (b) Current records.
   (c) Sales slips and receipts.
   (d) Statement and posting of maximum prices of petroleum products.
5. Petitions for changes in the regulation or other relief.
   (a) Petitions for amendment.
   (b) Adjustments because of Fair Trade Acts.
6. Compliance with this regulation.
   (a) No selling or buying above maximum prices.
   (b) Evasion.
   (c) Enforcement.
   (d) Licensing.
7. Definitions.
8. Index: Reports, records and petitions.

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

ARTICLE II—MAXIMUM PRICES FOR PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS

Sec.
9. Specific maximum prices.
10. Maximum prices where no specific prices are provided.
   (a) Ordinary pricing methods for all petroleum products.
      1. March price.
      2. Maximum price of nearest seller.
   (b) Special pricing methods for motor fuel.
      1. Three-cent margin.
      2. October 1–15, 1941 margin.
11. Increases in maximum prices.
   (a) Increases where maximum prices of suppliers have been increased.
   (b) Increases in maximum prices of particular products in designated areas.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *To what transactions, products and areas this regulation is applicable.* This regulation covers all sales and deliveries at service stations and other retail establishments of the following petroleum products:

Motor fuel.
Motor lubricating oil.
Greases.
Kerosene.
Prime white distillate.
Nos. 1 and 2 fuel oil and range oil.
Cleaner's or other naphthas.

The provisions of this regulation shall be applicable to the United States, its territories and possessions and the District of Columbia. For exceptions of the Panama Canal Zone see Supplementary Order No. 8.[1]

SEC. 2. *Changes in operators of and sales of retail establishments*—(a) *Sale or transfer of a going-business.* If a retail establishment or a service station lease is sold or transferred or if the operator of such a service station is changed and if the sale, transfer or change in operation occurs at a time when the establishment is in operation or within a period of 60 days after operation of the establishment was discontinued the maximum prices of the transferee or new operator shall be the maximum prices which the transferor would have been subject to in sales of petroleum products of the same grade if no such change had taken place and the obligations of the transferee to keep records and make reports shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of sale prior to the transfer which are necessary to enable the transferee to comply with the record and statement provisions of this regulation.

(b) *Sale or transfer of a business site.* If a retail establishment or a service station lease is sold or transferred or if the operator of a service station is changed but no petroleum products have been sold at retail from the site for a period of sixty days prior to the sale, transfer, or change in operation, the maximum prices of the transferee or new operator shall be the maximum prices which may be charged under the other provisions of this regulation by his nearest seller of the same class for a petroleum product of the same grade.

SEC. 3. *Federal and State taxes*—(a) *Tax in effect during March, 1942.* Where a seller during March, 1942 included a tax (either directly or by separate statement and collection) as a part of his price for a petroleum product, he may include such tax (either directly or by separate statement and collection) as a part of any maximum price established under this regulation for that product or for a new product he is now selling which is subject to the same tax.

(b) *Tax or increase in tax effective after March, 1942.* Any tax increase or new tax imposed after March, 1942 upon or incident to the sale, delivery or use of any petroleum product covered by this regulation may be collected in addition to the maximum prices established under this regulation. However, in the case of the Federal excise on lubricating oils provided by the Revenue Act of 1942, effective November 1, 1942, a seller of motor lubricating oils may collect in addition to the maximum prices established under this regulation one cent on each sale of five quarts or less, and the total amount of the increase adjusted to the nearest cent on each sale of more than five quarts.

SEC. 4. *Records, receipts and posting of prices*—(a) *Base period records.* Every person selling petroleum products at retail establishments subject to this regulation shall:

(1) Preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for such petroleum products as he delivered during March 1942.

(2) Prepare, on or before July 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(i) The highest prices which he charged for such petroleum products as he delivered during March 1942, with an appropriate description or identification of such petroleum products by reference to kind and grade;

(ii) All his customary allowances, discounts and other price differentials.

(b) *Current records.* Every person selling petroleum products at service stations subject to this regulation shall keep and make available for examination by the Office of Price Administration records of the same kind as he customarily kept, relating to the prices which he charged for such petroleum products as he sold at retail establishments, after May 18, 1942, and, in addition, records showing as precisely as possible, the basis upon which he determined maximum prices for such petroleum products.

(c) *Sales slips and receipts.* Any person subject to this regulation who has customarily given a purchaser a sales slip, receipt or similar evidence of pur-

[1] 7 F.R. 5310, 8282.

chase shall continue to do so. Upon request from a purchaser any person subject to this regulation shall give the purchaser a receipt showing the date, the name and address of the seller, the kind, grade and quantity of the petroleum products sold, and the price received for it.

(d) *Statement and posting of maximum prices of petroleum products.* (1) Every person selling petroleum products at retail establishments shall post the maximum price chargeable to purchasers of the class to whom he makes the bulk of his sales for each grade of petroleum products in a manner plainly visible to and understandable by, each purchaser. Such postings shall be marked "maximum prices," "ceiling prices" or "our ceiling," beneath which shall be marked each grade of the petroleum product offered for sale and opposite each grade shall be stated the maximum price for that grade. Every person whose maximum prices are increased pursuant to authorization by the Office of Price Administration shall indicate separately either for 60 days after such authorization or for so long as the increase remains effective, whichever period is shorter, the amount by which the maximum prices were increased, and the fact that such increase was authorized by the Office of Price Administration. In making this representation such person shall use the following language: "Amount of Increase—cents per gallon—Approved by the Office of Price Administration" or any other statement supplying the same information.

SEC. 5. *Petitions for changes in the regulation or other relief*—(a) *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

(b) *Adjustments because of Fair Trade Acts.* Maximum prices established under this regulation may be adjusted in the case of any seller at retail who shows:

(1) That his maximum price for any commodity established under this regulation is less than the minimum price in effect for such commodity during March 1942 pursuant to a contract entered into in accordance with a Fair Trade Act of any state; and

(2) That the commodity was generally sold at retail during March 1942 at such minimum price within the locality in which his selling establishment is located; and

(3) That he has been permanently enjoined by a court from selling the commodity at less than such minimum price. In such a case the maximum price of such seller will be increased to such minimum price. Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

Each Regional Administrator of the Office of Price Administration and such District Directors of the Office of Price Administration as may be designated by the appropriate Regional Administrator are hereby authorized to make adjustments or act upon applications for adjustment under this paragraph (b).

SEC. 6. *Compliance with this regulation*—(a) *No selling or buying above maximum prices.* Regardless of any contract or obligation no person shall sell or deliver petroleum products at retail establishments at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things. Prices lower than the maximum prices may, of course, be charged and paid.

(b) *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of petroleum products alone or in conjunction with any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or by a change in the quality of a product, or otherwise.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 7. *Definitions.* (a) "Petroleum products" means motor fuel as defined in section (7) (b), kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil, cleaner's or other naphthas, motor lubricating oils and greases.

(b) "Motor fuel" means liquid fuel, including Diesel fuel, used for the propulsion of motor vehicles or motorboats, and shall include any liquid fuel to which Federal gasoline taxes apply except aviation gasoline of 87 octane rating or higher (A. S. T. M. Method).

(c) "Retail establishment" means the physical location of the store, shop, garage, service station, or other place of business in which petroleum products are sold at retail other than by delivery in tankwagon or larger lots.

(d) "Service station" means any place of business or part thereof, where motor fuel is delivered into the fuel supply tanks of motor vehicles or motorboats.

(e) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(f) "Seller" means a person making sales of petroleum products. Where a seller makes sales through more than one retail establishment, each separate retail establishment shall be deemed to be a separate seller, except that for the purposes of section 6 (d) licensing sellers subject to this regulation, the owner of the business shall be considered the seller regardless of the number of separate places of business he owns.

(g) "Seller of the same class" means a seller (1) performing the same function, (2) of similar type, (3) dealing in the same type of commodity, and (4) selling to the same class of purchaser.

(h) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for a commodity for sales to purchasers located in different areas or buying in different quantities or grades or under different conditions of sale.

(i) "Reference seller." The companies hereinafter named are the reference tank wagon sellers for any point in the Continental United States, in the state, states or districts set out opposite the name of the company: *Provided,* That such company has an applicable price for such point:

For any points in the State of:	*Reference tank wagon sellers*
Alabama	Standard Oil Co. (Kentucky).
Arizona	Standard Oil Co. of California.
Arkansas	Standard Oil Co. of Louisiana.
California	Standard Oil Co. of California.
Colorado	Continental Oil Co.
Connecticut	Socony-Vacuum Oil Co., Inc.
Delaware	The Atlantic Refining Co.
District of Columbia.	Standard Oil Co. of New Jersey.
Florida	Standard Oil Co. (Kentucky).
Georgia	Standard Oil Co. (Kentucky).
Idaho	Continental Oil Co.
Illinois	Standard Oil Co. (Indiana).
Indiana	Standard Oil Co. (Indiana).
Iowa	Standard Oil Co. (Indiana).
Kansas	Standard Oil Co. (Indiana).
Kentucky	Standard Oil Co. (Kentucky).
Louisiana	Standard Oil Co. of Louisiana.
Maine	Socony-Vacuum Oil Co., Inc.
Maryland	Standard Oil Co. of New Jersey.
Massachusetts	Socony-Vacuum Oil Co., Inc.
Michigan	Standard Oil Co. (Indiana).
Minnesota	Standard Oil Co. (Indiana).
Mississippi	Standard Oil Co. (Kentucky).
Missouri	Standard Oil Co. (Indiana).
Montana	Continental Oil Co.
Nebraska	Standard Oil Co. (Nebraska).
Nevada	Standard Oil Co. of California.
New Hampshire	Socony-Vacuum Oil Co., Inc.

For any points in the State of:	*Reference tank wagon sellers*
New Jersey	Standard Oil Co. of New Jersey.
New Mexico	Continental Oil Co.
New York	Socony-Vacuum Oil Co., Inc.
North Carolina	Standard Oil Co. of New Jersey.
North Dakota	Standard Oil Co. (Indiana).
Ohio	Standard Oil Co. (Ohio)
Oklahoma	Continental Oil Co.
Oregon	Standard Oil Co. of California.
Pennsylvania	The Atlantic Refining Co.
Rhode Island	Socony-Vacuum Oil Co., Inc.
South Carolina	Standard Oil Co. of New Jersey.
South Dakota	Standard Oil Co. (Indiana).
Tennessee	Standard Oil Co. of Louisiana.
Texas	The Texas Co.
Utah	Continental Oil Co.
Vermont	Socony-Vacuum Oil Co., Inc.
Virginia	Standard Oil Co. of New Jersey.
Washington	Standard Oil Co. of California.
West Virginia	Standard Oil Co. of New Jersey.
Wisconsin	Standard Oil Co. (Indiana).
Wyoming	Continental Oil Co.

SEC. 8. *Index; reports, records and petitions.* (a) The following reports are required by this regulation:

Section 2 (a). Reports to continue unchanged in case of transfer of business.
Section 4 (c). Sales slips and receipts to purchasers.

(b) The following records are required by this regulation:

Section 2 (a). Records to be continued unchanged in case of transfer of business.
Section 4 (a). Base period records.
Section 4 (d). Statement and posting of maximum prices of motor fuels.

(c) The following petitions may be filed under this regulation:

Section 5 (a). Petitions for amendment.
Section 5 (b). Adjustments because of Fair Trade Acts.

ARTICLE II—MAXIMUM PRICES FOR PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS

How to Determine Maximum Prices

Specific prices. Examine section 9. If it contains a specific price, this is your maximum price. There are no additions to these prices.

March, 1942 prices. If no specific price is provided, examine section 10 (a). This section requires you to charge no more than the highest price you charged in March, 1942 for each grade of a petroleum product. To this price may be added the increases set forth in section 11.

March, 1942 price of nearest seller. Where you wish to sell a grade of a petroleum product which you did not sell in March, 1942 you may use the maximum price of the nearest seller of your class for that grade.

Two special pricing methods for motor fuel. Instead of using your March, 1942 price for motor fuel, you may, if you choose, use one of the two special pricing methods for motor fuel set forth in section 10 (b). The first method permits you to fix a maximum price for motor fuel which gives you a three-cent margin over the maximum tank wagon price of the reference seller for undivided dealers. The reference seller for your area is set forth in section 7 (i). The second method permits you to compute a margin on the basis of the difference between your service station price October 1–15, 1941 and the tank wagon price of the reference seller October 1–15, 1941. You add this margin to the maximum tank wagon price of the reference seller as it is posted at the present time.

SEC. 9. *Specific maximum prices.*

NOTE: Nothing can be added to the maximum prices set forth in this section.

(a) *Gasoline.* [*none*]

(b) *Kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil.*

(1) CONNECTICUT

(i) In the Bridgeport, Connecticut Area, comprising the townships and cities of Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston and Westport, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.8 cents per gallon.

(ii) In the Danbury, Connecticut Area, comprising the following townships and cities in the State of Connecticut, Bethel, Bridgewater, Brookfield, Danbury, Redding, Ridgefield, New Fairfield, New Milford, Newtown and Sherman, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.3 cents per gallon.

(iii) In the Greenwich-Norwalk, Connecticut Area, comprising the town and cities of Darien, Greenwich, New Canaan, Norwalk, Stamford, Stamford City and Wilton, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(iv) In the Hartford, Connecticut Area, comprising the townships and cities of Bloomfield, East Hartford, Glastonbury, Hartford, Newington, Wethersfield, Windsor, Windsor Locks, East Windsor, South Windsor and West Hartford, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(v) In the New Haven, Connecticut Area, comprising the townships and cities of Bethany, Branford, East Haven, Hamden, Milford, North Branford, North Haven, New Haven, Orange, West Haven and Woodbridge, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.8 cents per gallon.

(vi) In the Waterbury, Connecticut Area, comprising the towns and cities of Waterbury, Naugatuck, Middlebury, Woodbury, Watertown, Wolcott, Prospect, and Cheshire, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(2) MARYLAND

Within the corporate limits of the City of Baltimore, Maryland, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.3 cents per gallon.

(3) MASSACHUSETTS

In the Metropolitan Boston, Massachusetts Area comprising the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Dedham, Dover, Everett, Hingham, Hull, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.6 cents per gallon.

(4) MICHIGAN

Within the counties of Genesee, Macomb, Washtenaw, Monroe, Oakland and Wayne in the State of Michigan the maximum prices for sellers at retail establishments of kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil, also known as stove oil or heater oil, shall be as follows:

	Cents per gallon
Kerosene	14.5
Range oil, also known as stove oil or heater oil	11.5
Prime white distillate and Nos. 1 and 2 fuel oil	11.0

(5) NEW HAMPSHIRE

In the Conway, New Hampshire Area comprising the town and cities of Albany, Bartlett, Chatham, Conway, Eaton, Hales's Location, Jackson, Madison and Tamworth, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 14.5 cents per gallon.

(6) NEW JERSEY

Within the counties of Union, Middlesex, Essex, Hudson, Bergen, and Passaic, State of New Jersey, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.0 cents per gallon.

(7) NEW YORK

(i) Within the corporate limits of New York City, New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.3 cents per gallon.

(ii) Within the counties of Westchester, Nassau and Suffolk, State of New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.0 cents per gallon.

(iii) In the townships and cities in the State of New York of Brewster, Patterson and Palding, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.3 cents per gallon.

(8) PUERTO RICO

Maximum prices of kerosene at retail establishments in Puerto Rico shall be 18¢ per gallon, except that when a quantity of less than one gallon is sold the maximum price shall be 5¢ per quart.

(9) WASHINGTON, D. C.

Within the Washington, D. C. tankwagon area the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 14.8 cents per gallon.

SEC. 10. *Maximum prices where no specific prices are provided*—(a) *Ordinary pricing methods for all petroleum products*—(1) *March price.* A seller's maximum price for each grade of a petro-

leum product shall be the highest price charged to a purchaser of the same class by such seller at each retail establishment during March, 1942 for each grade of a petroleum product. To this price may be added the increases provided for in section 11.

(2) *Maximum price of nearest seller.* If a seller did not sell a particular grade of a petroleum product at a retail establishment during March, 1942 such seller's maximum price shall be the maximum price which may be charged under the other provisions of this regulation by his nearest seller of the same class for a petroleum product of the same grade.

(b) *Special pricing methods for motor fuel*—(1) *Three cent margin.* A seller of motor fuel, except liquefied petroleum gas, at a retail establishment may, if he chooses, fix a maximum price for each grade of motor fuel by adding three cents a gallon to the maximum tank wagon price of the reference seller for undivided dealers for the point where the retail establishment is located. If the reference seller has no maximum tank wagon price for undivided dealers for the point where the retail establishment is located a maximum price may be fixed by adding three cents a gallon to the maximum tank wagon price to the nearest undivided dealer who is a tank wagon buyer. The reference tank wagon sellers are listed by states and the District of Columbia in section 7 (i).

(2) *October 1–15, 1941 margin.* (i) A seller of motor fuel at a retail establishment may, if he chooses, fix a maximum price for each grade of motor fuel by adding to the maximum tank wagon price of the reference seller for undivided dealers for the point where the retail establishment is located an amount equal to the difference which existed between:

(*a*) The tank wagon price of the reference seller for undivided dealers at that point during the major portion of the period October 1–15, 1941, and

(*b*) The service station price for motor fuel of that grade at the service station or other retail establishment during the major portion of the period October 1–15, 1941.

NOTE: The reference tank wagon sellers are are listed by states and the District of Columbia in section 7 (i).

(ii) If the reference seller has no maximum tank wagon price for undivided dealers for the point where the retail establishment is located, or had no tank wagon price for undivided dealers at that point during the major portion of the period October 1–15, 1941, a maximum price may be fixed by adding to the maximum tank wagon price to the nearest undivided retail dealer who is a tank wagon buyer an amount equal to the difference which existed between:

(*a*) The tank wagon price to such nearest undivided retail dealer during the major portion of the period October 1–15, 1941, and

(*b*) The service station price for motor fuel of that grade at the service station or other retail establishment for which a price is being determined during the major portion of the period October 1–15, 1941.

SEC. 11. *Increases in maximum prices*—(a) *Increases where maximum prices of suppliers have been increased.*

NOTE: The increases set forth in this paragraph may be added to March, 1942 prices only. They may not be added to prices fixed under section 9 or section 10 (b) (1) and (2).

(1) *Tank wagon purchasers.* If the maximum tank wagon price of a particular petroleum product to a retail dealer is increased pursuant to any regulation or provision of the Office of Price Administration which became effective on or after February 13, 1943, such retail dealer's maximum price for such petroleum product determined under section 10 (a) (1) shall be increased by the same amount.

(2) *Bulk purchasers in tank car, motor transport, barge, etc. lots.* If a retail dealer is not a tank wagon buyer of gasoline, kerosene, range or stove oil, distillate fuel oils, tractor and diesel fuel at a particular retail establishment, and, therefore, cannot take advantage of the increase permitted certain tank wagon buyers under the preceding paragraph, his maximum price shall be the sum of:

(i) His maximum price as determined under section 10 (a) (1) and,

(ii) An amount equal to the difference between his delivered cost on June 19, 1943 and the maximum tank wagon price of the reference seller at that point. The reference tank wagon sellers are listed by states and the District of Columbia in section 7 (i).

In no event, however, may a retail dealer who fixes a maximum price for a petroleum product at his retail establishment under the provisions of this section 11 (a) (2) exceed the maximum price for such product at the nearest retail establishment where the dealer is a tank wagon buyer.

(b) *Increases in maximum prices of particular products in designated areas.*

NOTE: The increases set forth in this paragraph may be added to March, 1942 prices only. They may not be added to prices fixed under section 9 and section 10 (b) (1) and (2).

(1) *Area increases*—(i) *Eastern Seaboard increases for gasoline, kerosene, range oil, Nos. 1 and 2 fuel oil and Diesel fuel.* In the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia and within the corporate limits of Bristol, Tennessee, the maximum prices of gasoline, kerosene, range oil, Nos. 1 and 2 fuel oil and Diesel fuel sold at retail establishments, determined under section 10 (a) (1), may be increased by the following amounts:

Product:	*Amount of increase (cents per gallon)*
Gasoline	0.4
Kerosene, range oil, and No. 1 fuel oil	1.7
#2 fuel oil and Diesel fuel	1.4

(ii) *Balance of rationed area.* In any area where fuel oil rationing is required by the United States Government or any agency thereof, other than the area included in subdivision (i) of this section 11 (b) (1), the maximum prices for kerosene, range oil, prime white distillate No. 1 or Pacific Specification No. 100 fuel oil, No. 1 fuel oil, No. 2 fuel oil and Diesel fuel determined under section 10 (a) (1) may be increased 0.3 of a cent per gallon. The total amount charged on each lot sold shall be adjusted to the nearest cent.

(iii) *Pennsylvania grade motor oils in the Pacific Coast Area.* (*a*) Maximum prices in the Pacific Coast Area as determined under section 10 (a) (1) for sellers at retail establishments of all S. A. E. grades of Pennsylvania grade motor oils marketed by The Pennzoil Company are increased to 35 cents a quart in any case where the maximum prices of such sellers under said section 10 (a) (1) are below that amount.

(*b*) Maximum prices in the Pacific Coast Area as determined under section 10 (a) (1) for sellers at retail establishments of all S. A. E. grades of Pennsylvania grade motor oils marketed by Hyvis Oils, Inc., of California are increased to 35 cents a quart in any case where the maximum prices of such sellers under section 10 (a) (1) are below that amount.

(*c*) Maximum prices in the Pacific Coast Area as determined under section 10 (a) (1) for sellers at retail establishments of all S. A. E. grades of Pennsylvania grade motor oils marketed by Kern Oil Company, Limited, are increased to 30 cents a quart in any case where the maximum prices of such sellers under said section 10 (a) (1) are below that amount.

(iv) *Puerto Rico: Excise taxes.* (*a*) In addition to the maximum price as determined by section 10 (a) (1), sellers of gasoline at retail establishments in the Territory of Puerto Rico may charge from and after December 1, 1942, 3 cents per gallon inasmuch as the additional excise tax of 3 cents per gallon, which became effective on December 1, 1942, is not collectible, in addition to the maximum price pursuant to section 3 of this regulation. This additional charge may not be collected from the United States Government, its agencies or instrumentalities when sold to them for their exclusive use.

(*b*) In addition to the maximum price as determined by section 10 (a) (1) sellers of petroleum products at retail establishments in the Territory of Puerto Rico may charge, from and after March 5, 1943, to a purchaser included in subsection 4, entitled "Other Excises * * *" of Act 25 enacted by the Legislature of Puerto Rico and approved December 4, 1942, the amount of the 3% tax therein imposed and 3½¢ per gallon to cover the tax increase on lubricating oil imposed by such Act, except that the total amount charged on each lot shall be adjusted to the nearest cent.

(2) *Local increases*—(i) *Quincy, Illinois, gasoline.* In Quincy, Illinois, the maximum prices of regular and premium grade gasoline sold at retail establishments determined under section 10 (a) (1) is increased 1.5 cents a gallon.

(ii) *Great Falls, Montana, gasoline.* Maximum prices as determined under section 10 (a) (1) for service station operators within the Great Falls, Montana, tank wagon area who reduced their

prices on third grade and regular grade gasoline between February 25 and February 28, 1942, inclusive, are increased by the amount of such decrease but not more than 1½ cents per gallon.

Effective date. This revised regulation shall become effective February 3, 1944.

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

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1466; Filed, January 28, 1944; 4:17 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 493,[1] Amdt. 3]

DRIED AND PROCESSED APPLES AND APPLE PRODUCTS, 1943 AND OTHER SPECIFIED CROPS

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 No. 493 is amended in the following respects:

1. The title of Maximum Price Regulation No. 493 is amended to read as set forth above, and all references to the title in the regulation are amended to read as set forth above.

2. Section 1 is amended to read as follows:

SECTION 1. *Purpose of the regulation.* The purpose of this regulation is to establish maximum prices for the apple products listed in section 2, processed from apples of the 1943 and later crops, and sales of the listed products processed from apples of other crop years as covered by section 15a.

3. Section 15a is added to read as follows:

SEC. 15a. *Maximum prices for resales by processors of apple products which have been sold by government agencies to processors.* The processor's maximum price, f. o. b. factory, for sales to purchasers other than government procurement agencies of any item listed in section 2, packed from apples of any year's crop, which has been sold to the processor by a government agency, shall be the maximum price established by this regulation for the same item when packed from apples of the 1943 crop.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1460; Filed, January 28, 1944; 4:16 p. m.]

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

[1] 8 F.R. 15697.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 285,[1] Amdt. 6]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

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 285 is amended in the following respects:

1. Section 1351.1253 (c) is amended to read as follows:

(c) If a wholesaler purchases fresh bananas at any of the following auction markets, New York, N. Y., Philadelphia, Pa., and Baltimore, Md., he shall apply the provisions of this section to such fresh bananas purchased at auction, except that the figure by which he multiplies his "delivered price" shall be the figure set forth in Appendix A for wholesalers who purchase at auction. "Delivered price" in the case of auction sales means the maximum price per cwt., f. o. b. port of entry, plus the actual transportation charges from the port of entry to the auction market, plus $1.00 per cwt., less such trade discounts, and rebates for auction sales heretofore in effect.

2. Column III part (b) of the table in § 1351.1267 is amended by deleting the figures of 1.225 for sales on stem and 1.32 for sales in hand and substituting therefor the figures of 1.235 and 1.3375, respectively.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1464; Filed, January 28, 1944; 4:18 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 444,[2] Correction]

COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND PELLETS; COTTONSEED HULLS AND HULL BRAN; AND WHOLE PRESSED COTTONSEED

In the definition of "recognized handler" in section 3 the word "and" is corrected to read "or."

This correction shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1463; Filed, January 28, 1944; 4:17 p. m.]

[1] 8 F.R. 3050, 10659, 16626, 9 F.R. 219.

[2] 9 F.R. 203.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[RMPR 169,[1] incl. Amdt. 36]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

Sections 1364.406 (a), 1364.407 (e), 1364.415, 1364.452 (o) (1), (2), (3), (4) and (5), 1364.454 (d), 1364.455 (b) (1), 1364.467 (n) (1), (4) and (5), 1364.469 (d), 1364.470 (b) (1) are amended; § 1364.416 is redesignated 1364.417; §§ 1364.416, 1364.455 (b) (4), (5) and (6), 1364.470 (b) (4), (5) and (6) are added by Amendment 36, effective February 3, 1944, so that Revised Maximum Price Regulation No. 169 shall read as follows:

Preamble: In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 issued by the President on October 3, 1942, to maintain as the maximum prices for processed products the prices prevailing with respect thereto during the period March 16 to March 28, 1942, inclusive, and to establish for beef and veal carcasses and wholesale cuts specific prices slightly higher than those prevailing during such period. These prices are established as provided in §§ 1364.451 and 1364.452 for beef; §§ 1364.466 and 1364.467 for veal; and § 1364.476 for processed products. The Price Administrator has ascertained and given due consideration to the prices of beef and veal carcasses and wholesale cuts prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act and Executive Order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which beef and veal carcasses and wholesale cuts and processed products are produced a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the

[1] 7 F.R. 10381.

[2] Statements of considerations are also issued simultaneously with each amendment. Copies may be obtained from the Office of Price Administration.

trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1[3] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 169 is hereby issued.

[Preamble amended by Amdt. 4, 8 F.R. 4097, effective 4-3-43, and Supplementary Order No. 63, 8 F.R. 12553, effective 9-11-43]

AUTHORITY: §§ 1364.401 to 1364.530, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SUBPART A—GENERAL PROVISIONS

Sec.
1364.401 Prohibition against selling beef and veal carcasses and wholesale cuts, and processed products at prices above the maximum.
1364.402 Exempt sales.
1364.403 Export sales.
1364.404 Less than maximum prices.
1364.405 Adjustable pricing and transportation adjustments.
1364.406 Evasion.
1364.407 Records and reports.
1364.408 Enforcement.
1364.409 Licensing.
1364.410 Petitions for amendment.
1364.411 Duty to maintain grades.
1364.412 Applicability of General Maximum Price Regulation.
1364.413 Revocation of orders issued under Maximum Price Regulation No. 169.
1364.414 Effective date.
1364.415 Limitation on volume of sales to purveyors of meals; records and reports.
1364.416 Limitation on volume of sales to ultimate consumers by hotel supply houses.
1364.417 Effective dates of amendments

SUBPART B—PROVISIONS AFFECTING BEEF

1364.451 Maximum prices for beef carcasses and wholesale cuts.
1364.452 Schedule I: Beef price zones and applicable zone prices.
1364.453 Schedule II: Amounts which must be deducted from zone prices listed in Schedule I.
1364.454 Schedule III: Amounts which may be added to zone prices listed in Schedule I.
1364.455 Definitions applicable to beef.

SUBPART C—PROVISIONS AFFECTING VEAL

1364.466 Maximum prices for veal carcasses and wholesale cuts.
1364.467 Schedule IV: Veal price zones and applicable zone prices.
1364.468 Schedule V: Amounts which must be deducted from zone prices listed in Schedule IV.
1364.469 Schedule VI: Amounts which may be added to zone prices listed in Schedule IV.
1364.470 Definitions applicable to veal.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

SUBPART D—PROVISIONS AFFECTING PROCESSED PRODUCTS

Sec.
1364.476 Maximum prices for processed products.
1364.477 Definitions applicable to processed products.
1364.478 Petitions for adjustment.

SUBPART E—APPENDICES

1364.526 Appendix A: Formula for meat marking fluid.
1364.527 Appendix B: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade), and condition.
1364.528 Appendix C: Specifications for grades of carcass beef.
1364.529 Appendix D: Specifications for grades of veal carcasses.
1364.530 Appendix E: Beef cutting charts.
1364.531 Appendix F: Form No. 636-590.

SUBPART A—GENERAL PROVISIONS

§ 1364.401 *Prohibition against selling beef and veal carcasses and wholesale cuts, and processed products at prices above the maximum*—(a) *Beef carcasses and wholesale cuts.* On and after December 16, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any beef carcass or beef wholesale cut, and no person shall buy or receive any beef carcass or beef wholesale cut at a price higher than the maximum price permitted by § 1364.451; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Revised Maximum Price Regulation No. 169 shall not be applicable to sales or deliveries of beef carcasses or beef wholesale cuts to a purchaser, if, prior to December 10, 1942, such beef carcasses or beef wholesale cuts have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser. "Person," "beef carcass," and "beef wholesale cut" are defined in § 1364.455.

(b) *Veal carcasses and wholesale cuts.* On or after April 3, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any veal carcass or veal wholesale cut and no person shall buy or receive any veal carcass or veal wholesale cut at a price higher than the maximum price permitted by § 1364.466, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this Revised Maximum Price Regulation No. 169 shall not be applicable to sales or deliveries of veal carcasses or veal wholesale cuts if, prior to April 3, 1943 such veal carcasses or veal wholesale cuts have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser. "Person," "veal carcass," and "veal wholesale cut" are defined in § 1364.470.

[Paragraph (b) as amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

(c) *Processed products.* On and after December 16, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any processed product and no person shall buy or receive any processed product at a price higher than the maximum price permitted by § 1364.476; and no person shall agree, offer, solicit or attempt to do any of the foregoing. "Person" and "processed product" are defined in § 1364.477.

[Paragraph (c) added by Am. 4, 8 F.R. 4097, effective 4-3-43]

(d) *Maximum prices for slaughtering services.* Any person who slaughters cattle or calves as a service for the purchaser of such cattle or calves shall remit to such purchaser an amount sufficient to make the cost of the dressed beef or veal carcass or of the wholesale cuts derived therefrom to such purchaser, equal to or less than the costs which would be incurred by the purchaser, if he purchased the carcass or cuts from the slaughterer at the slaughterer's maximum price therefor: *Provided,* That this requirement shall not apply in cases where the purchaser does not acquire the carcasses or cuts for resale in any form: *Provided further,* That this requirement shall not apply with respect to the slaughter of cattle or calves for a purchaser who resells the meat derived therefrom other than at retail in those cases where the following circumstances exist and the slaughterer and purchaser have filed with the appropriate district, State, or regional office of the Office of Price Administration, evidence based upon regular business records showing that:

(1) The slaughterer during the period January, 1941, to March, 1942, inclusive, (i) did not sell any beef or veal carcasses or wholesale cuts and (ii) regularly slaughtered cattle or calves for such purchaser on a continuing contractual basis; and (2) during such period the purchaser (i) did not himself slaughter cattle or calves and (ii) procured at least 75 percent of the beef or veal sold by him from cattle or calves slaughtered for him by such slaughterer: *Provided, further,* That, on or after March 25, 1943, this requirement shall not apply in cases where the cattle or calves slaughtered are certified to be club cattle or calves within the meaning of this Revised Maximum Price Regulation No. 169, as amended, and the supervisor, club agent, agricultural county agent, or vocational agricultural project teacher as the case may be, has filed a sworn certificate to the effect with the appropriate district, State, or regional office of the Office of Price Administration or any duly authorized representative thereof. Carcasses derived therefrom must be graded in accordance with the grade specifications contained in this Revised Maximum Price Regulation No. 169.

To enable the slaughterer to determine the amount to be remitted to the purchaser, it shall be the duty of such purchaser to advise the slaughterer of the amount paid for the cattle or calves slaughtered.

[Paragraph (d), formerly (c), amended by Am. 3, 8 F.R. 491, effective 1-16-43; redesignated (d) and amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 6, 8 F.R. 4844, effective 4-14-43; and Am. 25, 8 F.R. 11298, effective 7-16-43]

(e) *War procurement agencies.* Notwithstanding any of the foregoing provisions of this § 1364.401, a war procurement agency, in addition to paying to the seller the maximum price for the commodity prescribed by the applicable provision of this regulation, may pay to Defense Supplies Corporation an amount equivalent to the meat production payments made by Defense Supplies Corporation on account of the production of such meat.

[Paragraph (e) added by Am. 15, 8 F.R. 7675. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2)]

§ 1364.402 *Exempt sales.* The provisions of this Revised Maximum Price Regulation No. 169 shall not apply

(a) To sales at retail:

(1) As defined in § 1364.455 with respect to sales of beef; and

(2) As defined in § 1364.470 with respect to sales of veal; and

(3) As defined in § 1364.477 with respect to sales of processed products;

(b) To deliveries of beef made to any political subdivision or agency of any state or of the United States, under contracts entered into prior to December 10, 1942: *Provided,* That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts;

(c) To deliveries of veal made to any political subdivision or agency of any state or of the United States, under contracts entered into prior to April 3, 1943: *Provided,* That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts;

(d) To sales outside of the forty-eight states of the United States and the District of Columbia.

[Paragraph (a) amended, (c) added, and former (c) redesignated (d) by Am. 4, 8 F.R. 4097, effective 4-3-43]

§ 1364.403 *Export sales.* The maximum price at which a person may export any beef carcass or wholesale cut, veal carcass or wholesale cut, processed product, or other meat item subject to this Revised Regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[4] issued by the Office of Price Administration.

§ 1364.404 *Less than maximum prices.* Lower prices than those established in §§ 1364.451, and 1364.452, for beef, in §§ 1364.466 and 1364.467 for veal and in § 1364.476 for processed products may be charged, demanded, paid or offered.

[§ 1364.404 as amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

§ 1364.405 *Adjustable pricing and adjustment* — (a) *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

(b) *Adjustment for transportation to critical areas.* Upon a finding that a critical shortage of meat has occurred in a specific area because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply, the Administrator may by order designate such area as a critical area for such period as he may prescribe. Subject to such conditions as may be prescribed in the order of the Administrator, the Regional Administrator for the area or any District Manager designated by him, may in writing authorize named sellers to charge and receive, for beef and veal carcasses and wholesale cuts, and processed products sold to buyers in that area, the added cost of transportation in addition to the applicable maximum price.

(c) The Office of Price Administration, may, by order, adjust the maximum price established by §§ 1364.451 and 1364.452 or §§ 1364.466 and 1364.467 for the sale by a seller of kosher beef or veal to a buyer of kosher meat, in any case in which such seller shows:

(1) That the seller during the year preceding March 1942, was regularly engaged in the kosher slaughtering of beef or veal and selling such beef or veal to buyers of kosher meat within the market area in which his plant is located; and the proportion of kosher slaughter to total slaughter, by months;

(2) That only a portion of his slaughter is kosher slaughter, and that, as a result thereof, the costs of kosher slaughter performed by him exceed the costs of other slaughter by an amount greater than the amount allowed in the applicable zone price for kosher beef or veal;

(3) That the seller has customarily obtained for his kosher beef or veal a premium greater than that contained in the applicable zone prices for kosher and other beef or veal.

Upon proof of the foregoing facts, the maximum price of the seller may be adjusted to provide for the actual additional cost of kosher slaughter. The seller shall be required to submit monthly reports of the number of pounds of kosher and non-kosher beef or veal slaughtered and delivered by him, and the maximum price shall be reduced if it appears to the Administrator that such price is causing or threatening to cause an increase in the proportion of kosher slaughter.

[Paragraph (c) added as § 1364.410 (c) by Am. 6, 8 F.R. 4844, effective 4-14-43; redesignated as § 1364.405 (c) by Am. 22, 8 F.R. 10363, effective 7-23-43]

(d) The Office of Price Administration in Washington, D. C., may, by order, adjust the maximum prices established by § 1364.452 (o) and § 1364.467 (n) for the sale by a seller of fabricated beef and/or fabricated veal cuts to the War Shipping Administration in any case in which such seller requests such an adjustment on or before August 20, 1943, and alleges and proves the following:

(1) That during the month of April 1943, at least 50 percent of its total weight volume of sales of fabricated beef and/or fabricated veal cuts was sold and delivered to the War Shipping Administration.

(2) That during or prior to the month of May 1943, such seller was requested by the War Shipping Administration to accumulate an inventory of fabricated beef and/or fabricated veal cuts meeting War Shipping Administration specifications for delivery to the War Shipping Administration in anticipation of their requirements.

(3) That such seller, in reliance upon such request by the War Shipping Administration, did fabricate beef and/or veal in accordance with War Shipping Administration specifications and did accumulate an inventory of such fabricated beef and/or veal cuts for future delivery to the War Shipping Administration.

(4) That a portion of such accumulated inventory remained in the possession of the seller, undelivered, on June 1, 1943.

Upon proof of the foregoing, the Office of Price Administration may authorize such seller to sell and/or deliver such fabricated beef and/or fabricated veal to the War Shipping Administration at the maximum prices in line with the maximum prices for fabricated beef and/or veal cuts.

[Paragraph (d) added by Am. 22, 8 F.R. 10363, effective 7-23-43; amended by Am. 23, 8 F.R. 11445, effective 8-16-43]

(e) *Applications for authorization to perform contract boning for War Procurement Agencies.* (1) Any person who shows that he has been requested to perform government contract boning may file an application with the appropriate Regional Office of the Office of Price Administration for authorization to do such government contract boning and to charge or receive no more than the maximum price therefor fixed by this paragraph (e) in accordance with the provisions of this paragraph. The applicant shall show: (i) the name of the war procurement agency which has requested the applicant to perform government contract boning; (ii) that the war procurement agency has designated an official representative who will remain at the applicant's boning plant whenever government contract boning is performed and who will inspect, approve and otherwise supervise the applicant's operations and performance under such contract or contracts; (iii) that the applicant will as a condition of government contract boning perform such services only when the official representative is present at the plant, and then under his inspection, approval and supervision; and (iv) that the applicant will perform government contract boning in order to produce quantities of frozen boneless

[4] Superseded by Second Revised Maximum Export Price Regulation; 8 F.R. 4132, 5987, 7662, 9998, 15193.

beef (army specifications) in addition to and not in lieu of other quantities of frozen boneless beef (army specifications) as the applicant is required to sell to war procurement agencies pursuant to the provisions of FDO 75-2,[4a] as amended.

(2) The Regional Office of the Office of Price Administration shall issue an order either authorizing the applicant to perform government contract boning for a designated war procurement agency in accordance with the provisions of and at a price no higher than the maximum fixed by this paragraph (e), or denying the application. If any person fails to comply with any of the provisions of this paragraph (e) or of the order authorizing him to perform government contract boning, the Regional Administrator may, in addition to any other penalties provided by law, revoke the order.

(3) The maximum price for government contract boning shall be $0.55 per hundredweight carcass basis plus all of the bones, fat, sinews, kidneys and other by-products remaining from the production of frozen boneless beef (army specifications). The weight for determining the monetary portion of the maximum price shall be the weight of the dressed carcasses and/or hindquarters as the case may be, taken at the time of delivery by the war procurement agency to the applicant's boning plant. Each delivery of dressed carcasses and/or hindquarters shall constitute a separate transaction for purposes of computing the monetary portion of the price and the voucher submitted by the boner for payment must be accompanied by a verified memorandum for each transaction based upon the records kept pursuant to paragraph (e) (6) showing: the date, number and total weight of each grade of dressed carcasses and of hindquarters delivered by the war procurement agency; the total weight taken upon completion of the boning operations for each grade of boneless beef; and the total net weight of each grade of frozen boneless beef (army specifications) delivered to the war procurement agency.

(4) "Government contract boning" as used in this paragraph (e) means the performance, for a war procurement agency on dressed beef carcasses or hindquarters owned and supplied by such agency, of all operations and services, and the furnishing of all materials (except the beef) specified and required by "C. Q. D. No. 11 C—Specifications for Beef: Boneless, Frozen", issued May 11, 1942, by the Chicago Quartermaster Depot of the United States Army, so as to result in the maximum commercial production of frozen boneless beef (army specifications). Government contract boning includes the boning out of all carcasses and/or hindquarters, as the case may be, cutting, trimming, grinding, freezing, packaging and marking, and the performance of all other acts and services and the furnishing of all materials necessary to perform any of the foregoing in the manner required by C. Q. D. No. 11 C.

(5) For failure to satisfy any of the specifications or requirements pertaining to government contract boning which results in the production of boneless beef not approved by the war procurement agency as being frozen boneless beef (army specifications), the person authorized to perform the government contract boning shall not be entitled to charge or receive any of the monetary portion of the maximum price for carcasses and/or hindquarters improperly converted.

(6) Every person authorized to perform government contract boning shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, complete and accurate records showing: (i) the date, number of carcasses and of hindquarters of each grade, total weight of dressed carcasses of each grade, and total weight of hindquarters of each grade delivered by the war procurement agency to the boning plant (weights shall be taken at time of delivery); (ii) the weight taken at the time when boning operations are completed of all boneless beef of each grade derived from each delivery recorded under (i) above; and (iii) the net weight of frozen boneless beef (army specifications) of each grade delivered to the war procurement agency and derived from each delivery recorded under (i).

(7) Nothing contained in this paragraph (e) shall be construed as prohibiting a war procurement agency from requiring such bonds or undertakings which shall be paid for by the government contract boner without reimbursement, as are deemed necessary to protect the agency's interest in or title to any beef delivered to or in the possession of the contract boner.

[Paragraph (e) added by Am. 33, 8 F.R. 15527, effective 11-11-43]

(f) *Temporary adjustments affecting frozen boneless beef (Army specifications) due to increased labor costs.* (1) Any person who shows that a War Procurement Agency has requested him to increase production, or to undertake production, of frozen boneless beef (Army specifications) and that his direct labor costs will be increased because such increased or new production requires the use of inexperienced labor or overtime work, may file an application in duplicate for adjustment either of the applicable maximum f. o. b. boning plant price established in § 1364.452 (m) or the maximum price for government contract boning established in § 1364.405 (e), to cover such increased direct labor costs. Such application shall be made on Form No. 636-590, a copy of which is contained in § 1364.531 of this regulation, and shall be filed with the appropriate regional office of the Office of Price Administration. The Regional Administrator shall within seven days after receipt of the application issue an order either granting such adjustment as he deems appropriate, but in no event more than $1.00 per hundredweight for adjustment under § 1364.452 (m) or $.72 per hundredweight for adjustment under § 1364.405 (e), or denying the application. In determining the amount of the increase in direct labor costs caused by increased or new production, the Regional Administrator shall give consideration only to direct labor costs which are shown or reasonably calculated to be higher than the average of the direct labor costs heretofore filed with the Office of Price Administration by representative and substantial suppliers of frozen boneless beef (Army specifications). Applicants operating more than one plant shall file separately for each plant at which an adjustment is sought. Following issuance of an order pursuant to this paragraph (d) the Regional Administrator shall forward a copy of the application together with a copy of the order and such other data as were used in the determination to the Administrator at Washington, D. C. for review. After review, the Regional Administrator shall change, modify or revoke the order in such manner as the Administrator deems appropriate. However, the provisions of the Regional Administrator's order shall remain in full force and effect until such time as they are changed, modified or revoked.

(2) Any adjustment granted under this paragraph (f) shall be conditioned upon the keeping of records by the applicant showing: The weekly production of frozen boneless beef (Army specifications) by grades; the dressed carcass weight by grade of beef used in such production; the total number of direct production employees by classifications; the total number of man-hours worked by each classification and the total wages paid each classification. For a failure to maintain such records, any adjustment granted shall be deemed void as of the date of issuance and the amount charged or received in excess of the applicable maximum prices established in § 1364.452 (m) or § 1364.405 (e), as the case may be, shall be deemed an overcharge.

[Paragraph (f) added by Am. 34, 8 F.R. 16290, effective 12-1-43]

[§ 1364.405 amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 5, 8, F.R. 4780, effective 4-10-43; and as otherwise noted. Section heading amended by Am. 33]

§ 1364.406 *Evasion.* (a) The price limitations set forth in this Revised Regulation shall not be evaded, either by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to beef, veal, or processed products separately or in conjunction with any other commodity or services, or by way of any commission, service, transportation, wrapping, packaging or other charge, or discount premium or other privilege, or by tying agreement or other trade understanding, or by changing the selection of, grading, or the style of dressing, cutting, trimming, cooking or otherwise processing or the canning, wrapping or packaging of beef, veal or Processed products, or otherwise: *Provided*, That a payment by a buyer to a seller for icing services performed by

[4a] 8 F.R. 11325, 11890, 12504, 14073.

the seller after April 2, 1943, and before delivery of any beef carcass or wholesale cut, or veal carcass or wholesale cut, to a railroad whose freight charges are paid directly to such railroad by the buyer, or a payment by a buyer to a seller for such icing services performed by the seller after February 2, 1944 with respect to any other meat item subject to this regulation, sold under similar conditions, shall not be construed as an evasion of such price limitations, if the charge for such icing services is no higher than the cost actually incurred by the seller in performing such service and in no event higher than the charge which could lawfuly have been made by the railroad if such services had been performed by the railroad.

[Paragraph (a) amended by Am. 4, 8 F.R. 4097, effective 4-3-43 and Am. 36, effective 2-3-44]

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing beef or veal through any distribution point in order to obtain a higher zone price or for the purpose of making a higher transportation or local delivery charge.

[Subparagraph (1) as amended by Am. 4, effective 4-3-43]

(2) Falsely or incorrectly grading or invoicing beef, veal, or processed products.

(3) Selling or invoicing kosher beef, kosher veal, or kosher processed products to purchasers who are not bona fide buyers of kosher meat.

(4) Selling or invoicing fabricated beef cuts and/or fabricated veal cuts to buyers, other than purveyors of meals.

[Subparagraph (4) as amended by Am. 4, effective 4-3-43; and Am. 20, 8 F.R. 10362, effective 7-28-43]

(5) Offering, selling or delivering beef, veal or any processed product on condition that the purchaser is required to purchase some other commodity.

(6) Making or receiving a charge for delivery on the basis of a route different from that actually followed and in excess of that permitted for the route by which beef or veal was actually delivered.

[Subparagraph (6) as amended by Am. 4, effective 4-3-43]

(7) Selling or transferring title to cattle or calves by a purchaser thereof at a lower price than was paid for such cattle or calves and/or repurchasing, purchasing or receiving title to dressed carcasses or wholesale cuts derived from such cattle or calves after the cattle or calves have been slaughtered by a custom slaughterer.

(8) Charging, paying, billing, or receiving any consideration for or in connection with any service for which a specific allowance has not been provided in this Revised Maximum Price Regulation No. 169.

[Subparagraph (8) as amended by Am. 4, effective 4-3-43]

(c) Any transaction, device or arrangement whereby a person who sells, transfers, or delivers beef or veal to a retail establishment not wholly owned and operated by such person receives for the beef or veal a greater realization than he would be entitled to receive under this regulation for the sale of such beef or veal to a retailer is a violation of this regulation and is prohibited.

[Paragraph (c) added by Am. 26, 8 F.R. 11445, effective 8-16-43]

(d) A payment by a buyer to a broker of not to exceed $0.125 per cwt. in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of beef and veal carcasses and wholesale cuts, if the broker has no business affiliation with the seller and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed $0.125 per cwt.

[Paragraph (d) added by Am. 28, 8 F.R. 13249, effective 10-2-43]

§ 1364.407 *Records and reports.* The reporting and recording provisions of this regulation are approved by the Bureau of the Budget.

(a) Not later than December 16, 1942, every person making sales subject to § 1364.476 of this Revised Maximum Price Regulation No. 169 shall keep for examination by any purchaser during ordinary business hours, a statement showing and enumerating separately the maximum selling prices of each grade of processed product for (1) carloads, (2) car routes, and (3) sales other than in carload lots and via car routes.

[Paragraph (a) as amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

(b) Every person making a sale of any beef carcass, beef wholesale cut, veal carcass, or veal wholesale cut, processed product, or other meat item subject to this revised regulation, on or after December 16, 1942, in the course of trade or business or otherwise dealing therein, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer and seller, the quantity, grade or grades and weight of all beef carcasses, beef wholesale cuts, veal carcasses, veal wholesale cuts, processed products or other meat items subject to this revised regulation sold, and the price charged or received therefor.

[Paragraph (b) as amended by Am. 8, 8 F.R. 491, effective 1-16-43]

(c) Persons affected by this Revised Maximum Price Regulation No. 169 shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration as it may from time to time require.

[Paragraph (c) as amended by Am. 4, effective 4-3-43]

(d) Not later than May 3, 1943 every person who slaughters cattle or calves and whose slaughter plant or plants are located north of the Potomac River in the area designated as Zone 9 in § 1364.452 (i) (1) shall file with the Office of Price Administration at Washington, D. C., a true copy of the abattoir stamp used in each slaughter plant, and shall identify each abattoir stamp by indicating alongside thereof the name and business address of the slaughter plant at which each such abattoir stamp is used.

[Paragraph (d) amended by Am. 1, 7 F.R. 10719, effective 12-19-43; and Am. 4, effective 4-3-43]

(e) (1) Every separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) or (p) of § 1364.452 or paragraph (m) or (n) of § 1364.467 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, a complete and accurate record of each such sale and/or delivery showing the date of sale, the name and address of the buyer, the weight and grade of each type of fabricated meat cut and/or ground beef and miscellaneous beef item and/or boneless and miscellaneous veal cut sold to a purveyor of meals, the price charged and the total cost thereof. All sales of kosher meats are to be shown separately.

(2) On or before February 24, 1944, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) or (p) of § 1364.452 or paragraph (m) or (n) of § 1364.467 shall file a statement in duplicate with the appropriate Regional Office of the Office of Price Administration showing:

(i) The total volume by weight of all meats (fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage and similar products thereof) and variety meats and edible byproducts (defined in § 1364.455 (b) (6)), sold and/or delivered by such establishment from September 15, 1942, through December 15, 1942, other than to war procurement agencies;

(ii) The total volume by weight of all meats (fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage, and similar products thereof) and variety meats and edible byproducts (defined in § 1364.455 (b) (6)), sold and/or delivered from September 15, 1942, through December 15, 1942, to purveyors of meals other than to war procurement agencies;

(iii) The total volume by weight of all beef, veal, lamb and mutton, not including canned meats, variety meats and

edible byproducts (defined in § 1364.455 (b) (6)), sausage and similar products thereof, sold and/or delivered from September 15, 1942, through December 15, 1942, to purveyors of meals other than to war procurement agencies.

(3) Not later than the tenth day following each three months quota period ending August 31, November 30, February 28 or 29, or May 31, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) or (p) of § 1364.452 or paragraph (m) or (n) of § 1364.467, shall file with the appropriate Regional Office of the Office of Price Administration a statement showing for such three months quota period, the total volume by weight of fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts, sold or delivered by such selling establishment to purveyors of meals, other than the War Shipping Administration and/or contract schools.

(4) Not later than the tenth day following each three months quota period ending August 31, November 30, February 28 or 29 or May 31, each hotel supply house making sales of retail meat cuts and/or variety meats and edible byproducts and/or processed meat products to ultimate consumers, pursuant to paragraph (a) of § 1364.416, shall file with the appropriate Regional Office of the Office of Price Administration a statement showing for such three months quota period (i) the total volume by weight of all meats (fabricated, fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage and similar products thereof) and/or variety meats and edible byproducts sold by such establishment other than to contract schools and/or the War Shipping Administration; (ii) the total volume by weight of all retail meat cuts and/or variety meats and edible byproducts and/or processed meat products sold by such establishment to ultimate consumers.

[Paragraph (e) amended by Am. 2, 8 F.R. 164; effective 1-8-43; Am. 12, 8 F.R. 7109, effective 6-1-43; Am. 20, 8 F.R. 10362, effective 7-28-43; Am. 26, 8 F.R. 11445, effective 8-16-43; and Am. 36, effective 2-3-44]

(f) (1) Every person making a sale of any beef carcass, beef wholesale cut, veal carcass, veal wholesale cut, processed product or other meat item subject to this revised regulation shall furnish to the purchaser at the time of delivery a written statement setting forth the name and address of the buyer and seller; identifying each such item sold; and setting forth the quantity, the grade, including sex identification as to cow, stag, and bull, and the weight thereof, and the price charged and received therefor, including a separate statement of the transportation and local delivery charge as required by § 1364.454 (a) (6).

[Paragraph (f) (1) added by Am. 3, 8 F.R. 491, effective 1-16-43]

(2) (i) Every person shipping any of the meat items subject to this regulation shall send with each such shipment a copy of the written statement referred to in paragraph (f) (1), except, however, that the statement with respect to transportation and/or local delivery charges may be excluded.

(ii) Every person transporting any of the meat items subject to this regulation to a business establishment or warehouse controlled or operated by him, shall send with each freight car, truck or other method of transportation used a statement showing the name and address of the owner, the point of destination, and the identification of each item included within such freight car, truck or other method of conveyance, setting forth the quantity, the grade including sex identification as to cow, stag, or bull and the weight thereof.

(iii) Where the shipment constitutes the entire contents of a common carrier freight car or truck, the copy shall be posted in the car or truck near or on the door. Where the shipment constitutes only a part of the contents of a common carrier freight car or truck the copy shall be securely attached, in a conspicuous place, to one of the items included within the shipment. Where the shipment is by a vehicle other than a common carrier, the copy referred to shall be transferred to the custody of the driver and he shall be authorized to display it to enforcement officers on request.

(iv) For purposes of this paragraph (f) (2), the term "shipment" means all commodities consigned to a single buyer as a part of a single freight car or truck movement.

[Subparagraph (2) added by Am. 27, 8 F.R. 12748, effective 9-16-43; amended by Am. 29, 8 F.R. 13181, effective 9-29-43]

§ 1364.408 *Enforcement.* (a) Persons violating any provisions of this Revised Maximum Price Regulation No. 169 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended: *Provided,* That no war procurement agency, or any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Revised Maximum Price Regulation No. 169 or the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 169 or any price schedule, regulation or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1364.409 *Licensing.* The provisions of Licensing Order No. 1,[5] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1364.409 as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

§ 1364.410 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 169 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, as amended, issued by the Office of Price Administration.

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1364.411 *Duty to maintain grades.* No person shall sell, offer to sell, deliver or break any beef carcass or veal carcass, unless each such carcass has been graded in accordance with the provisions of this section. No custom slaughterer shall ship or deliver any beef carcass or wholesale cut, or veal carcass or wholesale cut unless each such carcass or wholesale cut has been graded in accordance with the provisions of this section. Each person shall maintain uniform grades, as specified in paragraph (a) of this section and shall determine his maximum prices upon the basis of such uniform grades rather than upon the basis of his own grades, as provided in paragraph (b) of this section.

[Above paragraph amended by Am. 4, 8 F.R. 4097, effective 4-3-43 and Am. 25, 8 F.R. 11298, effective 7-16-43]

(a) *Uniform grades.* (1) Beef carcasses and wholesale cuts derived from steers, heifers and cows shall be graded into the following uniform grades: choice, good, commercial, utility, cutter and canner; except, that no cow carcass or wholesale cut shall be graded choice. Beef carcasses and wholesale cuts derived from bulls and stags shall be graded in the same manner, except that no bull carcass or wholesale cut shall be graded choice or good, and no stag carcass or wholesale cut shall be graded choice. In determining the grade of each beef carcass or beef wholesale cut, the "Specifications for Official United States Standards for Grades of Carcass Beef"[6] set forth in Appendix C hereof, and incorporated herein as § 1364.520, shall be used, except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade choice, and the specifications therein for the two grades, cutter and canner, shall be combined and treated as a single grade.

(2) Veal carcasses and wholesale cuts shall be graded into the following uni-

[5] 8 F.R. 13240.

[6] Service and Regulatory Announcement No. 99, Official United States Standards for the Grades of Carcass Beef, United States Department of Agriculture, Food Distribution Administration, issued as amended May 1942.

form grades: choice, good, commercial, utility, and cull. In determining the grade of each such carcass or wholesale cut the "Specifications for Official United States Standards for Grades of Veal and Calf Carcasses"[7] set forth in Appendix D hereof, and incorporated herein as § 1364.529, shall be used except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade, choice.

[Paragraph (a) as amended by Am. 4, effective 4-3-43]

(b) *Duty to determine maximum prices on the basis of uniform grades.* The word "grade", as used in §§ 1364.451, 1364.452, 1364.466 and 1364.467 and in paragraph (c) of this section, means any uniform grade referred to in paragraph (a) of this section, and shall not be construed to mean the private grade of an individual seller.

Irrespective of the private grading system heretofore used by the seller, it shall be the duty of the seller, except as provided in paragraph (c) (3), to have classified into the uniform grades provided for in paragraph (a) of this section, by an official grader of the United States Department of Agriculture, the beef carcasses and beef wholesale cuts of cattle and the veal carcasses and veal wholesale cuts of calves slaughtered by the seller or sold by the seller, and then to determine the maximum price for each grade of beef carcass and beef whoesale cut by reference to §§ 1364.451 and 1364.452, and veal carcass and veal wholesale cut by reference to §§ 1364.466 and 1364.467.

[Paragraph (b) as amended by Am. 4, effective 4-3-43]

(c) *Duty to identify product by sex marks.* The sex identification shall be stamped on all bull and stag carcasses and wholesale cuts. The grade and prescribed sex identification of each beef carcass and wholesale cut, and veal carcass and wholesale cut must appear on the seller's invoice.

(1) The appropriate grade for each uniform grade shall be as follows:

Beef grade

Choice or AA.
Good or A.
Commercial or B.
Utility or C.
Cutter } or D.
Canner }

Veal grade

Choice or AA.
Good or A.
Commercial or B.
Utility or C.
Cull or D.

(2) (i) No person shall sell, offer to sell, deliver or break any beef or veal carcass irrespective of grade unless such carcass has been examined and graded by an official grader of the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc.", as modified to the extent set forth in Appendix B hereof, and as required by § 4002.2 of OES Regulation 1.[8] However, in any instance where any person is unable to procure the services of an official grader within 24 hours after such person has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) contained in § 1364.527 hereof, then the provisions of this subparagraph shall not apply, for so long a period as the Food Distribution Administration of the United States Department of Agriculture certifies in writing that it is unable to provide such person with the services of an official grader. During such period such beef and veal carcasses shall be graded by the seller in the manner provided in paragraphs (a), (b), (c) (1) and (c) (2) of this § 1364.411.

(ii) If the slaughterer is a farm slaughterer or if he is primarily the resident operator of a farm engaging only casually, and not as a business, in slaughtering cattle or calves as a service for others, he shall not be required to have the cattle or calves slaughtered by him graded by an official grader of the United States Department of Agriculture. Such beef or veal as is sold by such slaughterer, or is slaughtered by him as a service for sale by others, shall be graded by him in accordance with the requirements of paragraphs (a), (b), (c) (1), and (c) (2) of this § 1364.411. "Farm slaughterer" as used in this paragraph (c) (2) (ii) means a person chiefly engaged in producing agricultural products as the resident operator of a farm who did not deliver meat in 1941 of a live weight of more than 10,000 pounds and whose current slaughter is not in excess of that permitted such slaughterers under Food Distribution Order No. 27[9] or any superseding order.

(3) Whenever any person having a financial interest in any beef or veal carcass which has been graded by an official grader pursuant to paragraph (c) (2) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading by making an application for appeal grading in the manner provided in Regulation No. 5 (appeal grading) contained in § 1364.527 hereof, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C. of such appeal.

[Paragraph (c) amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 6, 8 F.R. 4344, effective 4-14-43; Am. 25, 8 F.R. 11293, effective 7-16-43]

(d) *Use of other grading and branding systems.* Any seller may use a private grading and branding system in addition to that required by the foregoing paragraphs of this section: *Provided,* That he shall identify his private grading and branding system in such manner as to distinguish it from the official grade stamp as required by paragraph (c) of this section.

§ 1364.412 *Applicability of General Maximum Price Regulation.*[10] The provisions of this Revised Maximum Price Regulation No. 169 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this revised regulation.

§ 1364.413 *Revocation of orders issued under Maximum Price Regulation No. 169.* (a) The order issued in the matter of Meyer Kornblum Packing Company (Docket No. 3169-8; July 27, 1942) and orders numbered 2, 3, 4, 5, 9, 10, 13, 15, 16, and 17 under Maximum Price Regulation No. 169 are hereby revoked.

(b) The orders issued in the matters of Jones Country Veal (Docket No. 3169-66); October 2, 1942, Order No. 11, and Earl H. Schurr (Docket No. 3169-43); October 28, 1942, Order No. 18, under Maximum Price Regulation No. 169 are hereby revoked.

[Text of § 1364.413 designated (a); (b) added by Am. 4, 8 F.R. 4097, effective 4-3-43]

§ 1364.414 *Effective date.* Revised Maximum Price Regulation No. 169 (§§ 1364.401 to 1364.414, inclusive; §§ 1364.451 to 1364.455, inclusive; §§ 1364.476 to 1364.477, inclusive; and §§ 1364.526 to 1364.530, inclusive) shall become effective December 16, 1942, except that it shall become effective December 10, 1942 as to sales to a war procurement agency. [Revised MPR 169 originally issued December 10, 1942.]

§ 1364.415 *Limitations on volume of sales to purveyors of meals.* (a) Notwithstanding the terms of any contract, agreement, or other obligation, no hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other seller's establishment shall sell and/or deliver to purveyors of meals other than the War Shipping Administration and/or contract schools, during any three month quota period beginning June 1, September 1, December 1, or March 1, a total volume by weight of fabricated meat cuts and/or ground beef and miscellaneous beef items, and/or boneless and miscellaneous veal cuts in excess of 90 percent of the total volume by weight of beef, veal, lamb and mutton, not including canned meats of any kind, variety meats and edible by-products of any kind, and/or sausage and similar products thereof, sold or delivered by such selling establishment from September 15, 1942, through December 15, 1942, to purveyors of meals other than to war procurement agencies, except that any selling establishment which was not engaged in sales of beef,

[7] Service and Regulatory Announcement No. 114, Official United States Standards for Grades of Veal and Calf Carcasses, United States Department of Agriculture, Food Distribution Administration, issued as amended October 1940.

[8] F.R. 10989.

[9] 8 F.R. 2785.

[10] 8 F.R. 3036, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9391, 11955.

veal, lamb and mutton to purveyors of meals from September 15, 1942, through December 15, 1942 for the reason that the selling unit and all facilities thereof were under the control of an agency of the United States Government, may determine its quota by reference to the three month quota period of 1942 immediately prior to such assumption of control: *Provided, however,* That any selling establishment may file an application in duplicate with the appropriate Regional Office of the Office of Price Administration or such other offices as may be authorized by the appropriate Regional Office, and request authorization to sell and/or deliver fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts to purveyors of meals. Such selling establishment shall allege and prove that the granting of such authorization will alleviate a critical shortage in supplies of such meat items available in the market area for purveyors of meals, which shortage has occurred because of: (1) the issuance of a judicial or administrative suspension order against any person in the market area prohibiting the sale and/or delivery by that person of any meat item subject to a quota restriction under the provisions of this regulation, or (2) the voluntary or involuntary cessation or suspension of business by a person, lawfully authorized to make sales pursuant to paragraph (a) of this § 1364.415.

Upon proof of the foregoing, the Regional Administrator for the area or such office as may be designated by the Regional Administrator, may by order, authorize a quota for such period and subject to such terms and conditions as are deemed necessary, not in excess, however, of such portion of ascertainable quota or quotas which remain unused in the market area and which cause the critical shortage. Following the issuance to any selling establishment of such authorization the Regional Administrator for the area shall forward a copy of the application together with a copy of the authorization and such other data as were used in the determination to the Administrator at Washington, D. C., for review. After review, the Regional Administrator or such office as may be authorized by the Regional Administrator shall change, modify or revoke the order in such manner as the Administrator deems appropriate. However, the provisions of the Regional Administrator's order or the order of such office as may be authorized by the Regional Administrator, shall remain in full force and effect until such time as it is changed, modified or revoked.

(b) The appropriate Regional Office of the Office of Price Administration may by order, adjust the quota established by any selling establishment pursuant to paragraph (a) of this § 1364.415 in any case where it is shown that the quota so established is below an amount which represents normal seasonal demand during any three month quota period and is substantially below the quota which such selling establishment would have arrived at if determined by reference to the corresponding three month quota period of 1942. Upon proof of the foregoing the Regional Administrator for the area may authorize such separate selling establishment by order, subject to such conditions as may be deemed appropriate, to sell or deliver a specified volume by weight of fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts to purveyors of meals during such three month quota period for which adjustment is sought: *Provided,* That the adjusted quota shall not be in excess of a quota determined pursuant to paragraph (a) of this § 1364.415 through application of sales made during the corresponding three month quota period of 1942.

(c) Any person who violates any provision of this section may, in addition to any other penalty provided by law, be prohibited by administrative suspension order from receiving, selling, using or otherwise disposing of any fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts. Such suspension order shall be issued for such period as in the judgment of the Administrator or such person as he may designate for that purpose, is necessary and appropriate in the public interest or to promote the national security.

(d) This section is issued under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 3, 1942; Directive No. 1 and Supplementary Directive No. 1-M of the War Production Board, issued on January 24, 1942, and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directives No. 1, No. 3, No. 5, No. 6 and No. 7, issued by the Secretary of Agriculture.

[§ 1364.415 added by Am. 12, 8 F.R. 7109, effective 6-1-43; amended by Am. 20, 8 F.R. 10362, effective 7-28-43; Am. 24, 8 F.R. 11081, effective 8-7-43; and Am. 36, effective 2-3-44, except with respect to the provisions of § 1364.415 which shall become effective as of 12-1-43].

§ 1364.416 *Limitation on volume of sales to ultimate consumers by hotel supply houses.* (a) Any hotel supply house may sell and/or deliver to ultimate consumers during any three month quota period beginning June 1, September 1, December 1 or March 1, a volume by weight of retail meat cuts and/or variety meats and edible by-products and/or processed meat products which are described and for which maximum prices are established for class 3 and 4 stores in Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton and All Variety Meats and Edible By-Products"; Maximum Price Regulation No. 336, "Retail Ceiling Prices for Pork Cuts and Processed Meat Products", and Maximum Price Regulation No. 394, "Retail Ceiling Prices for Kosher Beef, Veal, Lamb and Mutton Cuts", not in excess of 20 percent of the actual sales or deliveries made by it pursuant to paragraph (a) of § 1364.415 during the same three months quota period. Such sales at retail must be made at prices not higher than those established for class 3 and 4 stores: *Provided,* That no hotel supply house shall make sales to ultimate consumers pursuant to this paragraph (a) until (i) such hotel supply house shall have filed with the appropriate Regional Office of the Office of Price Administration a statement in affidavit form showing that from September 15, 1942, through December 15, 1942, such establishment regularly and generally made sales of retail meat items to ultimate consumers from the same selling establishment in conjunction with its sales to purveyors of meals and (ii) such hotel supply house has received written authorization from the appropriate Regional Office, approving such affidavit and authorizing the sale and/or delivery of fabricated beef cuts and/or fabricated veal cuts to purveyors of meals at maximum prices specified in § 1364.452 (o) (4) or § 1364.467 (n) (4) as the case may be, in addition to the sale to ultimate consumers of retail meat cuts and/or variety meats and edible by-products and/or processed meat products which are described and for which maximum prices are established therein under Maximum Price Regulations Nos. 355, 336 and 394 for class 3 and 4 stores. Nothing contained in this paragraph (a) shall be construed as to permit the sales and/or

deliveries of fabricated beef cuts and/or fabricated veal cuts to purchasers other than purveyors of meals.

(b) Any hotel supply house whose sales or deliveries to ultimate consumers, during any three month quota period, exceed 20% of the actual sales or deliveries made by it pursuant to paragraph (a) of § 1364.415 during the same three month quota period, shall thereafter be required to use the maximum prices specified in § 1364.452 (o) (5) or in § 1364.467 (n) (5), as the case may be, on sales of fabricated beef cuts and/or fabricated veal cuts to purveyors of meals.

[§ 1364.416 added, and former § 1364.416 redesignated § 1364.417 by Am. 36, effective 2-3-44]

§ 1364.417 *Effective dates of amendments.*

[Effective dates of amendments are shown in notes following the parts affected]

SUBPART B—PROVISIONS AFFECTING BEEF

§ 1364.451 *Maximum prices for beef carcasses and wholesale cuts.* Subject to the pricing instructions contained in paragraph (a), the maximum price of each grade of each beef carcass or wholesale cut shall be the maximum price determined as provided in paragraph (b).

(a) *Pricing instructions.* (1) Whenever used in this Revised Maximum Price Regulation No. 169, the term "lower price zone" means a price zone having a lower zone price, and the term "higher price zone" means a price zone having a higher zone price; the words "lower" and "higher" used in the respective terms shall not be construed to refer to the numerical designation of any zone.

(2) Except for the additions permitted in Schedule III hereof, incorporated herein as § 1364.454, the zone price shall be the delivered price anywhere within the zone to which such price applies. Schedule I (paragraphs (a) to (j), inclusive) hereof, incorporated herein as § 1364.452, contains a statement describing the geographical limits of each price zone and the zone prices established therefor.

(3) The applicable zone price shall be the price specified in Schedule I (§ 1364.452) for the zone in which is located the seller's distribution point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which local delivery to the buyer's place of business begins; or

(iii) From which the meat, consigned to the buyer, (*a*) is delivered to a common carrier, other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (*b*) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail unloading station nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which meat consigned to the buyer is delivered to a railway express company for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(4) Except as permitted in paragraph (l), (m), (n), (o) or (p) of Schedule I (§ 1364.452), regardless of any contract, agreement or other obligation, no person shall sell or deliver any beef or any part or portion of any beef carcass and no person in the course of trade or business shall buy or receive any beef or any part or portion of any beef carcass unless such beef or part or portion is a beef carcass or a beef wholesale cut as defined in § 1364.455, for which applicable prices have been established.

[Subparagraph (4) amended by Am. 6, 8 F.R. 4844, effective 4-14-43]

(5) On and after April 22, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver any ground, chopped or comminuted meat containing any proportion of beef or any miscellaneous beef item and no person in the course of trade or business shall buy or receive any ground, chopped or comminuted meat containing any proportion of beef or any miscellaneous beef item unless such ground, chopped or comminuted meat is ground beef and such miscellaneous beef item is a miscellaneous beef item as defined in § 1364.452 (p), for which applicable prices have been established.

[Subparagraph (5) added by Am. 6, effective 4-14-43 and amended by Am. 7, 8 F.R. 5170, effective 4-16-43]

(b) *Maximum price.* The maximum price for each grade of each beef carcass or beef wholesale cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of this § 1364.451 and specified in Schedule I (incorporated herein as § 1364.452), minus the required deductions, if any, specified in Schedule II (incorporated herein as § 1364.453), plus the permitted additions, if any, specified in Schedule III (incorporated herein as § 1364.454).

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1364.452 *Schedule I: Beef price zones and applicable zone prices*—(a) *Zone 1.* (1) Zone 1 includes the following areas: Washington, Oregon, California, and Nevada. All that portion of Idaho north of and including the counties of Idaho, Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce and Lewis.

[Subparagraph (1) as amended by Am. 23, 8 F.R. 13249, effective 10-2-43]

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 1.* Subject to the provisions of paragraph (k) of this section, the Zone 1 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.75 per cwt.

(b) *Zone 2.* (1) Zone 2 includes the following areas: Montana, Wyoming, Utah, Arizona and all that portion of Idaho south of, but not including Idaho county.

[Subparagraph (1) as amended by Am. 23, effective 10-2-43]

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 2.* Subject to the provisions of paragraph (k) of this section, the Zone 2 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.00 per cwt.

(c) *Zone 3.* (1) Zone 3 includes the following area:

Colorado and New Mexico.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 3.* Subject to the provisions of paragraph (k) of this section, the Zone 3 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price).

(d) *Zone 4.* (1) Zone 4 includes the following area:

North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma, and Texas.

All that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Montgomery, Warren, Franklin, Washington, Saint Francois, Madison, Wayne, and Butler.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) the applicable zone prices for Zone 4 are as follows:

[All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

	Grade					
	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter, canner or D	Bologna bulls (equivalent cutter and canner grade)
STEER OR HEIFER						
(i) Beef carcass or side	$20.00	$19.00	$17.00	$15.00	$12.25	$13.00
(ii) Hindquarter	22.25	21.00	18.25	15.75	12.25	13.00
(iii) Forequarter	18.00	17.25	16.00	14.50	12.25	13.00
(iv) Round	21.75	20.50	18.25	15.50		
(v) Trimmed full loin	29.00	27.25	22.50	19.25		
(vi) Flank	12.50	12.50	12.50	12.50		
(vii) Flank steak	23.00	23.00	23.00	23.00		
(viii) Short loin	32.00	29.75	24.75	21.50		
(ix) Sirloin	26.50	25.25	20.50	17.50		
(x) Cross cut chuck	18.00	17.25	15.75	14.25		
(xi) Regular chuck	19.50	18.25	17.00	15.00		
(xii) Brisket	15.75	15.75	13.75	13.75		
(xiii) Foreshank	11.50	11.50	11.50	11.50		
(xiv) Rib	23.50	22.25	20.50	18.00		
(xv) Short plate	13.50	13.50	12.75	12.75		
(xvi) Back	20.50	19.25	18.00	15.75		
(xvii) Triangle	17.25	16.50	15.25	14.00		
(xviii) Arm chuck	18.25	17.25	16.25	14.50		

[Table amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 6, 8 F.R. 4844, effective 4-14-43; Am. 13, 8 F.R. 6945, effective 6-1-43; Am. 15, 8 F.R. 7675, effective (1) as to sales or deliveries of fresh and frozen beef and veal, by others than wholesalers, hotel supply houses and peddler truck sellers, on June 14, 1943; (2) as to sales or deliveries of fresh and frozen beef and veal, by wholesalers, hotel supply houses and peddler truck sellers, on June 19, 1943; (3) as to sales or deliveries of miscellaneous beef items and processed products, by others than wholesalers, hotel supply houses and peddler truck sellers, on June 28, 1943; and (4) as to sales or deliveries of miscellaneous beef items and processed products by wholesalers, hotel supply houses and peddler truck sellers, on July 5, 1943 (effective dates of Am. 15 as amended by Am. 17, 8 F.R. 8677), and Am. 35, 8 F.R. 16600, effective 12-13-43]

The applicable Zone 4 price of each cow carcass or wholesale cut of cutter and canner grade or utility grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade; the applicable Zone 4 price of each cow carcass or wholesale cut of commercial grade or good grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of commercial grade.

The applicable Zone 4 price of each stag carcass or wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade.

The applicable Zone 4 price of each bull carcass or wholesale cut of utility grade or commercial grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade. The applicable Zone 4 price of each bologna bull carcass and wholesale cut, which are equivalent to cutter and canner grade are specified above.

The applicable zone price of each beef carcass or beef wholesale cut which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced carcass or corresponding wholesale cut.

[Above paragraph as amended by Am. 25, 8 F.R. 11298, effective 7-16-43]

(3) *Kosher beef wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) of this § 1364.452 and paragraph (b) of Schedule III (§ 1364.454), the applicable zone prices of kosher wholesale cuts for Zone 4 are as follows:

[All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

	Grade					
	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter, canner or D	Bologna bulls (equivalent cutter and canner grade)
STEER OR HEIFER						
(i) Forequarter	$18.75	$18.00	$16.75	$15.25	$13.00	$13.75
(ii) Triangle	18.00	17.25	16.00	14.75		
(iii) Cross cut chuck	18.75	18.00	16.50	15.00		
(iv) Regular chuck	20.25	19.00	17.75	15.75		
(v) Brisket	16.50	16.50	14.50	14.50		
(vi) Foreshank	12.25	12.25	12.25	12.25		
(vii) Short plate	14.25	14.25	13.50	13.50		
(viii) Arm chuck	19.00	18.00	17.00	15.25		
(ix) Rib	24.25	23.00	21.25	18.75		

[Table amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 6, 8 F.R. 4844, effective 4-14-43; Am. 13, 8 F.R. 6945, effective 6-1-43; Am. 15, 8 F.R. 7675; and Am. 35, 8 F.R. 16600, effective 12-13-43. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2).]

The applicable Zone 4 price of each kosher cow wholesale cut of cutter and canner grade or utility grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade; the applicable Zone 4 price of each kosher cow wholesale cut of commercial grade or good grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer or commercial grade.

The applicable Zone 4 price of each kosher stag wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade.

The applicable Zone 4 price of each kosher bull wholesale cut of utility grade or commercial grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade. The applicable Zone 4 price of each kosher bologna bull forequarter, which is equivalent to cutter and canner grade, is specified above.

The applicable zone price of each kosher beef wholesale cut which has not been graded or stamped by sex marks (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest priced corresponding kosher wholesale cut.

[Above paragraph as amended by Am. 25, 8 F.R. 11298, effective 7-16-43]

(e) *Zone 5.* (1) Zone 5 includes the following area:

All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair, and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, and Jefferson.

The following counties in Indiana: Lake, Newton, Benton, and Warren.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 5.* Subject to the provisions of paragraph (k) of this section, the Zone 5 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 50 cents per cwt.

(f) *Zone 6.* (1) Zone 6 includes the following area:

The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa, and Berrien.

Indiana except the counties of Lake, Newton, Benton, and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington, and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau,

Stoddard, Scott, New Madrid, Mississippi, Dunklin, and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg, and Todd.

The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston.

The state of Arkansas.

All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point the Point Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin, and Iberia.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 6.* Subject to the provisions of paragraph (k) of this section, the Zone 6 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 75 cents per cwt.

(g) *Zone 7.* (1) Zone 7 includes the following area:

The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The following counties of New York: Niagara, Erie, Chautauqua, and Cattaraugus.

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland, and Fayette.

All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan, and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler, and Logan.

All that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy, and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette, and Lamar.

All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo, and Issaquena.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 7.* Subject to the provisions of paragraph (k) of this section, the Zone 7 price for each grade of each class of beef carcass and wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.00 per cwt.

(h) *Zone 8.* (1) Zone 8 includes the following area:

All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango, and Broome; but excluding the counties of Niagara, Erie, Cattaraugus, and Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Centre, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford, and Fulton.

All that portion of West Virginia east of and including the counties of Monongalia, Marton, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming, and McDowell; but excluding the counties of Berkeley and Jefferson.

The following counties of Maryland: Garrett and Allegany.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd, and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie, and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke, and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda, and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt, and Thomas.

All that portion of Alabama south of and including the counties of De Kalb, Marshall, Blount, Jefferson, Tuscaloosa, and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds, and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption, and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 8.* Subject to the provisions of paragraph (k) of this section, the Zone 8 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.25 per cwt.

(i) *Zone 9.* (1) Zone 9 includes the following area:

Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond.

All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin.

New Jersey and Delaware.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Marys.

The District of Columbia.

The following counties in West Virginia: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin, and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln, and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper, and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Tolfair, Coffee, Berrien, Cook, and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando, and Pasco.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 9.* Subject to the provisions of paragraph (k) of this section, the Zone 9 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.50 per cwt.

(j) *Zone 10.* (1) Zone 10 includes the following area:

All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough, and Pinellas.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 10.* Subject to the provisions of paragraph (k) of this section, the Zone 10 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.75 per cwt.

(k) *Applicable zone price of miscuts.* For any beef wholesale cut which has been miscut or for any piece or portion of beef which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 169, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest priced wholesale cut.

(l) *Boneless beef for Army canned meat.* (1) On and after December 10, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any boneless beef for Army canned meat, and no person shall buy or receive any boneless beef for Army canned meat at a price higher than the maximum price permitted in paragraph (l) (2) of this section; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(2) The maximum delivered price for boneless beef for Army canned meat in each of the following price zones shall be:

Price zone:	*Zone prices per cwt. Frozen and boxed* [1]
1	$19.50
2	18.75
3	17.75
4	17.75
5	18.25
6	18.50
7	18.75
8	19.00
9	19.25
10	19.50

[1] If packed in a V-1, full telescope, weatherproof fibre board box, with a minimum of .100 caliper inches and a minimum dry bursting strength of 750# per square inch. $0.25 additional boxing charge may be made.

[Paragraph (2) amended by Am. 13, 8 F.R. 6945, effective 6-1-43; and Am. 15, 8 F.R. 7675. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2). Footnote added by Am. 35, 8 F.R. 16600, effective 12-13-43.]

(3) "Boneless beef for Army canned meat" as used in this paragraph (2) means beef derived from the grades and classes and satisfying the specifications and requirements contained in Notice No. 22, "Beef for canned meats," issued August 8, 1942, by the Chicago Quartermaster Depot of the United States Army. Any boneless beef for canned meat which has been rejected by a war procurement agency, or any of its authorized agents or representatives shall not be sold as boneless beef for Army canned meat.

(4) The maximum delivered price for boneless beef which does not qualify as boneless beef for Army canned meat or which has been rejected by a war procurement agency or any of its authorized agents or representatives shall be 50¢ per cwt. lower than the applicable zone price established for boneless beef for Army canned meat in paragraph (l) (2) of this section.

(5) In any case where the seller's plant at which the boneless beef for Army canned meat is boned, is located in a higher price zone than the canner's place of business, or the point of delivery designated by a war procurement agency, or any of its authorized agents or representatives, the price specified in paragraph (l) (2) of this section for the zone in which the seller's boning plant is located shall be the seller's f. o. b. boning plant price.

(6) In the event boneless beef for Army canned meat is ordered and delivered fresh, chilled or refrigerated, but unfrozen, the seller shall deduct 35¢ per cwt. from the applicable zone price specified in paragraph (l) (2) of this section.

(m) *Frozen boneless beef (Army specifications).* (1) On and after December 10, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless beef (Army specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum price permitted therefor in paragraph (m) (2) of this section.

(2) The maximum f. o. b. boning plant price for frozen boneless beef (Army specifications) in each of the following price zones shall be:

[Carload or less than carload quantities in dollars per hundredweight; frozen and packaged]

Price zone	Grade			
	Choice or AA	Good or A	Commercial or B	Utility or C
1	$30.70	$29.35	$26.60	$23.75
2	29.70	28.35	25.60	22.75
3	28.30	26.95	24.15	21.35
4	28.30	26.95	24.15	21.35
5	29.00	27.65	24.85	22.00
6	29.35	28.00	25.20	22.35
7	29.70	28.35	25.55	22.70
8	30.05	28.70	25.90	23.05
9	30.40	29.00	26.25	23.45
10	30.70	29.35	26.60	23.75

[Table amended by Am. 6, 8 F.R. 4844, effective 4-14-43; Am. 15, 8 F.R. 7675; Am. 21, 8 F.R. 9995, effective 7-16-43; Am. 28, 8 F.R. 13249, effective 10-2-43; and Am. 30, 8 F.R. 13181, effective 9-25-43]

On contracts made between April 23, 1943 and June 13, 1943, inclusive, for deliveries up to and including July 5, 1943, the seller may add $1.00 per cwt. to the applicable boning plant price.

[Above sentence added by Am. 8, 8 F.R. 5478, effective 4-23-43; amended by Am. 9, 8 F.R. 5634, effective 4-28-43; Am. 10, 8 F.R. 6058, effective 5-8-43; Am. 14, 8 F.R. 7199, effective 5-24-43; and Am. 16, 8 F.R. 8011, effective 6-8-43]

(3) "Frozen boneless beef (Army specifications)" as used in this paragraph (m) means beef, frozen and boneless, derived from steers and heifers of the grades choice, good or commercial or utility and satisfying the specifications and requirements contained in "C. Q. D. No. 11 C—Specifications for Beef: Boneless, Frozen," issued May 11, 1942 by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef which has been rejected by the purchasing agency of a war procurement agency shall not be sold as frozen boneless beef (Army specifications).

[Subparagraph (3) amended by Am. 6, 8 F.R. 4844, effective 4-14-43; Am. 28, 8 F.R. 13249, effective 10-2-43, and Am. 30, 8 F.R. 13181, effective 9-25-43]

(4) *Frozen boneless beef (hindquarters) (Army specifications).* On and after October 21, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless beef (hindquarters) (Army specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum prices permitted therefor in paragraph (m) (5) of this section.

(5) The maximum f. o. b. boning plant price for frozen boneless beef (hindquarters) (Army specifications) in each of the following price zones shall be:

[Carload or less than carload quantities; in dollars per hundredweight; frozen and packaged]

Price zone	Grades		
	Choice or AA	Good or A	Commercial or B
1	$35.35	$32.55	$28.60
2	34.30	31.50	27.55
3	32.85	30.05	26.10
4	32.85	30.05	26.10
5	33.60	30.80	26.85
6	33.95	31.15	27.20
7	34.30	31.50	27.55
8	34.65	31.85	27.90
9	35.00	32.20	28.25
10	35.35	32.55	28.60

(6) "Frozen boneless beef (hindquarters) (Army specifications)" as used in this paragraph (m) means hindquarters of beef, frozen and boneless, derived from steers and heifers of the grades choice, good or commercial and satisfying the specifications and requirements contained in "C. Q. D. No. 11 C—Specifications for Beef: Boneless, Frozen", issued May 11, 1942, by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef (hindquarters) which has been rejected by the purchasing agency of a war procurement agency shall not be sold as frozen boneless beef (Army specifications).

[Subparagraphs (4), (5) and (6) added by Am. 32, 8 F.R. 14400, effective 10-21-43]

(n) *Boneless processing beef.* (1) On and after December 16, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any boneless processing beef, and no person shall buy or receive any boneless processing beef at a price higher than the maximum price permitted therefor in paragraph (n) (2) of this section.

(2) The maximum delivered price for each of the following items of boneless processing beef shall be:

(A)

All prices are on a dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

Price zones	I Boneless bull (equivalent cutter and canner) fresh or frozen	II Fresh or frozen cutter and canner (other than boneless bull)	III Fresh kosher boneless bull forequarter (equivalent cutter and canner) Note 1	IV Fresh kosher boneless bull forequarter (equivalent cutter and canner) Note 2
1	$19.25	$18.25	----------	$20.25
2	18.50	17.50	----------	19.50
3	17.50	16.50	----------	18.50
4	17.50	16.50	----------	18.50
5	18.00	17.00	----------	19.00
6	18.25	17.25	----------	19.25
7	18.50	17.50	----------	19.50
8	18.75	17.75	----------	19.75
9	19.00	18.00	$21.50	20.00
10	19.25	18.25	----------	20.25

[1] Price subject to conditions 1 and 2 hereinafter set forth.

[2] Prices subject to condition 1 hereinafter set forth

[Table (A) amended by Am. 4, 8 F.R. 4097, effective 4-3-43; Am. 13, 8 F.R. 6945, effective 6-1-43; and Am. 15, 8 F.R. 7675. For effective dates of Am. 15, see note following Table in § 1364.452 (d) (2)]

Condition 1: The price established for kosher boneless bull forequarters shall apply only on sales of kosher boneless processing beef as such to processors of kosher processed products and no seller shall sell or deliver any boneless bull forequarter at the price established therefor or at a price higher than established for non-kosher boneless bull meat in column I hereof, unless the buyer of such kosher boneless bull forequarter is a bona fide processor of kosher processed products. For the sale of any kosher boneless bull forequarter to a person other than a bona fide processor of kosher processed products, the price shall be determined by use of the applicable zone price established for non-kosher boneless bull meat in column I, and the seller shall remove all stamps and designations which identify the boneless bull meat as kosher.

Condition 2: For kosher boneless bull forequarters derived from bologna bulls (equivalent of cutter and canner grade) slaughtered in that portion of Zone 9 north of the Potomac River, and which clearly bear the abattoir stamp at the time of sale, the seller may charge the price established in column III hereof: *Provided,* That such kosher boneless bull forequarter shall be sold to a bona fide processor of kosher processed products located in that portion of Zone 9 north of the Potomac River. The column III price shall not be charged or received for the sale of any kosher boneless bull forequarter which does not bear the abattoir's stamp clearly legible.

[Condition 2 amended by Am. 1, 7 F.R. 10719, effective 12-19-42, and Am. 4, effective 4-3-43]

Condition 3: Revoked.

[Condition 3 revoked by Am. 4, effective 4-3-43]

(B)

[All prices are on a dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

Price zones	V	VI	VII	VIII	IX
	Beef trimmings; 25% trimmable fat; fresh or frozen	Boneless chucks (cutter and canner including bulls) 10% trimmable fat; fresh or frozen	Boneless shank meat; fresh or frozen	Rough flank meat, all grades (flank steak removed)	Sterilized beef trimmings; 25% trimmable fat; fresh or frozen
1	$16.75	$18.50	$18.25	$12.75	$14.75
2	16.00	17.75	17.50	12.00	14.00
3	15.00	16.75	16.50	11.00	13.00
4	15.00	16.75	16.50	11.00	13.00
5	15.50	17.25	17.00	11.50	13.50
6	15.75	17.50	17.25	11.75	13.75
7	16.00	17.75	17.75	12.00	14.00
8	16.25	18.00	18.00	12.25	14.25
9	16.50	18.25	18.25	12.50	14.50
10	16.75	18.50	18.50	12.75	14.75

[Table (B) amended by Am. 13, effective 6-1-43 and Am. 15. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

(3) "Boneless processing beef" as used in this paragraph (n) of this § 1364.452 means any beef carcass of cutter and canner grade, including any bull carcass of equivalent grade, commonly designated as "bologna bull", from which the bones have been removed and which has been trimmed. Boneless processing beef includes the item, boneless chucks (regular chucks from which the bones have been removed), derived from boneless carcasses of cutter and canner grade, including bologna bulls. Beef trimmings of any grade, all grades of rough flank meat (wholesale flank after removal of the flank steak), boneless foreshanks of any grade, and boneless hindshanks of cutter and canner grade are separate items of boneless processing beef.

[Subparagraph (3) as amended by Am. 15. For effective dates see note following table in § 1364.452 (d) (2)]

(o) *Applicable zone prices for fabricated beef cuts and/or ground beef and miscellaneous beef items sold to purveyors of meals.* (1) (i) Subject to the pricing instructions contained in paragraph (a) of § 1364.451, the maximum price for each grade of each fabricated beef cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of § 1364.451, substituting for the purposes of this paragraph (o) the term "fabricated beef cut" wherever the words "wholesale cut" or "wholesale cuts" are used in said paragraph (a) of § 1364.451, plus the permitted additions, if any, specified in Schedule III (§ 1364.454), excluding therefrom the additions permitted under paragraph (e) and (f) thereof, minus the required deductions, if any, specified in Schedule II (§ 1364.453), applicable to beef carcasses and wholesale cuts, substituting for purposes of this paragraph (o) the term "fabricated beef cut" wherever the words "wholesale cut" or "wholesale cuts" are used in Schedule II and Schedule III. No person shall sell or deliver any fabricated beef cut and no person shall buy or receive any fabricated beef cut unless such fabricated beef cut is a fabricated beef cut as defined in § 1364.455 (b) (3) for which applicable zone prices have been established.

(ii) Subject to the pricing instructions contained in paragraph (a) of §1364.451, the maximum price for ground beef and each miscellaneous beef item shall be the applicable zone prices determined in accordance with the provisions of paragraph (a) of § 1364.451, substituting for the purposes of this paragraph (o) the term "ground beef and miscellaneous beef item" wherever the words "wholesale cut" or "wholesale cuts" are used in said paragraph (a) of § 1364.451, plus the permitted additions, if any, specified in Schedule III (§ 1364.454), minus the required deductions, if any, specified in Schedule II (§ 1364.453), applicable to beef carcasses and wholesale cuts, substituting for purposes of this paragraph (o) the term "ground beef and miscellaneous beef item" wherever the words "wholesale cut" or "wholesale cuts" are used in Schedule II and Schedule III. No person shall sell or deliver any ground beef or miscellaneous beef item and no person shall buy or receive any ground beef or miscellaneous beef item unless such ground beef or miscellaneous beef item is ground beef or a miscellaneous beef item as defined in § 1364.452 (p) (4) and (p) (7) respectively, for which applicable zone prices have been established.

(2) The zone areas for each grade of each fabricated beef cut and/or ground beef and miscellaneous beef items are identical to the beef zone areas set forth in Schedule I (§ 1364.451).

(3) The applicable prices in Zones 1 and 2 and 5 to 10 for fabricated beef cuts and/or ground beef and miscellaneous beef items shall be the prices specified in subparagraphs (4) or (5) and (6) hereof respectively, (the applicable Zone 3 and 4 prices) plus the following:

Zone 1	$1.75
Zone 2	1.00
Zone 5	.50
Zone 6	.75
Zone 7	1.00
Zone 8	1.25
Zone 9	1.50
Zone 10	1.75

[Subparagraphs (1), (2) and (3) amended by Am. 4, 8 F.R. 4037, effective 4-3-43; Am. 12, 8 F.R. 7109, effective 6-1-43; Am. 20, 8 F.R. 10362, effective 7-23-43; and Am. 36, effective 2-3-44]

(4) The fabricated beef cut prices applicable in Zone 3 and 4 for sales by a hotel supply house to purveyors of meals, subject to the provisions in paragraph (k) of § 1364.452, substituting for the purpose of this paragraph (o) the term "fabricated beef cut" for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include cost of packaging, boxing and freezing. The additions set forth in §1364.454 (e) and (f) may not be charged]

	Grade			
	Choice or AA	Good or A	Commercial or B	Utility or C
FABRICATED BEEF CUTS				
(i) Round, rump and shank off	$26.00	$23.75	$24.75	$20.50
(ii) Boneless rump (butt)	23.00	22.75	21.00	18.75
(iii) Hind shank	11.50	11.50	11.50	11.50
(iv) Boneless round	33.00	31.00	27.25	22.50
(v) Inside (top) round	36.75	34.25	29.75	24.25
(vi) Outside (bottom) round	36.75	34.25	29.75	24.25
(vii) Knuckle (face)	27.50	27.50	24.25	21.25
(viii) Gooseneck boneless round	32.50	29.75	26.50	24.75
(ix) Strip loin (bone in)	49.50	44.75	36.50	29.00
(x) Boneless strip	59.00	53.75	44.00	34.75
(xi) Trimmed full beef tenderloin	58.25	58.25	49.25	49.25
(xii) Trimmed sirloin tenderloin (butt tenderloin)	58.25	58.25	49.25	49.25
(xiii) Trimmed tip tenderloin (short tenderloin)	58.25	58.25	49.25	49.25
(xiv) Boneless sirloin (butt)	33.75	34.25	27.00	21.25
(xv) Top sirloin (butt)	45.75	44.00	35.75	26.25
(xvi) Bottom sirloin (butt)	30.25	27.25	20.75	17.75
(xvii) Boneless chuck[1]	26.75	25.00	23.25	20.50
(xviii) Boneless chuck (shoulder clod cut)	26.00	24.25	22.75	19.75
(xix) Shoulder clod	29.00	27.75	25.75	23.00
(xx) Boneless briskets (deckle on)	23.50	23.50	20.25	20.25
(xxi) Boneless briskets (deckle off)	29.50	29.50	24.75	24.75
(xxii) Oven prepared rib	31.50	29.50	27.25	23.50
(xxiii) Rib short ribs, plate short ribs	21.00	21.00	19.25	19.25
(xxiv) Rib, boned, rolled and tied	42.25	37.00	34.00	29.50
(xxv) Spencer roll	(2)	(2)	41.50	35.75
(xxvi) Regular roll (rib eye)	(2)	(2)	64.50	54.25
(xxvii) Boneless short plate	20.00	20.00	19.00	19.00
(xxviii) Cube steak	22.50	22.50	22.50	22.50
(xxix) Flank steak, scored	25.00	25.00	25.00	25.00
(xxx) Club steaks, bone in	50.00	47.00	38.25	34.00
(xxxi) Boneless strip steaks	61.25	55.25	45.25	35.75
(xxxii) Porterhouse steaks (bone in)	50.00	47.00	38.25	34.00
(xxxiii) T-Bone steaks (bone in)	50.00	47.00	38.25	34.00
(xxxiv) Boneless sirloin steaks	37.75	35.25	27.75	21.75
(xxxv) Top sirloin steaks	47.00	45.25	35.75	27.00
(xxxvi) Boneless rump (butt) (corned)[3]	24.00	24.00	20.50	20.50
(xxxvii) Inside (top) round (corned) and outside (bottom) round (corned)[4]	34.75	34.75	27.00	27.00

[1] On sales to federal, state or municipal institutions only, $0.25 per hundredweight may be added for grinding commercial or utility grades of boneless chuck: *Provided*, That

a written request is received by the seller from the buyer for each such order specifically showing (1) that the buyer requests the seller to perform the grinding operation, (2) the weight of ground beef so requested, and (3) the grade of boneless chuck requested to be ground. In addition an F. D. A. meat inspector must be present at the time of grinding and must issue a certificate in duplicate form stating the weight and grade of boneless chuck ground. Both seller and buyer must retain such certificate and request for inspection by the O. P. A.

[2] This grade not permitted to be sold and/or delivered.

[3] The cured weight of boneless rump (butt) (corned) shall not exceed the green weight by more than 10 percent.

[4] The cured weight of inside (top) round (corned) and outside (bottom) round (corned) shall not exceed the green weight by more than 10 percent.

[Subparagraph (4) amended by Am. 12, 8 F.R. 7109, effective 6-1-43; Am. 15, 8 F. R. 7675; Am. 28, 8 F.R. 13249, effective 10-2-43, Am. 31, 8 F.R. 14009, effective 10-16-43 and Am. 36, effective 2-3-44. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2).]

(5) The fabricated beef cut prices applicable in Zones 3 and 4 for sales by packing or slaughtering plants, packing branch houses, wholesaler's or other selling establishments to purveyors of meals subject to the provisions in paragraph (k) of § 1364.452, substituting for the purposes of this paragraph (o) the term "fabricated beef cut" for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include costs of packaging, boxing and freezing. The additions set forth in § 1364.454 (e) and (f) may not be charged.]

	Grade			
	Choice or AA	Good or A	Commercial or B	Utility or C
FABRICATED BEEF CUTS				
(i) Round, rump and shank off	$28.25	$26.50	$23.25	$19.25
(ii) Boneless rump (butt)	22.75	20.50	19.25	17.00
(iii) Hind shank	11.50	11.50	11.50	11.50
(iv) Boneless round	30.50	28.50	25.00	20.75
(v) Inside (top) round	33.50	31.25	27.00	21.75
(vi) Outside (bottom) round	33.50	31.25	27.00	21.75
(vii) Knuckle (face)	26.00	26.00	23.00	20.50
(viii) Gooseneck boneless round	30.25	27.75	24.50	23.00
(ix) Strip loin (bone in)	46.00	41.50	34.50	28.00
(x) Boneless strip	55.25	49.75	41.50	33.50
(xi) Trimmed full beef tenderloin	54.00	54.00	45.00	45.00
(xii) Trimmed sirloin tenderloin (butt tender)	54.00	54.00	45.00	45.00
(xiii) Trimmed tip tenderloin (short tender)	54.00	54.00	45.00	45.00
(xiv) Boneless sirloin (butt)	34.00	31.75	24.75	18.75
(xv) Bottom sirloin (butt)	28.50	26.25	19.75	16.25
(xvi) Top sirloin (butt)	41.75	39.25	31.75	22.25
(xvii) Boneless chuck [1]	25.00	23.50	21.75	19.25
(xviii) Boneless chuck (shoulder clod out)	24.00	22.50	21.00	18.50
(xix) Shoulder clod	28.00	26.50	24.75	22.00
(xx) Boneless brisket	22.00	22.00	18.75	18.75
(xxi) Boneless brisket (deckle off)	27.25	27.25	23.00	23.00
(xxii) Oven prepared rib	29.50	27.50	25.50	22.00
(xxiii) Rib short ribs, plate short ribs	19.00	19.00	17.25	17.25
(xxiv) Rib, boned, rolled and tied	36.50	34.50	31.50	27.25
(xxv) Spencer roll	(2)	(2)	38.25	32.75
(xxvi) Regular roll (rib eye)	(2)	(2)	58.75	49.25
(xxvii) Boneless short plate	18.75	18.75	17.50	17.50
(xxviii) Cube steaks	21.50	21.50	21.50	21.50
(xxix) Flank steak (scored)	23.00	23.00	23.00	23.00
(xxx) Club steaks (bone in)	46.50	43.50	35.50	31.50
(xxxi) Boneless strip steaks	57.00	51.25	42.75	34.50
(xxxii) Porterhouse steaks (bone in)	46.50	43.50	35.50	31.50
(xxxiii) T-bone steaks (bone in)	46.50	43.50	35.50	31.50
(xxxiv) Boneless sirloin steaks	35.00	32.75	25.50	19.25
(xxxv) Top sirloin steaks	43.00	40.50	32.75	23.00
(xxvi) Boneless rump (butt) (corned) [3]	22.00	22.00	18.75	18.75
(xxxvii) Inside (top) round (corned) and outside (bottom) round (corned) [4]	32.00	32.00	24.50	24.50

[1] On sales to federal, state or municipal institutions only, $0.25 per hundredweight may be added for grinding commercial or utility grades of boneless chuck: *Provided*, That a written request is received by the seller from the buyer for each such order specifically showing (1) that the buyer requests the seller to perform the grinding operation, (2) the weight of ground beef so requested, and (3) the grade of boneless chuck requested to be ground. In addition an F. D. A. meat inspector must be present at the time of grinding and must issue a certificate in duplicate form stating the weight and grade of boneless chuck ground. Both seller and buyer must retain such certificate and request for inspection by the O. P. A.

[2] This grade not permitted to be sold and/or delivered.

[3] The cured weight of boneless rump (butt) (corned) should not exceed the green weight by more than 10 percent.

[4] The cured weight of inside (top) round (corned) and outside (bottom) round (corned) shall not exceed the green weight by more than 10 percent.

[Subparagraph (5) amended by Am. 12, effective 6-1-43; Am. 15; Am. 28, effective 10-2-43; Am. 31, effective 10-16-43 and Am. 36, effective 2-3-44. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2).]

(6) The zone prices for ground beef and miscellaneous beef items applicable in Zones 3 and 4 for sales by a hotel supply house to purveyors of meals are as follows:

[All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly; all prices set forth herein include costs of packaging, except where otherwise specifically provided for]

	Per cwt.
(i) Ground beef, fresh	$19.50
(ii) Ground beef, sharp frozen	20.25
(iii) Ground beef, patties	20.75
(iv) Ground beef, patties (shipped in dry ice)	21.75
(v) Canner, cutter or bull tenderloins 2 to 3 lbs	27.50
(vi) Canner, cutter or bull tenderloins 3 to 5 lbs	30.25
(vii) Canner, cutter or bull tenderloins 5 to 6 lbs	36.00
(viii) Canner, cutter or bull tenderloins 6 lbs and up	43.50
Dried beef:	
(ix) Beef inside	47.00
(x) Beef outside	45.25
(xi) Beef knuckle, bone in	43.00
(xii) Sliced dried beef packed in 5 lb. cartons	63.25
(xiii) Sliced dried beef packed in 3 lb. cartons	64.00
(xiv) Sliced dried beef packed in ¼ lb. cellophane packages	65.75

	Choice and Good AA and A	Commercial and Utility B and C
CORNED BEEF		
	Per cwt.	*Per cwt.*
(xv) Corned briskets, boneless, deckle on	$23.00	$21.125
(xvi) Corned short plates, bone in	17.00	16.25
(xvii) Corned short plates, boneless	20.75	19.75
(xviii) Corned briskets, boneless, deckle off	27.00	25.50
(xix) Kosher corned boneless briskets, deckle on	24.00	22.125
(xx) Kosher corned short plates, bone in	18.00	17.25
(xxi) Kosher corned short plates, boneless	21.75	20.75
(xxii) Kosher corned boneless briskets, deckle off	28.00	26.50

Definitions for ground beef and the miscellaneous beef items herein are set forth in § 1364.452 (p).

[Subparagraph (6) amended by Am. 12, effective 6-1-43; Am. 15 and Am. 28, effective 10-2-43. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

(p) *Ground beef and miscellaneous beef items.* (1) On and after April 22, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver any ground beef or miscellaneous beef item, and no person in the course of trade or business shall buy or receive any ground beef or miscellaneous beef item at a price higher than the maximum price permitted therefor in paragraph (p) (2) of this section.

[Subparagraph (1) as amended by Am. 7, 8 F.R. 5170, effective 4-16-43]

(2) Subject to the pricing instructions contained in paragraph (a) of § 1364.451, the maximum price for ground beef or each grade of each miscellaneous beef item shall be the applicable zone price determined in accordance with the provision of said paragraph (a) of § 1364.451 and specified in paragraph (p) (3) hereof, minus the required deductions, if any, specified in this paragraph (p) and in Schedule II (§ 1364.453) applicable to beef carcasses and wholesale cuts, plus the permitted additions, if any, specified in this paragraph (p) and in paragraph (a) of Schedule III (§ 1364.454).

(3) Subject to the provisions of subparagraph (8) hereof, the applicable zone price for ground beef and each of the following miscellaneous beef items shall be:

[All prices are on a dollars per hundredweight basis, except where otherwise noted; the price for any fraction of a hundredweight shall be reduced accordingly]

Zone	I	II	III				IV															
	Ground beef, quick frozen and packaged in fiber boxes or containers[1]	Ground beef patties, quick frozen and packaged in fiber boxes or containers[2]	Trimmed beef tenderloin, cutter and canner grade (may not be sold to retailers).				Corned beef—loose basis															
			1	2	3	4	1		2		3		4		5		6		7		8	
			Range 2-3 lbs.	Range 3-5 lbs.	Range 5-6 lbs.	Range 6 lbs. and up	Corned briskets, boneless, deckle on[3]		Corned briskets, boneless, deckle off[3]		Corned short plates, bone in[3]		Corned short plates, boneless[3]		Kosher corned boneless briskets, deckle on[3]		Kosher corned boneless briskets, deckle off[3]		Kosher corned short plates, bone in[3]		Kosher corned short plates, boneless[3]	
							Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C
1	$20.00	$20.50	$26.75	$29.25	$34.75	$40.50	$22.75	$20.875	$26.75	$25.25	$16.75	$16.00	$20.50	$19.50	$23.75	$21.875	$27.75	$26.25	$17.75	$17.00	$21.50	$20.50
2	19.25	19.75	26.00	28.50	34.00	39.75	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75	23.00	21.125	27.00	25.50	17.00	16.25	20.75	19.75
3	18.25	18.75	25.00	27.50	33.00	38.75	21.00	19.125	25.00	23.50	15.00	14.25	18.75	17.75	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75
4	18.25	18.75	25.00	27.50	33.00	38.75	21.00	19.125	25.00	23.50	15.00	14.25	18.75	17.75	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75
5	18.75	19.25	25.50	28.00	33.50	39.25	21.50	19.625	25.50	24.00	15.50	14.75	19.25	18.25	22.50	20.625	26.50	25.00	16.50	15.75	20.25	19.25
6	19.00	19.50	25.75	28.25	33.75	39.50	21.75	19.875	25.75	24.25	15.75	15.00	19.50	18.50	22.75	20.875	26.75	25.25	16.75	16.00	20.50	19.50
7	19.25	19.75	26.00	28.50	34.00	39.75	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75	23.00	21.125	27.00	25.50	17.00	16.25	20.75	19.75
8	19.50	20.00	26.25	28.75	34.25	40.00	22.25	20.375	26.25	24.75	16.25	15.50	20.00	19.00	23.25	21.375	27.25	25.75	17.25	16.50	21.00	20.00
9	19.75	20.25	26.50	29.00	34.50	40.25	22.50	20.625	26.50	25.00	16.50	15.75	20.25	19.25	23.50	21.625	27.50	26.00	17.50	16.75	21.25	20.25
10	20.00	20.50	26.75	29.25	34.75	40.50	22.75	20.875	26.75	25.25	16.75	16.00	20.50	19.50	23.75	21.875	27.75	26.25	17.75	17.00	22.00	20.50

Zone	V										VI							
	Corned beef (Army, Navy or Federal Surplus Commodities Corporation Specifications)—loose basis—may be sold to War Procurement Agencies only										Dried beef							
	1		2		3		4		5	6	1	2	3	4	5	6	7	8
	Corned briskets boneless, deckle on[3]		Corned briskets boneless, deckle off[3]		Corned short plates, bone in[3]		Corned short plates, boneless[3]		Corned rump butts, Utility or O grade[3]	Corned shoulder clod, Utility or O grade[3]	Cured beef ham sets, Utility or O grade[3]	Dried beef ham sets, Utility or O grade, wrapped in parchment paper[4]	Cured beef insides, Utility or O grade[3]	Dried beef insides, Utility or O grade, wrapped in parchment paper[4]	Cured beef outsides, Utility or O grade[3]	Dried beef outsides, Utility or O grade, wrapped in parchment paper[4]	Cured beef knuckles "bone in" Utility or O grade[3]	Dried beef knuckles "bone in" Utility or O grade wrapped in parchment paper[4]
	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C										
1	$22.75	$20.875	$26.75	$25.25	$16.75	$16.00	$20.50	$19.50	$21.50	$24.00	$23.25	$40.00	$27.50	$47.00	$25.00	$45.75	$25.00	$43.50
2	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75	20.75	23.25	22.50	43.25	26.75	46.75	24.75	45.00	24.25	42.75
3	21.00	19.125	25.00	23.50	15.00	14.25	18.75	17.75	19.75	22.25	21.50	41.25	25.75	45.75	23.75	44.00	23.25	41.75
4	21.00	19.125	25.00	23.50	15.00	14.25	18.75	17.75	19.75	22.25	21.50	44.25	25.75	45.75	23.75	44.00	23.25	44.75
5	21.50	19.625	25.50	24.00	15.50	14.75	19.25	18.25	20.25	22.75	22.00	44.75	26.25	46.25	24.25	44.50	23.75	42.25
6	21.75	19.875	25.75	24.25	15.75	15.00	19.50	18.50	20.50	23.00	22.25	45.00	26.50	46.50	24.50	44.75	24.00	42.50
7	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75	20.75	23.25	22.50	45.25	26.75	46.75	24.75	45.00	24.25	42.75
8	22.25	20.375	26.25	24.75	16.25	15.50	20.00	19.00	21.00	23.50	22.75	45.50	27.00	47.00	25.00	45.25	24.50	43.00
9	22.50	20.625	26.50	25.00	16.50	15.75	20.25	19.25	21.25	23.75	23.00	45.75	27.25	47.25	25.25	45.50	24.75	43.25
10	22.75	20.875	26.75	25.25	16.75	16.00	20.50	19.50	21.50	24.00	23.25	46.00	27.50	47.50	25.50	45.75	25.00	43.50

[1] If ground beef is not quick frozen, the applicable zone price shall be reduced 75¢ per cwt. If ground beef is unpackaged or packaged otherwise than in fiber boxes or containers, the applicable zone price shall be reduced 25¢ per cwt.

[2] If ground beef patties are not quick frozen, the applicable zone price shall be reduced 75¢ per cwt. If ground beef patties are unpackaged or packaged otherwise than in fiber boxes or containers, the applicable zone price shall be reduced 25¢ per cwt. For ground beef patties, quick frozen, and packaged in double corrugated cartons containing 10 or 20 pounds of product which is wrapped in white wax paper and shipped with dry ice to assure delivery in a frozen condition, $1.00 per cwt. may be added to the applicable zone price.

[3] (a) The following packaging charges may be added to the applicable zone price:

	Per cwt.
For slack barrels	$0.25
For tierces "pickle on"	1.00
For 200 lb. net weight tight hardwood barrels "pickle on"	1.50
For 100 lb. net weight tight hardwood barrels "pickle on"	1.75
For 50 lb. net weight tight hardwood kegs "pickle on"	2.00
For 25 lb. net weight tight hardwood kits "pickle on"	2.50
For one piece fibre carton	.75
For wooden boxes	.50

(b) For kosher corned beef items made from cattle slaughtered in that portion of Zone 9 north of the Potomac River, which meat clearly bears the abattoir's stamp at the time of sale, the seller may add $1.00 per cwt. to the applicable Zone 9 price in column IV hereof: *Provided*, That such kosher corned beef shall be sold to a bona fide seller of kosher meat located in that portion of Zone 9 north of the Potomac River. This addition shall not be charged or received for the sale of any kosher corned beef item which does not bear the abattoir's stamp clearly legible.

[4] If dried beef is sold unwrapped or wrapped otherwise than in parchment paper, the applicable zone price shall be reduced 25¢ per cwt. For packing in slack barrels 25¢ per cwt. may be added.

Zone	VII Sliced dried beef									VIII Boneless stewing beef may be sold to Federal, State or municipal institutions only	IX Boneless chuck (shoulder clod out) Utility or C grade [8]
	1 Packed in 5 lb. cartons	2 Packed in 3 lb. cartons	3 Packed in ¼ lb. cellophane packages	4 Packed in 1½ oz. glass jars price per dozen	5 Packed in 2 oz. glass jars price per dozen	6 Packed in 2½ oz. glass jars price per dozen	7 Packed in 3½ oz. glass jars price per dozen	8 Packed in 5 oz. glass jars price per dozen	9 Packed in 7 oz. glass jars price per dozen	Frozen in 5 lb. bricks and packed with dry ice in 50 lb. containers [8]	
1	$56.75	$57.50	$60.75	$1.14	$1.42	$1.71	$2.37	$3.06	$4.13	$23.25	$18.50
2	56.50	56.75	60.00	1.11	1.38	1.66	2.32	2.98	4.04	22.60	17.75
3	55.00	55.75	59.00	1.07	1.33	1.61	2.25	2.88	3.92	21.50	16.75
4	55.00	55.75	59.00	1.07	1.33	1.61	2.25	2.88	3.92	21.50	16.75
5	55.50	56.25	59.50	1.09	1.35	1.64	2.28	2.93	3.98	22.00	17.25
6	55.75	56.50	59.75	1.10	1.37	1.65	2.30	2.96	4.01	22.25	17.50
7	56.00	56.75	60.00	1.11	1.38	1.66	2.32	2.98	4.04	22.50	17.75
8	56.25	57.00	60.25	1.12	1.39	1.68	2.34	3.00	4.07	22.75	18.00
9	56.50	57.25	60.50	1.13	1.41	1.69	2.36	3.03	4.10	23.00	18.25
10	56.75	57.50	60.75	1.14	1.42	1.71	2.37	3.06	4.13	23.25	18.50

[8] If boneless stewing beef is not packed with dry ice, the applicable zone price shall be reduced 10 cents per cwt.

[Table amended by Am. 11, 8 F.R. 6427, effective 5-14-43; Am. 15, 8 F.R. 7675; Am. 23, 8 F.R. 10671, effective 7-29-43; Am. 24, 8 F.R. 11081, effective 8-7-43; Am. 28, 8 F.R. 13249, 14305; and Am. 31, 8 F.R. 14009, effective 10-16-43. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2)]

(4) "Ground beef" (hamburger, hamburg steak, hamburger steak) means ground, chopped or comminuted fresh beef derived from the skeletal portions of the dressed carcass (but not including head meat), which contains no offal, added blood, cartilage, gristle, bone, cereal product or other ingredient except seasoning, and which does not have a fat content in excess of 28 percent by chemical analysis. Ground beef shall be ground at least twice, the final grinding through a plate with holes not more than 3/16 of an inch in diameter, or chopped in a rotary cutter, or by other means giving equivalent results.

(5) "Ground beef patties" as used herein means ground beef which has been formed into sticks, loaves, or cylinders and then sliced into pieces of uniform thickness, each of which shall not weigh more than three ounces.

(6) "Quick frozen" as used in this paragraph (p) means the freezing as rapidly as practicable in a sharp freezer or wind tunnel to a temperature not higher than minus 10° Fahrenheit, and the maintenance of the product in a thoroughly frozen condition until delivered to the buyer's place of business.

(7) "Miscellaneous beef item" means and is limited to any of the following items meeting the following minimum specifications:

(i) *Full trimmed beef tenderloin.* "Full trimmed beef tenderloin" means the cutter and canner or bologna bull grade tenderloin muscle with the attached side strip muscle lying inside of the full loin, cut and trimmed as herein required. The tenderloin shall be removed from the full loin by cutting along the inside of the chine bone following the conformation of this bone from the tip of the loin or at the point where the 13th rib joins the 13th thoracic vertebra to the end of the chine bone or at a point adjacent to the 5th sacral vertebra and by a cut at the butt end of the tenderloin which shall be made along the hip bone following the natural seam (or blue seam) in the sirloin end of loin. Full trimmed beef tenderloin shall be void of any head muscle and all the excess fat shall be removed from the back of the tenderloin so as to expose the gland which lies about 6 inches forward from the butt end of the tenderloin. All the fat lying beyond the exposed gland shall be tapered down to a point that in no case shall extend beyond three quarters of the length of the entire tenderloin.

[Subparagraph (i) as amended by Am. 15, 8 F.R. 7675. For effective dates see note following table in § 1364.452 (d) (2)]

(ii) *Corned boneless brisket (deckle on).* "Corned boneless brisket" means that part of the trimmed brisket which has been cured after all the bones, and intercostal meat have been removed. The fat along the sternum edge of the corned brisket shall not exceed ½ inch, and all rough fat and ragged pieces of meat from both bone and skin side of boneless brisket shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge trimmed to expose the narrow portion of lean meat. The cured weight of corned boneless brisket shall not exceed the green weight by more than 10%.

(iii) *Corned boneless brisket (deckle off).* "Corned boneless brisket (deckle off)" means corned boneless brisket with the deckle removed. The deckle means the thin top layer of fat meat and tissue lying in the breast bone (sternum) side of the brisket.

(iv) *Corned boneless short plate.* "Corned boneless short plate" means that part of the trimmed short plate which has been cured after the skirt (diaphragm), skirt fat and all bones have been removed. The fell shall be stripped from the flank side of the plate and all fat exceeding ½ inch shall be removed. The cured weight of corned boneless brisket shall not exceed the green weight by more than 10%.

(v) *Cured beef hams (insides, outsides, knuckles).* "Cured beef hams (inside, outside, knuckle)", means the cured three natural muscle pieces into which the round is separated after the rump, shank and femur bone (round bone) have been removed.

The "knuckle" shall be separated by cutting through the natural muscle seam between the knuckle and outside muscle on the one side, and the knuckle and the inside muscle on the other side leaving one and one half inches of the wedge shaped piece of the meat from the overlapping inside muscle attached to the knuckle. The patella (or knee cap bone) may be left on the knuckle.

The "inside" and "outside" pieces shall be separated by a cut starting at the termination of the gambrel cord separating the shank end portion equally between the inside and outside, and continuing in a straight line to a point on the rump end which is just barely on the outside edge of the large muscle seam that is visible at this end. The gland which lies in the center between the inside and outside muscles shall be cut through so as to leave a portion of this gland in both muscles. All cod or udder fat and all other fat in excess of ⅛ of an inch shall be removed. The cured weight of beef hams shall not exceed the green weight by more than 10%.

(vi) *Corned short plate (bone in).* "Corned short plate" means a cured short plate with all the diaphragm (skirt) and diaphragm fat (skirt fat) and all loose trimmings removed. The cured weight shall not exceed the green weight by more than 6%.

(vii) *Dried beef (insides, outsides, knuckles).* "Dried beef (insides, outsides, knuckles)" means cured insides, outsides or knuckles of the beef ham, which have the moisture content reduced so that the resulting weight is not in excess of 65% of the green weight, but in no event shall the moisture content exceed 2.5 times the protein content.

(viii) Boneless stewing meat means meat prepared from fresh carcass beef, U. S. cutter and canner grade. All cuts of the beef carcass must be used except

the tenderloin and kidneys which may be excluded and retained by the seller. All serous membranes shall be stripped from the flanks, skirts and navel ends. All meats shall be free from bones, cartilage and tendinous back strap. Fat shall not exceed 10 percent trimmable fat. The meat shall be cut into approximately 1 inch pieces, formed into 5 pound bricks, wrapped in heavy waxed paper, and packed in fibre or corrugated containers of uniform size and appearance. The meat shall be immediately placed in a freezer and frozen solid. All meats shall be in prime condition at the time of delivery at destination. Each container shall be inspected and passed by the Food Distribution Administration and at the time of such inspection, the consignee's acceptance stamp shall be placed on each container by the official inspector.

[Subparagraph (viii) added by Am. 23, 8 F.R. 10671, effective 7-29-43]

(ix) *Corned shoulder clod.* Corned shoulder clod means the thick meaty portion of the regular chuck lying above the blade and rib bones.

It shall be separated from the chuck by a first cut starting at the knuckle joint and continuing in the same line along the ridge of the blade bone through to the chine bone, and by a second cut starting from the extreme corner of the brisket end of the 5th rib following the first natural muscle seam above the rib bones to a point about midway between the knuckle bone and the end of the 5th rib, then upward to the second natural muscle seam above the rib bones and following this natural muscle seam to the knuckle end of the clod. Pull knuckle end of clod upward, separating in the natural muscle seam at the blade bone, then cut along edge of blade bone to enable clod to be pulled loose from the chuck. The cured weight shall not exceed the green weight by more than 10 percent.

(x) Boneless chuck (shoulder clod out) means that part of the chuck remaining after all bones and back strap have been removed. Boneless chuck shall be made only from the regular chuck (square cut). No trimming of the boneless chuck is required and the intercostal meat may be left attached. The shoulder clod (as defined in subparagraph (ix) hereof) shall be removed.

[Subparagraphs (ix) and (x) added by Am. 31, 8 F.R. 14009, effective 10-16-43]

(8) For any item subject to this paragraph (p) which does not satisfy the specifications or which is made from wholesale cuts, portions of beef or grades of beef not authorized, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest priced miscellaneous beef item.

[Subparagraph (8) added by Am. 15, 8 F.R. 7675. For effective dates see note following table in § 1364.452 (d) (2)]

[Paragraph (p) added by Am. 6, 8 F.R. 4844, effective 4-14-43]

§ 1364.453 *Schedule II: Amounts which must be deducted from zone prices listed in Schedule I.* As hereinafter provided, the following shall be deducted from the applicable zone prices:

(a) *For beef carcasses and beef wholesale cuts not graded by an official grader.* For the sale of any beef carcass or beef wholesale cut which does not bear the grade mark and identification of an official grader of the United States Department of Agriculture at the time of sale, the seller shall deduct 12½ cents per cwt. from the applicable zone price.

[Paragraph (a) as amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

(b) *Carload discount.* For all beef carcasses and/or beef wholesale cuts and/or other meat items subject to this subpart B and § 1364.453 and § 1364.454, delivered in a straight or mixed carload shipment or sold as a part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

[Paragraph (b) amended by Am. 8, 8 F.R. 5478, effective 4-23-43; Am. 10, 8 F.R. 6058, effective 5-8-43; Am. 14, 8 F.R. 7169, effective 5-24-43; Am. 15, 8 F.R. 7675; Am. 16, 8 F.R. 8011, effective 6-8-43; Am. 18, 8 F.R. 8756, effective 6-22-43; and Am. 21, 8 F.R. 9595, effective 7-16-43. Paragraph (c) consolidated with (b) by Am. 15]

§ 1364.454 *Schedule III: Amounts which may be added to zone prices listed in Schedule I.* Subject to the conditions hereinafter provided, the following may be added to the applicable zone price:

(a) *For transportation and/or local delivery.* (1) For transportation from the point at which the meat was slaughtered in Price Zone 3 or 4 to a distribution point located in either of those price zones, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 75 cents per hundredweight.

[Subparagraph (1) as amended by Am. 28, 8 F.R. 13249, effective 10-2-43]

(2) For transportation from the point at which the meat was slaughtered in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10 to a distribution point located in the same price zone as the slaughter point, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 25¢ per cwt.

(3) For local delivery made within a radius of 25 miles from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency; or

For local delivery made within a radius of 25 miles from the place of business of a wholesaler or hotel supply house, to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency: the seller may add 25¢ per cwt.

(4) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, located in Price Zone 3 or 4 to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 3 or 4 to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 75¢ per cwt.

(5) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station, or branch house, located in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, purveyor of meals or commercial user, or the designated delivery point of a war procurement agency or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 50¢ per cwt.

(6) Notwithstanding any of the provisions of paragraphs (a) (1) to (a) (5), inclusive, of this § 1364.454, nothing therein contained shall be construed to permit a total charge for transportation and/or local delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than 50¢ per cwt. in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, or $1.00 per cwt. in Price Zone 3 or 4. The transportation and local delivery additions permitted in this paragraph (a) are on a hundredweight basis,

and the charge for transportation and/or local delivery for any fraction of a hundredweight shall be reduced accordingly. The additions specified in this paragraph (a) for transportation and/or local delivery may be charged: *Provided,* That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and/or local delivery, except that if such separate statement of transportation charges is prohibited by local law, the seller shall maintain in his own record of the transaction a separate statement of any addition for transportation or local delivery which is included in the maximum price charged.

[Subparagraph (6) amended by Am. 2, 8 F.R. 164, effective 1-8-43 and Am. 28, 8 F.R. 13249, effective 10-2-43]

(b) *For kosher beef wholesale cuts.* The applicable zone price established for kosher beef wholesale cuts (which includes the additions permitted) shall apply only on sales of kosher beef as such to buyers of kosher meat and no seller shall sell or deliver any kosher beef wholesale cut and no buyer shall buy or receive any kosher beef wholesale cut at the price established therefor or at a price higher than established for the corresponding non-kosher wholesale cut in § 1364.452 (Schedule I), unless the buyer of such wholesale cut is a bona fide buyer of kosher meat. For the sale of any kosher beef wholesale cut to a buyer other than a bona fide buyer of kosher meat the maximum price shall be determined by use of the applicable zone price established for the corresponding non-kosher wholesale cut, and the seller shall remove all stamps and designations which identify the wholesale cut as kosher. Any beef carcass or wholesale cut which has been derived from cattle slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

(c) *For kosher wholesale cuts derived from cattle slaughtered in a limited area of Zone 9.* (1) For any grade of kosher beef triangle or kosher beef wholesale cut or cuts obtained from the kosher triangle, except the grades utility, cutter or canner, which cuts are derived from steers or heifers slaughtered in that portion of Zone 9 north of the Potomac River and which clearly bear the abattoir stamp at the time of sale, the seller may add $1.50 per cwt. to the applicable Zone 9 price: *Provided,* That such wholesale cut shall be sold to a bona fide buyer of kosher meat located in that portion of Zone 9 north of the Potomac River. In the case of kosher forequarters derived from steers, heifers or bulls slaughtered in the same area and sold under the same conditions, the seller may add $1.20 per cwt. to the applicable Zone 9 price.

[Subparagraph (1) as amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

(2) [Revoked]

[Subparagraph (2) Revoked by Am. 4, effective 4-3-43]

(3) The provisions of paragraph (b) of this section governing the sale of kosher wholesale cuts shall apply to sales made pursuant to this paragraph (c). No addition permitted by this paragraph (c) shall be added for the sale of any kosher wholesale cut which does not bear the abattoir's stamp clearly legible. No slaughterer shall charge the addition for kosher beef slaughtered in the limited areas of Price Zone 9 described in subparagraphs (1) or (2) hereof, until he shall have filed the report required in paragraph (d) of § 1364.407 of this Revised Maximum Price Regulation No. 169.

(d) *Wholesalers' selling addition.* On sale of any beef carcass or beef wholesale cut and/or any other meat item subject to this regulation, not obtained through custom slaughtering, excluding therefrom sales made pursuant to paragraphs (l), (m), (n) or (o) (5) of § 1364.452, a person who at the time of the sale is a wholesaler may add 75 cents per cwt. to the applicable zone price: *Provided, however,* That no person shall charge the addition permitted by this § 1364.454 (d) unless such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person (1) is engaged in the business of buying beef carcasses and/or beef wholesale cuts for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 169. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

[Paragraph (d) amended by Am. 15, 8 F.R. 7675, effective 6-19-43; Am. 21, 8 F.R. 9995, effective 7-16-43; and Am. 36, effective 2-3-44]

(e) *Packaging for war procurement agencies.* On sales of beef carcasses and beef wholesale cuts to a war procurement agency, the seller may add for packaging or wrapping, and freezing, (U. S. Government specifications) ... 50¢ per cwt.

(f) *Boxing.* On sales to a seller at retail, purveyor of meals, war procurement agency, commercial user (not wholesaler, branch house, hotel supply house, etc.), war procurement agency, or other government agency, the seller may add 15¢ per cwt. for packing in boxes.

(g) *Peddler-truck selling addition.* On a peddler truck sale involving delivery of not more than 100 pounds of beef in a total delivery of not more than 150 pounds of meats and meat products in any one day from such peddler-truck to any buyer's store door, a peddler may add to the prices specified in § 1364.452 (Schedule I) the sum of $1.25 per cwt. This addition shall be in lieu of any local delivery and/or transportation addition permitted in § 1364.454.

[Paragraph (g) added by Am. 4, 8 F.R. 4097, effective 4-3-43]

§ 1364.455 *Definitions applicable to beef.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to beef, the term:

(1) "Person" means any individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing: *Provided,* That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Carload" means:

(i) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based: *Provided,* That where the transportation charge for shipment of a lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload;

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing, as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing.

(3) "Beef" means meat derived from the carcasses of bovine animals which does not qualify as veal as defined in § 1364.470 (a) (3) of this regulation.

[Subparagraph (3) as amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

(4) "Car route unloading point" means any point on a car route at which a stop is made for the purpose of transferring meat to the possession of the buyer or to a truck for local delivery to the buyer.

(5) "Distribution point" includes a packing or slaughtering plant, packer's branch house, wholesaler's or jobber's or hotel supply house's warehouse, car

route unloading point, or railroad unloading station.

(6) "Local delivery" means delivery by the seller otherwise than by rail, commencing at the seller's distribution point, or in the case of car routes, at the car unloading point and continuing to the buyer's place of business or other point of delivery.

(7) "Price Zone 1 to 10, inclusive" means the geographical areas described in § 1364.452.

(8) "Beef carcass" means and is limited to the dressed carcass, side, or sides of beef, which shall be dressed with the 1st and 2nd tail (caudal) vertebrae, kidney knob or knobs and hanging tender left on. The beef carcass shall not be broken in any other manner than provided in paragraph (a) (9) of this § 1364.455.

(9) "Beef wholesale cut" means and is limited to any of the following cuts meeting the following minimum specifications, derived from the beef carcass, but excluding the offal and any item not included herein. (All measurements prescribed herein shall be made with a rigid straight ruler. All cuts shall be made according to the definite guides and measurements specified. Ribs are designated as 1st to 13th, inclusive, counting as the 1st rib that one which is nearest the neck end of the side.)

(i) "Hindquarter" means the posterior portion of the side remaining after the severance of the 12-rib forequarter from the side, and comprising the round, full loin including the 13th rib, flank, kidney and hanging tender all in one piece, which posterior portion shall be obtained by cutting the beef side between the 12th and 13th ribs keeping the knife firmly against the 12th rib while cutting down the length of the rib to the point at the end of the rib where the rib joins the rib (costal) cartilage, from which point passing through the cartilage and meat of the flank and short plate in the same straight line, completing the cut.

(ii) "Forequarter" means the anterior portion of the side remaining after the severance of the 1-rib hindquarter from the side, and comprising the rib, regular chuck, brisket, short plate and foreshank all in one piece, which anterior portion contains the 1st to the 12th rib, inclusive. All heart (mediastinal) fat, but no other fat, shall be removed from the forequarter. The skirt (diaphragm) shall not be removed from any cut or part of the forequarter to which it is attached.

(iii) "Round" means the portion of the hindquarter remaining after the severance of the untrimmed full loin, and flank from the hindquarter, which portion shall be obtained as follows: the untrimmed full loin and flank shall be severed from the hindquarter by cutting in a straight line perpendicular to the contour of the outside or skin surface of the hindquarter. The cut shall be made on a straight line formed by and starting from that point on the backbone which is the juncture of the last (5th) sacral vertebra and the first (1st) tail (caudal) vertebra, and passing through that point which just misses the end of the protuberance of the femur bone and exposes the ball of the femur bone, continuing in the same straight line beyond the second point to complete the cut. Two tail vertebrae shall be left on the round. Attached to the tail bone of the round shall be the tip or rear corner of the fifth sacral vertebra. All cod, udder and pelvic fat remaining on the round after its severance from the full loin and flank shall remain on the round.

(iv) "Trimmed full loin" means the portion of the hindquarter remaining after the severance of the round, flank, hanging tender (from the open side), kidney knob and excess loin (lumbar) and pelvic (sacral) fat from the inside of the loin, from the hindquarter, and comprising the short loin and sirloin (loin end) in one piece, the back bone of which portion shall include one and one-half (1½) thoracic vertebrae, six (6) lumbar vertebrae, and five (5) sacral vertebrae (the tip or rear corner of the fifth sacral vertebra shall have been sawed off in severing the round from the full loin and flank), and which portion shall be obtained as follows: Part of the kidney knob, all of the kidney and the fat lying closely around the kidney in open (left) and closed (right) sides shall be removed first by a cut starting at the rear end of the kidney and slanting directly to the front edge of the half of the 12th thoracic vertebra at the point of severance of the hindquarter and forequarter.

Second, the hanging tender, which means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in open (left) side hindquarters shall be removed entirely from open side loins by being severed at a point opposite the juncture of the 1st and 2nd lumbar vertebrae.

Third, after the severance of the round from the hindquarter, the flank shall be severed from the full loin by a cut starting at the heavy end of the full loin at the ventral point of severance of the round from the hindquarter and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line from the center of the protruding edge of the 13th thoracic vertebra, but in making the cut no more than one (1) inch of cod or udder fat shall be left on the flank side of the face of the loin.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

Fourth, the excess loin (lumbar) and pelvic (sacral) fat shall be trimmed from the inside of the full loin by placing the full loin upon a flat surface, with no other support to change its position, meat side down, and removing all fat which extends above a flat plane parallel with the flat surface supporting the full loin and on a level with the full length of the protruding edge of the lumbar section of the chine bone. Then all fat shall be removed which extends above a flat plane using the following two lines as guides for each edge of the plane: an imaginary line parallel with the full length of the protruding edge of the lumbar section of the chine bone which line extends 1 inch directly above such protruding edge; a line on the inside of the loin two inches from the flank edge and running parallel with such edge for the full length of the loin. All fat obstructing the measurement of the second line shall first be removed. In addition to the foregoing all rough fat in the pelvic cavity of the heavy end of the loin (sirloin) shall be trimmed smooth and trimming by a knife shall be apparent. No fat remaining in the pelvic cavity shall exceed one inch in depth.

(v) "Flank" means the portion of the hindquarter remaining after the severance of the round and untrimmed full loin from the hindquarter, which shall be obtained after the removal of the round by separation from the untrimmed full loin, starting the cut at the point at the lower end of the loin end (sirloin) which was the ventral point of separation of the full loin and round, leaving no more than one inch of cod or udder fat attached to the flank side of the face of the full loin, and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line along the 13th rib from the center of the protruding edge of the 13th thoracic vertebra.

NOTE: The 10-in. measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

(vi) "Flank steak" means the flat, oval-shaped lean muscle of meat imbedded in the cod or udder end of the flank which shall be obtained by loosening the narrow end of the steak piece at the cod or udder end of the flank, cutting through the membrane along both sides of the steak, then pulling and cutting the steak loose and severing it from the thick membrane which lies directly under and to which it is attached. None of the thick membrane shall be left on the steak. All fat shall be trimmed from the steak, but the thin membrane on the top surface of the steak shall not be removed.

(vii) "Short loin" means that portion of the trimmed full loin remaining after the severance of the sirloin (loin end) from the trimmed full loin, which portion shall be obtained by a cut perpendicular to the contour of the outside or skin surface of the trimmed full loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside or skin surface of the trimmed full loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half (1½) thoracic vertebrae and part of the 13th rib.

(viii) "Sirloin" (loin end) means the thick portion of the trimmed full loin remaining after the severance of the short loin from the trimmed full loin. The backbone of the sirloin shall include one (1) lumbar vertebra, five (5) sacral vertebrae (the tip or rear corner of the fifth (5th) sacral vertebra shall have been sawed off in separating the round from the trimmed full loin and flank), and the entire hip bone (ilium).

(ix) "Cross cut chuck" (kosher or traefer) means the portion of the forequarter remaining after the severance of the rib and short plate from the forequarter, and comprising the regular chuck, brisket and foreshank all in one piece, which portion shall be obtained by cutting through the forequarter in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib while cutting to the point where the 5th rib joins the rib (costal) cartilage, at which point the cut shall continue in the same straight line through the cartilage, the breast bone (sternum) and the meat of the brisket and short plate to complete the severance. The cross cut chuck shall contain five (5) ribs (1st to 5th, inclusive).

(x) "Regular chuck" means the portion of the cross cut chuck remaining after the severance of the foreshank and brisket from the cross cut chuck, and containing most of the blade bone (scapula), part of the (humerus) arm bone, parts of the five ribs (1st to 5th, inclusive), that section of the back bone attached to the ribs, and the neck bone (cervical vertebrae from 1 to 7, inclusive), which portion shall be obtained by a cut through the cross cut chuck made in a straight line perpendicular to the contour of the outside or skin surface of the cross cut chuck (thereby separating the brisket and foreshank from the cross cut chuck) starting at a fixed point on the inside of the 5th rib determined by measuring off ten (10) inches along the 5th rib in a straight line from the center of the protruding edge of the 5th thoracic vertebra, continuing in the same straight line to the tip of the forward end of the breast bone (forward end of 1st segment of sternum), and passing through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 5th thoracic vertebra and not from the hollow of the chine bone where the 5th rib joins the 5th thoracic vertebra.

(xi) "Foreshank" means the portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the cross cut chuck, which portion shall be obtained (after separation of the regular chuck) by separation from the brisket by a cut following the natural seam and leaving the entire lip, or web muscle on the brisket.

(xii) "Brisket" means the portion of the cross cut chuck remaining after the severance of the regular chuck and foreshank from the cross cut chuck, which portion contains parts of four ribs (2nd to 5th, inclusive), part of the breast bone and the rib (costal) cartilages which connect the ends of the rib bones with the breast bone. All heart (mediastinal) fat, but no other fat shall be removed from the brisket.

(xiii) "Rib" means the portion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), that section of the back bone attached to the ribs, posterior tip and cartilage of the blade bone (scapula), part of the blade bone (scapula) which portion shall be obtained (by separation from the short plate) by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra.

NOTE: The 10-inch measurements shall be made from the centers of the protruding edges of the 6th and 12th thoracic vertebrae, and not from the hollow of the chine.

(xiv) "Short plate" means the portion of the forequarter remaining after the severance of the cross cut chuck and the rib from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), the rib (costal) cartilages attached to them, and part of the breastbone.

(xv) "Back" means the portion of the forequarter remaining after the severance of the short plate, brisket and foreshank from the forequarter, and containing the rib and regular chuck all in one piece, which portion shall be obtained by one cut made in a straight line starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra, and continuing to a point measured off 10 inches on the inside of the 5th rib along the 5th rib from the center of the inside protruding edge of the 5th thoracic vertebra; and a second cut made in a straight line starting from the termination point of the first cut and continuing through a fixed point at the tip of the forward end of the breast bone, including the cartilage in young cattle or the ossified bone in the older cattle (forward end of the 1st segment of sternum), through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: Measurements shall be made from the center of the protruding edge of the 12th and 5th thoracic vertebrae, and not from the hollow of the chine.

[Subparagraph (xv) as amended by Am. 15, 8 F.R. 7675. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2)]

(xvi) "Triangle" (kosher or traefer) means the portion of the forequarter remaining after the severance of the rib from the forequarter, and containing the short plate, brisket, foreshank and regular chuck all in one piece, which portion shall be obtained by removing the rib from the forequarter by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

NOTE: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebra, and not from the hollow of the chine.

(xvii) "Arm chuck" means the portion of the cross cut chuck remaining after the severance of the brisket from the cross cut chuck and containing the regular chuck and foreshank all in one piece.

(10) "Kosher beef wholesale cut" means any beef wholesale cut derived from cattle or calves slaughtered, approved and stamped as kosher under rabbinical supervision, and sold under rabbinical supervision.

(11) "Buyer of kosher meat" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(12) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, or any agency of the foregoing.

[Subparagraphs (13) and (15) revoked and (14), (16), (17) and (18) redesignated as (13), (14), (15) and (16) respectively by Am. 12, 8 F.R. 7109, effective 6-1-43. Former (13) and (14) amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

(13) "Wholesaler" means a person other than a hotel supply house or peddler-truck seller who buys beef carcasses and/or beef wholesale cuts for resale other than at retail and who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(14) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, car route, hotel supply house, purchaser for resale, commercial user, purveyor of meals, war procurement agency, or other government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by

a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

(15) "Peddler-truck sale" means a sale of beef from a truck by a person who purchases beef at or below the maximum price from a seller with whom he has no other financial affiliations or relationship, who takes a delivery at the seller's place of business, and who does not sell or deal in meat in any manner other than sales out of stock carried in a truck, owned and driven by him: *Provided*, That the first record of the transaction is made by the salesman concurrently with the delivery of the products sold.

(16) "Club cattle or calves" means any cattle or calves which have been bred, raised and fed, or fed only, by a member of a 4-H or F. F. A. club under the supervision of the Extension Service of the United States, or by an individual participating in a vocational agricultural project under the supervision of a vocational agricultural teacher in any recognized Vocational Agricultural Department, and which have been certified in writing to conform to the provisions hereof by the supervisor, club agent, agricultural county agent or vocational agricultural project teacher under whose supervision such cattle or calves were bred, raised or fed.

[Subparagraph (16), formerly (18), as amended by Am. 6, 8 F.R. 4844, effective 4-14-43]

(b) When used in this Revised Maximum Price Regulation No. 169 and when applicable to sales of fabricated beef cuts to purveyors of meals the term:

(1) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and the sale of fabricated meat cuts to purveyors of meals, including the sale of beef carcasses and/or beef wholesale cuts, ground beef and miscellaneous beef items, variety meats and edible by-products and sausage to purveyors of meals, and in the sale of retail meat cuts, variety meats and edible by-products and/or processed meat products to ultimate consumers pursuant to the provisions of § 1364.416 of this regulation; and which during the period of September 15, 1942 through December 15, 1942, sold and/or delivered to purveyors of meals, other than to war procurement agencies, not less than 70 percent of the total volume by weight of all meats, variety meats and edible by-products and/or sausage and similar products thereof, sold by it.

[Subparagraph (1) amended by Am. 24, 8 F.R. 11081, effective 8-7-43, and Am. 36, effective 2-3-44]

(2) "Purveyor of meals" means:

(i) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration.

(ii) War Shipping Administration of the United States Government.

[Subparagraph (ii) as amended by Am. 20, 8 F.R. 10362, effective 7-28-43]

(iii) Any person operating an ocean going vessel engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, to the extent that meat is delivered to him as ship's stores for consumption aboard such vessel.

(iv) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state, or local government or agency thereof.

(v) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States).

[Subparagraph (v) added by Am. 24, 8 F.R. 11081, effective 8-7-43]

(3) "Fabricated beef cut" means and is limited to mean any of the following cuts made for a purveyor of meals, meeting the following minimum specifications, and derived from specified beef wholesale cuts as provided for in paragraphs 8 and 9 of § 1364.455, excluding any item not included herein. All cuts shall be made according to the specifications provided herein.

(i) *Round (rump and shank off)*. Round (rump and shank off), means that part of a round remaining after the shank and rough rump have been removed.

The shank shall be removed by a cut starting at the bottom end of the gambrel cord, following the natural muscle seam to the stifle (knee) joint, passing through the bones of the joint severing the shank from the round. The rough rump shall be removed by a straight cut starting at a point on the outside or skin surface of the round, so as to meet the top part of the aitch bone, then following the curvature of the aitch bone to the protuberance of the femur bone (round bone) leaving no part of the aitch bone in the round. The rump shall then be separated from the round by sawing through the ball of the femur bone (round bone). All cod or udder fat shall be removed from the round, rump and shank off.

(ii) *Boneless rump (butt)*. The boneless rump means that part of the rough rump remaining after all of the bones (including the tail bones) have been removed.

Ragged pieces of meat and fat in excess of one inch on the top or outside skin surface shall be removed.

(iii) *Hind shank*. Hind shank means the hind shank of the beef with lean meat attached. It shall be removed from the round as described in (3) (i).

(iv) *Boneless round*. Boneless round means that part of the round remaining after all bones (including tail bones) and shank have been removed. The shank shall be removed as described in (3) (i). The ragged pieces of meat, all cod or udder fat, and other fat in excess of one inch shall be removed.

(v) *Inside (top round), outside (bottom round) and knuckle (face)*. Inside (top round), outside (bottom round) and knuckle (face) means the three natural muscle pieces into which the round is separated after the rough rump, shank, and femur bone (round bone) have been removed. The shank and rough rump shall be removed as described in (3) (i). The knuckle shall be separated by cutting through the natural muscle seams between the knuckle and outside muscles on the one side, and the knuckle and the inside muscles on the other side leaving one and one-half inches of the wedge-shaped pieces of meat from the overlapping inside muscle attached to the knuckle. The patella (knee cap bone) and all cartilage or connecting tissue shall be removed.

The inside and outside pieces shall be separated by a cut starting at the termination of the gambrel cord separating the shank end portion equally between the inside and outside, and continuing the cut in a straight line to a point on the rump end which is just barely on the outside edge of the large muscle seam that is visible at this end.

The gland which lies in the center between the inside and outside muscles shall be cut through so as to leave a portion of this gland in both muscles.

The cod or udder fat and all other fat in excess of one inch shall be removed.

(vi) *Gooseneck boneless round*. Gooseneck boneless round means the outside muscle and boneless rump attached. It shall be made by separating the outside muscle with boneless rump attached, from the knuckle and inside muscles by the method as described in (3) (v). All fat in excess of one inch on the top of outside skin surface of the rump shall be removed.

(vii) *Strip loin (bone in)*. The strip loin means that part of the full loin, after the full tenderloin, sirloin, protruding edge of the chine bone, and the flank edge of the short loin have been removed, or that part remaining of a short loin after the short tenderloin, protruding edge of chine bone and the flank edge of the short loin have been removed. The strip loin shall be cut from the stripped full loin in a straight line perpendicular to the outside or skin surface of the loin from a point which is the juncture of the 5th and 6th lumbar vertebrae and continuing in the same straight line through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the strip loin.

The protruding edge of the chine bone shall be removed by sawing through the lower extremity of the spinal cord groove when the loin is lying with the flesh side down. The flank edge of the strip loin shall be cut off in a straight line from the sawed end of the 13th rib, which is 10 inches from the center of the protruding edge of the 13th thoracic vertebrae and continuing in a straight line the full length of the strip loin

parallel to the chine bone and perpendicular to the outside skin surface of the strip loin. Rough fat on the inside of the strip loin shall be trimmed smooth and all fat in excess of one inch on the outside skin surface shall be removed.

(viii) *Boneless strip.* Boneless strip means that part of a strip loin remaining after all bones have been removed. All fat in excess of one inch on the outside skin surface shall be removed.

(ix) *Trimmed full beef tenderloin.* Full beef tenderloin means the tenderloin muscle with the attached side strip muscle lying inside of the full loin. The tenderloin shall be removed from the full loin by cutting along the inside of the chine bone following the conformation of this bone from the tip of the loin or at the point where the 13th rib joins the 13th thoracic vertebra to the end of the chine bone or at a point adjacent to the 5th sacral vertebra and by a cut at the butt end of the tenderloin which shall be made along the hip bone following the natural seam (or blue seam) in the sirloin end of the loin. Full beef tenderloin shall be devoid of any head muscle and all the excess fat shall be removed from the back of the tenderloin so as to expose the gland which lies about 6 inches forward from the butt end of the tenderloin. All the fat lying beyond the exposed gland shall be tapered down to a point that in no case shall extend beyond three-quarters of the length of the entire tenderloin.

(x) *Trimmed sirloin tenderloin (butt tenderloin).* Trimmed sirloin tenderloin means that portion of the tenderloin muscle removed from the sirloin. It shall be devoid of any head muscle and all excess fat shall be removed from the back of the sirloin tenderloin so as to expose the gland as described in (3) (ix).

(xi) *Trimmed tip tenderloin (short tenderloin).* Trimmed tip tenderloin means that portion of the tenderloin muscle removed from a short loin. The fat on the back of the tenderloin shall be tapered down as described in (3) (ix) and at no point shall exceed ½ inch. All fat from the lower half shall be entirely removed.

(xii) *Boneless sirloin (butt).* Boneless sirloin means that part of a sirloin after all the bone and the sirloin tenderloin have been removed. All flank meat and the fat from the flank side of the boneless sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(xiii) *Top sirloin (butt).* Top sirloin means that part of the boneless sirloin, which is the top lean muscle that covered the hip bone (ilium) from the chine bone side of the sirloin to the natural muscle seam (or blue seam) which separates the bottom lean muscle from the top lean muscle.

The top sirloin shall be separated from the bottom sirloin by cutting through the natural muscle seam (or blue tissue) and continuing through the meat with the knife held at a 45 degree angle to the cutting surface of the block. All fat in excess of one inch on the outside skin surface shall be removed.

(xiv) *Bottom sirloin (butt).* Bottom sirloin means that part of the boneless sirloin remaining after the removal of the top sirloin. All flank meat and the fat from the flank side of the bottom sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(xv) *Boneless chuck.* Boneless chuck means that part of the chuck remaining after all bones and the back strap have been removed. Boneless chuck shall be made only from regular chucks (square cut).

No trimming of boneless chuck is required and the intercostal meat may be left attached.

(xvi) *Boneless chuck (shoulder clod out).* Boneless chuck, shoulder clod out, shall be the same as the boneless chuck described in (xv) except that the shoulder clod shall be removed.

(xvii) *Shoulder clod.* Shoulder clod means the thick meaty portion of the regular chuck lying above the blade and rib bones.

It shall be separated from the chuck by a first cut starting at the knuckle joint and continuing in the same line along the ridge of the blade bone through to the chine bone, and by a second cut starting from the extreme corner of the brisket end of the 5th rib following the first natural muscle seam above the rib bones to a point about midway between the knuckle bone and the end of the 5th rib, then upward to the second natural muscle seam above the rib bones and following this natural muscle seam to the knuckle end of the clod. Pull knuckle end of clod upward, separating in the natural muscle seam at the blade bone, then cut along edge of blade bone to enable clod to be pulled loose from the chuck.

(xviii) *Boneless brisket (deckle on).* Boneless brisket means that part of the brisket remaining after all the bones, and intercostal meat have been removed. The fat along the sternum edge of the brisket shall not exceed ½ inch, and all rough fat and ragged pieces of meat from both the bone and skin side of boneless brisket shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge trimmed to expose the narrow portion of lean meat.

(xix) *Boneless brisket (deckle off).* Boneless brisket deckle off means boneless brisket as described in (xviii) with the deckle removed. Deckle means the thin lop layer of fat, tissue and meat lying on the breast bone (sternum) side of the brisket and shall be entirely removed.

(xx) *Oven-prepared rib.* Oven-prepared rib means that part of the regular seven-bone rib remaining after the chine bone and short ribs have been removed.

The chine bone, or bodies of the thoracic vertebrae, shall be entirely removed by cutting to the point at which they join the feather bones, exposing the lean meat, but leaving the feather bones attached to the rib cut. The short ribs shall be removed by cutting in a straight line perpendicular to the outside skin surface of the rib from a point measured 8 inches along the 12th rib from the protruding edge of the 12th thoracic vertebrae to a point measured eight inches along the 6th rib from the protruding edge of the 6th thoracic vertebrae (chine bone). All the blade bone, including the cartilage shall be removed.

(xxi) *Rib short ribs, plate short ribs.* Rib short ribs means that portion of the rib cut off in fabricating oven-prepared ribs, as described in (3) (xx) and shall include the rib sections of seven ribs.

Plate short ribs means strip pieces cut from the short plate up to and not beyond the point where the ribs join the costal cartilages, (rib cartilages).

(xxii) *Rib, boned, rolled and tied.* Rib, boned, rolled and tied means that part of the regular 7-rib cut remaining after all bones, including the blade bone and cartilage, have been removed. The intercostal meat shall be removed.

Rib, boned, rolled and tied shall be rolled into a cylindrical shape and tied with at least five loops of string. Ragged pieces on the ends shall be trimmed off.

(xxiii) *Spencer roll.* Spencer roll means that part of the regular 7-rib cut remaining after the short ribs, all bones, and the blade bone with the meat attached have been removed.

The short ribs shall be cut off as described in (3) (xx), the intercostal meat shall not be included and no further trimming is required.

Spencer rolls shall be made only from B (commercial) and C (utility) grades of beef.

(xxiv) *Regular roll (rib eye).* Regular roll (rib eye) means the rib eye muscles only with no fat or bones included. No further trimming is required. Regular rolls (rib eye) shall be made only from B (commercial) and C (utility) grades of beef.

(xxv) *Boneless short plate.* Boneless short plate means that part of the short plate remaining after the skirt and all bones have been removed. The fell shall be stripped from the flank side of the plate. All fat exceeding ½ inch shall be removed.

(xxvi) *Cube steak.* Cube steaks means any lean muscle meat cut into steaks not less than 4 inches in width and tenderized by numerous cuts penetrating the steak. Cube steaks can be made either by hand or by machine.

(xxvii) *Flank steak (scored).* Flank steak shall be scored or cut diagonally in about ¾ inch cross cuts on both sides of the steak.

(xxviii) *Club steaks (bone in).* Club steaks means steaks cut from that portion of a short loin or strip loin extending from a point opposite the juncture of the first and second lumbar vertebrae to the forward (anterior) end of the short or strip loin.

The cutting of steaks and the trimming of the flank shall be made as described in (3) (xxx).

No further trimming of the flank or removal of chine bone shall be required on club steaks made from strip loins.

The chine bone on club steaks made from short loins shall be removed by chopping or sawing through the inner extremity of the spinal cord groove.

Only complete club steaks shall be made and all fat in excess of one inch on outside skin surface shall be removed.

(xxix) *Boneless strip steak.* Boneless strip steaks means steaks cut from boneless strip loins trimmed as described in (3) (viii). Only complete steaks shall be made.

(xxx) *Porterhouse steaks (bone in).* Porterhouse steak means steak cut from that portion of a short loin extending from a point opposite the center of the fourth lumbar vertebra to the end of the short loin at the point of severance from the sirloin.

The flank shall be removed at a point measured four inches downward from the lower end of the eye muscle. All fat in excess of one inch on the inside or outside skin surface shall be removed.

(xxxi) *T-bone steaks (bone in).* T-bone steak means steak cut from that portion of a short loin extending from a point opposite the center of the fourth lumbar vertebrae to a point opposite the juncture of the first and second lumbar vertebrae. T-bone steaks shall be trimmed as described in (3) (xxx).

(xxxii) *Boneless sirloin steaks.* Boneless sirloin steaks means steaks cut from a boneless sirloin and trimmed as described in (3) (xiii). Only complete steaks shall be made.

(xxxiii) *Top sirloin steaks.* Top sirloin steaks means steaks cut from the top sirloin and trimmed as described in (3) (iv). Only complete steaks shall be made.

(4) Fabricated meat cuts as used in this regulation means and is limited to those fabricated beef cuts and fabricated veal cuts which are described and for which maximum prices are established in this regulation and those hotel supply cuts which are described and for which maximum prices are established in Revised Maximum Price Regulation No. 239, "Lamb and Mutton Carcasses and Wholesale Cuts at Wholesale and Retail".

(5) "Three month quota period" means and is limited to the following quarterly periods: June 1 to August 31, inclusive, September 1 to November 30, inclusive, December 1, to February 28 or 29, inclusive and/or March 1 to May 31, inclusive.

(6) Variety meats and edible by-products include and are limited to those items only which are defined and for which maximum selling prices are established in Maximum Price Regulation No. 398, "Variety Meats and Edible By-Products at Wholesale" and/or Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton Cuts and all Variety Meats and Edible By-Products".

[Paragraph (b) added by Am. 13, 8 F.R. 7169, effective 6-1-43. Former (b) redesignated (c). Subparagraphs (4), (5), and (6) added by Am. 36, effective 2-3-44]

(c) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used therein.

SUBPART C—PROVISIONS AFFECTING VEAL

§ 1364.466 *Maximum prices for veal carcasses and wholesale cuts.* Subject to the pricing instructions contained in paragraph (a), the maximum price of each grade of each veal carcass or veal wholesale cut shall be the maximum price determined as provided in paragraph (b).

(a) *Pricing instructions.* (1) Whenever used in this Revised Maximum Price Regulation No. 169, the term "lower price zone" means a price zone having a lower zone price, and the term "higher price zone" means a price zone having a higher zone price; the words "lower" and "higher" used in the respective terms shall not be construed to refer to the numerical designation of any zone.

(2) Except for the additions permitted in Schedule VI hereof, incorporated herein as § 1364.469, the zone price shall be the delivered price anywhere within the zone to which such price applies. Schedule IV (paragraphs (a) to (j), inclusive) hereof, incorporated herein as § 1364.467, contains a statement describing the geographical limits of each price zone and the zone prices established therefor.

(3) The applicable zone price shall be the price specified in Schedule IV § 1364.467, for the zone in which is located the seller's distribution point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which local delivery to the buyer's place of business begins; or

(iii) From which the meat, consigned to the buyer, (a') is delivered to a common carrier, other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (b') is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail unloading station nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which meat consigned to the buyer is delivered to a railway express agency for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(4) Except as permitted in paragraph (l), (m) or (n), of Schedule IV § 1364.467, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any veal or any part or portion of any veal carcass and no person in the course of trade or business shall buy or receive any veal or any part or portion of any veal carcass unless such veal or part or portion is a veal carcass or a veal wholesale cut, as defined in § 1364.470 for which applicable prices have been established.

(b) *Maximum price.* The maximum price for each grade of each veal carcass or veal wholesale cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of this § 1364.466 and specified in Schedule IV incorporated herein as § 1364.467, minus the required deductions, if any, specified in Schedule V incorporated herein as § 1364.468, plus the permitted additions, if any, specified in Schedule VI incorporated herein as § 1364.469.

§ 1364.467 *Schedule IV: Veal price zones and applicable zone prices*—(a) *Zone 1.* (1) Zone 1 includes the area designated as Zone 1 in § 1364.452 (a) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 1.* Subject to the provisions of paragraph (k) of this section, the Zone 1 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $2.50 per cwt.

(b) *Zone 2.* (1) Zone 2 includes the area designated as Zone 2 in § 1364.452 (b) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 2.* Subject to the provisions of paragraph (k) of this section, the Zone 2 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.50 per cwt.

(c) *Zone 3.* (1) Zone 3 includes the area designated as Zone 3 in § 1364.452 (c) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 3.* Subject to the provisions of paragraph (k) of this section, the Zone 3 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $.75 per cwt.

(d) *Zone 4.* (1) Zone 4 includes the area designated as Zone 4 in § 1364.452 (d) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) of this section, the applicable zone prices for Zone 4 are as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cull or D
(i) Carcass—hide on—57 pounds to 170 pounds	$19.75	$18.75	$17.00	$15.25	$13.00
(ii) Carcass—hide on—over 170 pounds to 315 pounds	19.25	18.25	16.50	14.75	12.75
(iii) Carcass—hide on—under 57 pounds	18.75	17.75	16.00	14.25	12.00
(iv) Carcass or side—hide off—50 to 275 pounds	20.00	19.00	17.00	15.00	12.50
(v) Carcass or side—hide off—under 50 pounds	19.00	18.00	16.00	14.00	11.50
(vi) Foresaddle or forequarter [1]	17.75	17.25	15.75	14.25	11.00
(vii) Kosher foresaddle or forequarter [2]	18.25	17.75	16.25	14.75	11.50
(viii) Hindsaddle or hindquarter [1]	22.50	21.00	18.50	16.00	14.25
(ix) Loin, double or single [1]	21.75	20.25	17.75	15.25	13.75
(x) Legs or leg [1]	23.00	21.50	19.00	16.50	14.50

[1] To be sold only from veal carcasses weighing 50 to 275 pounds, hide off.
[2] These prices are further subject to the provisions of paragraph (b) of Schedule VI (§1364.469).

NOTE: All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly. Weight limitations apply to entire carcass and not to sides.

[Table amended by Am. 12, 8 F.R. 7109, effective 6-1-43 and Am. 15, 8 F.R. 7675. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

The applicable zone price of each veal carcass or veal wholesale cut which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced carcass or corresponding wholesale cut.

The applicable zone price of each kosher veal foresaddle or forequarter which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced kosher wholesale cut.

[Above 2 paragraphs as amended by Am. 25, 8 F.R. 11298, effective 7-16-43]

(e) *Zone 5.* (1) Zone 5 includes the area designated as Zone 5 in § 1364.452 (e) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 5.* Subject to the provisions of paragraph (k) of this section, the Zone 5 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 50 cents per cwt.

(f) *Zone 6.* (1) Zone 6 includes the area designated as Zone 6 in § 1364.452 (f) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 6.* Subject to the provisions of paragraph (k) of this section, the Zone 6 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 75 cents per cwt.

(g) *Zone 7.* (1) Zone 7 includes the area designated as Zone 7 in § 1364.452 (g) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 7.* Subject to the provisions of paragraph (k) of this section, the Zone 7 price for each grade of veal carcass and wholesale cut shall be the price specified therefor in paragraph (d) hereof (applicable Zone 4 price) plus $1.00 per cwt.

(h) *Zone 8.* (1) Zone 8 includes the area designated as Zone 8 in § 1364.452 (h) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 8.* Subject to the provisions of paragraph (k) of this section, the Zone 8 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.25 per cwt.

(i) *Zone 9.* (1) Zone 9 includes the area designated as Zone 9 in § 1364.452 (i) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 9.* Subject to the provisions of paragraph (k) of this section, the Zone 9 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.50 per cwt.

(j) *Zone 10.* Zone 10 includes the area designated as Zone 10 in § 1364.452 (j) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 10.* Subject to the provisions of paragraph (k) of this section, the Zone 10 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.75 per cwt.

(k) *Applicable zone price of miscuts.* For any veal wholesale cut which has been miscut or for any piece or portion of veal which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 169, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest-priced wholesale cut.

(l) *Frozen boneless veal (Federal Surplus Commodities Corporation Specifications).* (1) On or after April 3, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless veal (F. S. C. C. Specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum price permitted therefor in paragraph (l) (2) of this section.

(2) The maximum f. o. b. boning plant price for frozen boneless veal (F. S. C. C. Specifications), including cost of boxing and freezing, in each of the following price zones shall be:

Price zone:	*Zone price per cwt.*
1	$23.00
2	22.00
3	21.25
4	20.50
5	21.00
6	21.25
7	21.50
8	21.75
9	22.00
10	22.25

[Subparagraph (2) as amended by Am. 15, 8 F.R. 7675. For effective date of Am. 15, see note following table in § 1364.452 (d) (2)]

(3) Frozen boneless veal (F. S. C. C. Specifications) as used in this paragraph means veal derived from veal carcasses of the cull grade, and satisfying the specifications and requirements of Item 69-a of Schedule FSC-10 (as amended) of the Food Distribution Administration, issued December 2, 1942.

(m) *Boneless and miscellaneous veal cuts.* (1) On or after April 3, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any boneless or miscellaneous veal cut and no person shall buy or receive any boneless or miscellaneous veal cut at a price higher than the maximum price permitted therefor in paragraph (m) (2) of this section.

(2) The maximum price for each boneless or miscellaneous veal cut, not including boxing, in each price zone shall be:

Item	Zones									
	1	2	3	4	5	6	7	8	9	10
(i) Boneless veal leg or round	$24.75	$23.75	$23.00	$22.25	$22.75	$23.00	$23.25	$23.50	$23.75	$24.00
(ii) Boneless veal sirloin strip	24.50	23.50	22.75	22.00	22.50	22.75	23.00	23.25	23.50	23.75
(iii) Veal tenderloin	24.50	23.50	22.75	22.00	22.50	22.75	23.00	23.25	23.50	23.75
(iv) Boneless veal regular rib roll	24.25	23.25	22.50	21.75	22.25	22.50	22.75	23.00	23.25	23.50
(v) Boneless veal shoulder clod	23.75	22.75	22.00	21.25	21.75	22.00	22.25	22.50	22.75	23.00
(vi) Boned, rolled and tied veal roll	22.75	21.75	21.00	20.25	20.75	21.00	21.25	21.50	21.75	22.00
(vii) Boneless veal trimmings	21.00	20.00	19.25	18.50	19.00	19.25	19.50	19.75	20.00	20.25
(viii) Boneless kosher veal forequarter Note 1	22.00	21.00	20.25	19.50	20.00	20.25	20.50	20.75	21.00	21.25
(ix) Veal neckbones	7.00	6.00	5.25	4.50	5.00	5.25	5.50	5.75	6.00	6.25

All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly.

All prices are fresh or frozen, unless purchased by a war procurement agency in which case freezing charge may be added if product is frozen.

NOTE 1: The prices established for the sale of boneless kosher veal forequarter shall apply only on sales to a bonafide buyer of kosher meat. For the sale of any boneless kosher veal forequarter to a buyer other than a buyer of kosher meat, the maximum price shall be determined by use of the applicable zone price established for boneless veal trimmings. Any veal carcass or wholesale cut which has been derived from calves slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

[Table as amended by Am. 15, 8 F.R. 7675. For effective dates see note following table in § 1364.452 (d) (2)]

(n) *Applicable zone prices for fabricated veal cuts sold to purveyors of meals.* (1) Subject to the pricing instructions contained in paragraph (a) of § 1364.466, the maximum price for each grade of each fabricated veal cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of § 1364.466, substituting for the purposes of this paragraph (n) the term "fabricated veal cut" whenever the words "wholesale cut" or "wholesale cuts" as used in said paragraph (a) of § 1364.466 plus the permitted additions, if any, specified in Schedule VI (§ 1364.469), excluding therefrom the additions permitted under paragraphs (e) (f), (g) and (h) thereof, minus the required deductions, if any, specified in Schedule V (§ 1364.468), substituting for the purposes of this paragraph (n) the term "fabricated veal cut" whenever the words "wholesale cut" or "wholesale cuts" are used in Schedule VI. No person shall sell or deliver any fabricated veal cut and no person shall buy or receive any fabricated veal cut unless such fabricated veal cut is a fabricated veal cut as defined in § 1364.470 (b) (3) for which applicable zone prices have been established.

[Subparagraph (1) as amended by Am. 36, effective 2-3-43]

(2) The fabricated veal cut zone areas 1 to 10 are identical to the beef zone areas set forth in Schedule I (§ 1364.452).

(3) The applicable fabricated veal cut prices for Zones 1 to 3 and 5 to 10 shall be the prices specified in paragraphs (4) or (5) hereof (the applicable Zone 4 price) plus the following:

Zone 1	$2.50
Zone 2	1.50
Zone 3	.75
Zone 5	.50
Zone 6	.75
Zone 7	1.00
Zone 8	1.25
Zone 9	1.50
Zone 10	1.75

(4) The fabricated veal cut prices applicable in Zone 4 for sales by a hotel supply house to purveyors of meals subject to the provisions in paragraph (k) of § 1364.467, substituting for the purposes of this paragraph (n) the term "fabricated veal cut" for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include the cost of packaging, boxing or freezing. The additions set forth in § 1364.469 (e), (f), (g) and (h) may not be charged.]

Fabricated veal cuts	Grade			
	Choice or AA	Good or A	Commercial or B	Utility or C
(i) Veal loin, flank off, kidney and suet out	$32.25	$29.50	$24.75	$20.25
(ii) Veal loin steaks—T-bone, porterhouse, and club	33.75	30.75	23.00	21.00
(iii) Veal leg—boned, rolled, and tied	33.00	33.75	29.75	23.50
(iv) Veal leg—oven prepared	33.00	31.00	27.25	23.50
(v) Veal hotel rack—chine removed, blade bone out	31.50	30.50	23.00	23.50
(vi) Veal rack or rib chops	30.25	29.50	27.00	24.50
(vii) Veal shoulder—boned, rolled, and tied	30.75	30.00	27.50	24.75
(viii) Boneless veal shank meat	26.50	25.50	23.25	20.50
(ix) Veal breast—regular stew, bone in	14.75	14.25	13.00	11.50
(x) Veal breast with pocket	14.75	14.25	13.00	11.50
(xi) Boneless veal shoulder stew	30.75	30.00	27.25	24.75

[Table as amended by Am. 15, 8 F.R. 7675 and Am. 36, effective 2-3-44. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2).]

(5) The fabricated veal cut prices applicable in Zone 4 for sales by packing or slaughtering plants, packing branch house, wholesaler's or other type of distributive establishment to purveyors of meals subject to the provisions in paragraph (k) of § 1364.467, substituting for the purposes of this paragraph (n) the term "fabricated veal cut", for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include the cost of packaging, boxing or freezing. The additions set forth in § 1364.469 (e), (f), (g) and (h) may not be charged.]

Fabricated veal cuts	Grade			
	Choice or AA	Good or A	Commercial or B	Utility or C
(i) Veal loin—flank off, kidney and suet out	$29.75	$27.25	$22.75	$18.50
(ii) Veal loin steaks—T-bone, porterhouse, and club	30.50	27.75	23.25	19.75
(iii) Veal leg—boned, rolled, and tied	33.50	31.25	27.50	23.75
(iv) Veal leg—oven prepared	30.75	28.75	23.25	22.00
(v) Veal hotel rack—chine removed, blade bone out	29.50	28.50	23.25	23.75
(vi) Veal rack or rib chops	28.25	27.25	23.00	22.75
(vii) Veal shoulder—boned, rolled, and tied	28.50	27.75	23.50	23.00
(viii) Boneless veal shank meat	24.75	23.75	21.75	19.25
(ix) Veal breast—regular stew, bone in	14.00	13.50	12.25	11.00
(x) Veal breast with pocket	14.00	13.50	12.25	11.00
(xi) Boneless veal shoulder stew	28.50	27.75	23.25	23.00

[Table as amended by Am. 15, 8 F.R. 7675 and Am. 36, effective 2-3-44]

[Paragraph (n) amended by Am. 12, 8 F.R. 7109, effective 6-1-43, and as otherwise noted]

§ 1364.468 *Schedule V: Amounts which must be deducted from zone prices listed in Schedule IV.* As hereinafter provided, the following shall be deducted from the applicable zone prices:

(a) *For veal carcasses and veal wholesale cuts not graded by an official grader.* For the sale of any veal carcass or veal wholesale cut which does not bear the grade mark and identification of an official grader of the United States Department of Agriculture at the time of sale, the seller shall deduct 12½ cents per cwt. from the applicable zone price.

(b) *Carload discount.* For all veal carcasses and/or veal wholesale cuts and/or other meat items subject to this subpart C and §§ 1364.463 and 1364.469, delivered in a straight or mixed carload shipment or sold as part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

[Paragraph (b) amended by Am. 15, 8 F.R. 7675; Am. 19, 8 F.R. 9036, effective 6-30-43; and Am. 21, 8 F.R. 9335, effective 7-16-43. Former (c) consolidated with (b) by Am. 15. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

§ 1364.469 *Schedule VI: Amounts which may be added to zone prices listed in Schedule IV:* Subject to the conditions hereinafter provided, the following may be added to the applicable zone price:

(a) *For transportation and/or local delivery.* (1) For transportation from the point at which the calf or calves were slaughtered in Price Zone 4 to a distribution point located in this price zone, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 75 cents per hundredweight.

[Subparagraph (1) as amended by Amdt. 23, 8 F.R. 13249, effective 10-2-43]

(2) For transportation from the point at which the calf or calves were slaughtered in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10 to a distribution point located in the same price zone as the slaughter point, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 25 cents per cwt.

(3) For local delivery made within a radius of 25 miles from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the

designated delivery point of a war procurement agency, or other government agency; or

For local delivery made within a radius of 25 miles from the place of business of a wholesaler or hotel supply house, to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency: the seller may add 25 cents per cwt.

(4) For local delivery made from a slaughter plant, packing house, carroute unloading point, railroad unloading station or branch house, located in Price Zone 4 to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 4 to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 75 cents per cwt.

(5) For local delivery made from a slaughter plant, packing house, car route unloading point, railroad unloading station, or branch house, located in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, purveyor of meals or commercial user, or the designated delivery point of a war procurement agency or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 50 cents per cwt.

(6) Notwithstanding any of the provisions of paragraphs (a) (1) to (a) (5), inclusive, of this § 1364.469, nothing therein contained shall be construed to permit a total charge for transportation and/or local delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than 50 cents per cwt. in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, or $1.00 per cwt. in Price Zone 4. The transportation and local delivery additions permitted in this paragraph (a) are on a hundredweight basis, and the charge for transportation and/or local delivery for any fraction of a hundredweight shall be reduced accordingly. The additions specified in this paragraph (a) for transportation and/or local delivery may be charged: *Provided,* That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and/or local delivery, except that if such separate statement of transportation charges is prohibited by local law, the seller shall maintain in his own record of the transaction a separate statement of any additions for transportation or local delivery which is included in the maximum price charged.

[Subparagraph (6) as amended by Am. 28, 8 F.R. 13249, effective 10-2-43]

(b) *For kosher veal foresaddle or forequarter.* The applicable zone price established for kosher veal foresaddle or forequarter (which includes the additions permitted) shall apply only on sales of kosher veal as such to buyers of kosher meat and no seller shall sell or deliver any kosher veal foresaddle or forequarter and no buyer shall buy or receive any kosher veal foresaddle or forequarter at the price established therefor or at a price higher than that established for the corresponding non-kosher foresaddle or forequarter in § 1364.467 (Schedule IV) unless the buyer of such wholesale cut is a bona fide buyer of kosher meat. For the sale of any kosher veal foresaddle or forequarter to a buyer other than a bona fide buyer of kosher meat the maximum price shall be determined by use of the applicable zone price established for the corresponding non-kosher foresaddle or forequarter, and the seller shall remove all stamps and designations which identify the wholesale cut as kosher. Any veal carcass or veal wholesale cut which has been derived from calves slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

(c) *For kosher foresaddles or forequarters derived from calves slaughtered in a limited area of Zone 9.* (1) For any grade of kosher veal foresaddle or forequarter, except the cull grade, which cuts are derived from calves slaughtered in that portion of Zone 9 north of the Potomac River and which clearly bear the abattoir stamp at the time of sale, the seller may add $1.50 per cwt. to the applicable Zone 9 price: *Provided,* That such foresaddle or forequarter shall be sold to a bona fide buyer of kosher meat located in that portion of Zone 9 north of the Potomac River.

(2) The provisions of paragraph (b) of this section governing the sale of kosher foresaddle or forequarter shall apply to sales made pursuant to this paragraph (c). No addition permitted by this paragraph (c) shall be added for the sale of any kosher foresaddle or forequarter which does not bear the abattoir stamp clearly legible. No slaughterer shall charge the addition for kosher veal foresaddle or forequarter from calves slaughtered in the limited area of Price Zone 9 described in subparagraph (1) hereof until he shall have filed the report required in paragraph (d) of § 1364.407 of this Revised Maximum Price Regulation No. 169.

(d) *Wholesalers' selling addition.* On sale of any veal carcass or veal wholesale cut and/or any other meat item subject to this regulation, not obtained through custom slaughtering, excluding therefrom sales made pursuant to paragraphs (l) or (n) (5) of § 1364.467, a person who at the time of the sale is a wholesaler may add 75 cents per cwt. to the applicable zone price: *Provided, however,* That no person shall charge the addition permitted by this § 1364.469 (d) unless such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person: (1) is engaged in the business of buying veal carcasses and/or veal wholesale cuts for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 169. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

[Paragraph (d) amended by Am. 16 8 F.R. 7675, Am. 21, 8 F.R. 9995, effective 7-16-43; and Am. 36, effective 2-3-44. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

(e) *Packaging and wrapping for war procurement agencies.* On sales of veal carcasses or veal cuts to a war procurement agency, the seller may add to the applicable zone price:

(1) For wrapping veal carcasses or veal cuts for domestic shipment, U. S. Army or Navy specifications, 25 cents per cwt.

(2) For wrapping veal carcasses or veal cuts for overseas shipment, U. S. Army or Navy specifications, 75 cents per cwt.

(3) For wrapping veal carcasses or veal cuts, Federal Surplus Commodities Corporation Specifications, 50 cents per cwt.

(f) *Boxing or barreling.* On sales to a seller at retail, purveyor of meals, commercial user (not wholesaler, branch

house, hotel supply house, etc.), or government agency, other than a war procurement agency, the seller may add 25 cents per cwt. for packing in closed or sealed boxes or barrels, delivered to the buyer's place of business.

(g) *Wrapping for civilian sales.* (1) For wrapping veal carcasses or wholesale cuts in one stockinette or Kraft paper bag, there may be added 12½ cents per cwt.

(2) For wrapping veal carcasses or wholesale cuts in two stockinettes or one stockinette and one Kraft paper bag or for other special wrapping or dressing involving a cost in excess of 12½ cents per cwt., there may be added 25 cents per cwt.

(h) *Freezing and storage.* On sales of veal carcasses and cuts to a war procurement agency, the seller may add the cost of freezing and storage: *Provided,* That the cost shall not exceed 35 cents per cwt.

(i) *Peddler-truck selling addition.* Where the seller makes a peddler-truck sale involving delivery of not more than 100 pounds of veal in a total delivery of not more than 150 pounds of meat and meat products in any one day from such peddler-truck to any buyer's store door, he may add to the price specified in § 1364.467 (Schedule IV), the sum of $1.25 per cwt. This addition shall be in lieu of any local delivery and/or transportation addition permitted in this § 1364.469.

§ 1364.470 *Definitions applicable to veal.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to veal, the term:

(1) "Person" means any individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing: *Provided,* That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Carload" means:

(i) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based: *Provided,* That, where the transportation charge for shipment of a lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload:

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing, as a single bulk transaction; and

(iii) Any single bulk transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing.

(3) "Veal" means meat derived from the carcasses of immature bovine animals, including calf carcasses as well as veal carcasses, which have predominantly veal characteristics as determined by United States Department of Agriculture standards,[11] and particularly by the color and texture of the flesh and by the color and consistency of the fat and bones. Such carcasses shall not exceed 275 pounds, skin off, chilled, or 315 pounds, skin on, chilled.

(4) "Car route unloading point" means any point on a car route at which a stop is made for the purpose of transferring meat to the possession of the buyer or to a truck for local delivery to the buyer.

(5) "Distribution point" includes a packing or slaughtering plant, packer's branch house, wholesaler's or jobber's or hotel supply house's warehouse, or a car route unloading point, or railroad unloading station.

(6) "Local delivery" means delivery by the seller otherwise than by rail, commencing at the seller's distribution point, or in the case of car routes, at the car unloading point and continuing to the buyer's place of business or other point of delivery.

(7) "Price Zones 1 to 10, inclusive" means the geographical areas described in § 1364.452.

(8) "Veal carcass" means and is limited to the dressed carcass, "skin on", or "skin off", or side of veal which shall be dressed with the kidney knob or knobs in, pluck out, and without caul fat dressing. Tail or caudal vertebrae are not to exceed two in number. The veal carcass shall not be broken in any manner other than provided for in paragraph (a) (9) or (a) (10) of this § 1364.470.

(9) "Veal wholesale cut" means and is limited to any of the following cuts meeting the following minimum specifications, derived from the veal carcass, but excluding the offal and any item not included herein. Ribs are designated as first to thirteenth, inclusive, counting as the first rib that one which is nearest the neck end of the side.

(i) "Hindsaddle or hindquarter" means the portion of the carcass or side, respectively, remaining after the severance of the 12-rib foresaddle or forequarter and comprising the legs or leg, and loin, double or single, including the 13th rib, flank and kidney, all in one piece, which portion shall be obtained by cutting the veal carcass or side between the 12th and 13th ribs, keeping the knife firmly against the 12th rib and following the curvature of the rib to the point where the 12th rib turns, from which point the cut shall be continued by following a line through the cartilage and meat of the flank in the same straight line at right angles to the chine bone, completing the cut. Tail or caudal vertebrae to be left on the hindsaddle or hindquarter are not to exceed 2 in number.

(ii) "Foresaddle or forequarter" means the anterior portion of the carcass or side, respectively, remaining after the severance of the one-rib hindsaddle or hindquarter, which anterior portion shall be obtained by cutting the veal carcass or side between the 12th and 13th ribs keeping the knife firmly against the 12th rib and following the curvature of the rib to the point where the 12th rib turns, from which point the cut shall be continued by following a line through the cartilage and meat of the flank in the same straight line at right angles to the chine bone, completing the cut.

(iii) "Legs or leg" means the portion of the hindsaddle or hindquarter remaining after the severance of the loin from the hindsaddle or hindquarter, which portion shall be obtained by cutting squarely in a line at a right angle to the chine bone, starting at the juncture of the 5th and 6th lumbar vertebra and continuing in the same straight line through a point flush against the anterior end or pin bone end of the pelvis, leaving all the hipbone in the leg. The cut shall be made in a straight line perpendicular to the contour of the outside or skin surface of the hindsaddle. The pair of legs may be split through the center to make 2 single legs. The tail or caudal vertebrae remaining on the legs or leg are not to exceed 2 in number.

(iv) "Loin, double or single", means that portion of the hindsaddle or hindquarter remaining after severance of the legs, which portion shall be obtained by cutting in a straight line at a right angle to the chine bone, starting at the juncture of the 5th and 6th lumbar vertebrae, and continuing through a point flush against the anterior end or pin bone end of the pelvis, leaving all the hipbone in the leg. The cut shall be made in a straight line perpendicular to the contour of the outside or skin surface of the hindsaddle or hindquarter. The double loin is split through the center of the chine bone to make 2 single loins. The loin includes the 13th rib and is untrimmed, that is, it includes the flank, kidney, and fat.

(v) "Kosher veal foresaddle or forequarter" means a veal foresaddle or forequarter derived from calves slaughtered, approved and stamped as kosher under rabbinical supervision, and sold under rabbinical supervision.

(10) "Boneless and miscellaneous veal cuts" means and is limited to any of the following cuts meeting the following minimum specifications, derived from veal carcasses of the cull grade:

(i) "Boneless veal leg or round" means the single veal leg separated from the loin as described in paragraph (a) (9) (iii) of this section from which all bone, the gambrel cord (Achilles tendon) and the shank meat have been removed. The shank muscles and shank bone shall be completely removed by a cut following

[11] Circular No. 103, Market Classes and Grades of Dressed Veal and Calf Carcasses, United States Department of Agriculture, issued as revised, February, 1937.

the natural seam starting on the inner side of the gambrel cord and extending the cut through the stifle joint and by severing the gambrel cord where it joins the muscle. The cod fat or udder fat and the flank are left intact.

(ii) "Veal tenderloin" means the muscle lying in the body cavity of the veal carcass between the kidney fat and chine bone, extending from the butt end of the loin to approximately the 13th rib. The tenderloin shall be entirely boneless and the surplus fat shall be smoothed and tapered down from the butt end to the point where the fat is firmly attached and in no case shall the fat extend beyond the center of the length of the tenderloin. All strings and ragged edges are to be removed.

(iii) "Boneless veal sirloin strip" means the eye or top muscle of the single veal loin, extending from the pin bone end of the pelvis to and over the 13th rib, entirely boneless and with the flank removed by a cut parallel to the side of the eye and one-half inch from the eye muscle.

(iv) "Boneless veal regular (rib) roll" means the rib eye muscle that extends over the top of the veal rib bones from the 3rd to the 12th rib, inclusive. The small wedge-shaped muscle that lies along the plate edge and the covering over the rib eye muscle shall all be removed.

(v) "Boneless veal shoulder clod" means the thick meaty muscle which lies over the blade bone of the veal shoulder and which extends from the chine bone edge to the elbow joint of the shoulder. The chine bone end of the clod shall not be more than four inches wide and the cut along the rib side of the clod shall be straight and at a right angle to the four inch chine bone end.

(vi) "Boned, rolled and tied veal roll" means the complete forequarter of the veal carcass from which all bone, cartilage and gristle have been removed. The heavy sinews from the navel section of the plate and from the chuck and rib also shall be excluded. The rib eye muscle and the shoulder clod muscle shall be included. It is rolled into a cylindrical shape and tied with circular loops one and one-half inches apart, each loop being individually tied. The ends of the roll shall be squared or trimmed of loose or irregular portions. It is permissible in the case of heavy veal to divide the boneless meat from each veal forequarter into two or more rolls.

(vii) "Boneless kosher forequarter veal" means the boneless meat from the entire kosher veal forequarter, but excluding sinews, cords and neckstraps.

(viii) "Boneless veal trimmings" means boneless veal meat from any part of the veal carcass, but excluding the pluck kidneys, sinews, cords and neckstraps.

(ix) "Veal neckbones" means the neck (cervical) vertebrae with some meat left between the projections on the vertebrae, but generally reasonably well trimmed in accordance with practical operations.

(11) "Buyer of kosher meat" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(12) "War procurement agency", includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, or any agency of the foregoing.

[Subparagraphs (13) and (15) revoked and former (14), (16) and (17) redesignated (13), (14) and (15), respectively, by Am. 12, 8 F.R. 7109, effective 6-1-43]

(13) "Wholesaler" means a person other than a hotel supply house or peddler truck seller who buys veal carcasses and veal wholesale cuts for resale other than at retail and who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in any substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(14) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, car route, hotel supply house, purchaser for resale, commercial user, purveyor of meals, war procurement agency, or other government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

(15) "Peddler-truck sale" means a sale of veal from a truck by a person who purchases veal at or below the maximum price from a seller with whom he has no other financial affiliation or relationship, who takes delivery at the seller's place of business, and who does not sell or deal in meat in any manner other than sales out of stock carried in a truck owned and driven by him: *Provided*, That the first record of the transaction is made by the salesman concurrently with the delivery of the products sold.

(b) When used in this Revised Maximum Price Regulation No. 169 and when applicable to sales of fabricated veal cuts to purveyors of meals, the term:

(1) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and the sale of fabricated meat cuts to purveyors of meals, including the sale of veal carcasses and/or veal wholesale cuts, boneless and miscellaneous veal cuts, variety meats and edible by-products and sausage to purveyors of meals, and in the sale of retail meat cuts, variety meats and edible by-products and/or processed meat products to ultimate consumers pursuant to the provisions of § 1364.416 of this regulation; and which during the period of September 15, 1942 through December 15, 1942, sold and/or delivered to purveyors of meals, other than war procurement agencies, not less than 70% of the total volume by weight of all meats, variety meats and edible by-products and/or sausage and similar products thereof, sold by it.

[Subparagraph (1) amended by Am. 24, 8 F.R. 11081, effective 8-7-43, and Am. 36, effective 2-3-44]

(2) "Purveyor of meals" means (i) any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration.

(ii) War Shipping Administration of the United States Government.

[Subparagraph (ii) as amended by Am. 24, effective 8-7-43]

(iii) Any person operating an ocean going vessel engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, to the extent that meat is delivered to him as ship's stores for consumption aboard such vessel.

(iv) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state or local government or agency thereof.

(v) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States).

[Subparagraph (v) added by Am. 24, effective 8-7-43]

(3) "Fabricated veal cut" means and is limited to mean any of the following cuts made for a purveyor of meals, meeting the following minimum specifications, and derived from specified veal wholesale cuts as provided for in paragraphs (8) and (9) of § 1364.470, excluding any item not included herein. All cuts shall be made according to the specifications provided herein.

(i) "Veal leg, oven prepared," means the single veal leg with all bones except the leg bone (femur) removed. Leg bone means the bone between the stifle joint and the rump bone.

(ii) "Veal leg, boned, rolled and tied," means the single veal leg separated from the loin, from which all bone and the gambrel cord (Achilles tendon) have been removed. The shank muscle is either cut off and placed lengthwise in the pocket left by the aitch and leg bones or folded back and the meat is then rolled into a cylindrical shape and tied with cotton twine. The loops shall be individually tied and spaced not more than 2½ inches apart throughout the length of the roll.

(iii) "Veal loin, flank off, kidney and suet out," means the loin with the flank kidney and suet removed. The flank

shall be removed by cutting in a straight line parallel with the chine bone and measuring not over six inches from the inside protruding edge of the chine bone on either end. The kidneys and surrounding fat shall be removed and the fat on the inside of the loin shall be trimmed smooth, and evidence of trimming by a knife shall be apparent.

(iv) "Veal loin steaks" (T-bone, porterhouse and club steaks) mean steaks cut from the veal loin. The kidneys, kidney fat and the 13th rib shall be removed and the fat on the inside of the loin shall be trimmed smooth and evidence of trimming by a knife shall be apparent. The flank shall be removed by cutting in a straight line parallel with the chine bone and not over six inches from the inside protruding edge of the chine bone. The steaks are made by cuts perpendicular to the outer or skin surface and at right angles to the chine bone. The steaks may be of any desired size, provided that the loin is cut into at least four whole individual steaks, and shall include T-bone, porterhouse and club steaks.

(v) "Veal hotel rack, chine removed, blade bone out", means the single veal hotel rack from which the chine bone and shoulder blade have been removed. The single "veal hotel rack" means the single rib section from the 6th to the 12th ribs, inclusive, severed from the forequarter by a cut starting at a point of the 12th rib not more than six inches from the inside protruding edge of the chine bone, cutting in a straight line to a point on the 6th rib which is not more than four and one-half inches from the inside protruding edge of the chine bone, and then cutting between the 5th and 6th ribs, following the curvature of the ribs close to the 5th rib. The veal hotel rack, chine removed, blade bone cut, shall be made by removing the chine bone (backbone), including the feather bones by cutting along the line where the ribs join the backbone and by removing the shoulder blade bone, including the shoulder blade cartilage.

(vi) "Veal rack or rib chops" means chops cut from the single veal hotel rack which has been severed from the forequarter and from which the inside protruding edge of the backbone shall be removed by sawing lengthwise of the rack through the inner extremity of the spinal cord groove. The rack shall be cut between the ribs into sections which may be of any desired size, but not less than four chops.

(vii) "Veal shoulder, boned, rolled and tied," means the 5-rib shoulder, cut as described in this paragraph, which has been boned, rolled and tied in a cylindrical shape. The 5-rib shoulder is made from the veal forequarter after the hotel rack has been removed, as described in subdivision (v) of this section by cutting in a straight line starting at a point on the 5th rib not more than 4½ inches from the protruding edge of the chine bone on the inside, and cutting through a point at the end of the breast bone, including the cartilage (forward end of the first segment of the sternum). This cut will separate the shoulder from the brisket, breast and shank. When the shoulder has been separated from the brisket and breast, the only bone to show on the side of the shoulder other than the ribs is the arm bone. All bones are removed from the 5-rib shoulder and the meat is rolled into a cylindrical shape and tied with cotton twine to make the veal shoulder, boned, rolled and tied. The loops shall be individually tied and spaced not more than 2½ inches apart throughout the length of the roll. Ragged portions shall be trimmed from the roll.

(viii) "Boneless veal shoulder stew" means the 5-rib shoulder severed from the forequarter as described in subdivision (vii) of this section from which all bone has been removed and which has been cut into small cubes of meat, none of which shall be larger than two inches in size or contain more than one-fourth inch of fat.

(ix) "Boneless veal shank meat" means boneless meat from the shank of the veal forequarter. The shank is obtained by separation from the brisket by a cut following the natural seam and leaving the entire lip or web muscle on the brisket.

(x) "Veal breast with pocket" means the veal breast and brisket remaining after removal of the hotel rack and 5-rib shoulder from the veal forequarter, as described in subdivision (v) and (vii) of this section with the shank removed as described in subdivision (ix) of this section and with a slit or pocket made between the outer or meaty portion and the inner bony or intercostal portion, starting at the 12th rib end and extending to not more than one inch from both side edges and the brisket end of the cut.

(xi) "Veal breast, regular stew, bone in," means small cubes of meat, none of which is larger than two cubic inches in size, derived from the breast, including the brisket from which the shank has been removed.

(4) Fabricated meat cuts as used in this regulation means and is limited to those fabricated beef cuts and fabricated veal cuts which are described and for which maximum prices are established in this regulation and those hotel supply cuts which are described and for which maximum prices are established in Revised Maximum Price Regulation No. 239, "Lamb and Mutton Carcasses and Wholesale Cuts at Wholesale and Retail".

(5) "Three months quota period" means and is limited to the following quarterly periods: June 1 to August 31, inclusive, September 1 to November 30, inclusive, December 1, to February 28 or 29, inclusive and/or March 1 to May 31, inclusive.

(6) Variety meats and edible by-products include and are limited to those items only which are defined and for which maximum selling prices are established in Maximum Price Regulation No. 393, "Variety Meat and Edible By-Products at Wholesale" and/or Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton Cuts and All Variety Meats and Edible By-Products".

[Paragraph (b) added by Am. 12, 8 F.R. 7169, effective 6-1-43. Former (b) redesignated (c). Subparagraphs (4), (5), and (6) added by Am. 36, effective 2-3-44]

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

[Title of Subpart C amended and § 1364.465 to 1364.470, inclusive, added by Am. 4, 8 F.R. 4037, effective 4-3-43]

SUBPART D—PROVISIONS AFFECTING PROCESSED PRODUCTS

[Subpart D title inserted by Am. 4.]

§ 1364.476 *Maximum prices for processed products.* Except as provided by paragraphs (d), (e), (f), and (j) of this section, each seller's maximum prices for processed products which are shipped otherwise than via car route or by carload shall be computed as provided by paragraph (a) of this section; his maximum prices for such processed products shipped via car route shall be computed as provided by paragraph (b) of this section; and his maximum prices for such processed products shipped by carload shall be computed as provided by paragraph (c) of this section. Maximum prices for processed products which cannot be determined under paragraphs (a), (b), or (c) shall be computed as provided by paragraph (g). Maximum prices for processed products which cannot be determined under paragraph (a) or (g) shall be determined pursuant to paragraph (h). Maximum prices for processed products which cannot be determined under paragraph (c) or (g) shall be computed pursuant to paragraph (i). Each seller shall report to the Office of Price Administration his maximum prices as provided in paragraph (k).

(a) *Maximum prices for processed products not shipped via car route or by carload.* Except as provided in paragraphs (d) and (j) of this section, each seller's maximum price for each grade of processed product not shipped via car route or by carload shall be computed as follows:

(1) The maximum price for each grade of each processed product shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of processed products of the same grade were made during such period.

Example: Assume that the seller's sales of a processed product, during the base period March 16 to March 28, 1942, were as follows:

Price per lb.	Weight volume in lbs.	Percentage of total weight volume (percent)
21¢	1,000	4
23½¢	2,000	8
23¢	4,000	16
22¾¢	5,000	20
22½¢	8,000	32
22¢	4,000	16
21½¢	1,000	4
Total weight volume	25,000	

The seller's maximum price for the processed product is 22¾¢ per lb. for that is the highest price actually charged by him at or above which he made at least 30% of the total weight volume of his sales of such processed product during the base period; 23¢ cannot be his maximum price, because only 28% of the total weight volume of sales was made at or above that price; 22⅞¢ cannot be his maximum price, for he made no sales during the base period at that price.

(2) The maximum price for each grade and brand of each processed product (i. e., beef and veal which are canned, ground, or processed) shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of such processed product was made during such period.

Note: In making computations of total weight volume required by paragraph (a) of this section, the seller shall omit all sales of products which he shipped via car route or by carload.

(b) *Maximum prices for processed products, shipped via car route.* Except as provided in paragraphs (d) and (e) of this section, each seller's maximum price for each grade of each processed product delivered via car route shall be computed as follows:

(1) The seller shall ascertain zones for all car routes operated from the same shipping point, upon the basis of 25¢ per cwt. differences in transportation and icing charges. If the car route is operated by truck, such transportation and icing charges shall be determined by reference to the tariff of any common carrier trucker who has filed such tariff with the Interstate Commerce Commission.

(2) As used in this paragraph (b) of § 1364.476, the term "average transportation charge" means the transportation charge in any zone determined by adding to the lowest transportation and icing charge in such zone the highest transportation and icing charge in such zone and dividing the resulting sum by two.

(3) The seller shall deduct from the prices charged by him for products delivered in each zone during the period March 16 to March 28, 1942, the average transportation and icing charge in such zone.

(4) Using the prices computed under paragraph (b) (3) of this section, the seller shall determine f. o. b. shipping point prices for each grade of each processed product in the manner provided for in subparagraphs (1) and (2) of paragraph (a) of this section.

(5) Maximum prices in each car route zone shall be determined by adding to the f. o. b. shipping point prices determined under paragraph (b) (4) of this section the average transportation charge in such zone, except that in sales to a war procurement agency or to the Federal Surplus Commodities Corporation the maximum prices shall be determined by adding to such f. o. b. shipping point prices the transportation charge to destination which is actually incurred, which actual transportation charge shall in no instance exceed the highest transportation charge used as the basis for determining the average transportation charge in the zone of such destination point.

(c) *Maximum prices for processed products shipped by carload.* Except as provided in paragraphs (d) and (j) of this section, each seller's maximum price, f. o. b. the seller's shipping point of each grade of each processed product sold for carload delivery, shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of processed products were sold in carload shipments from such shipping point during such period: *Provided,* That, in determining such maximum price, the seller shall deduct from all delivered prices charged in his carload sales during such period the actual transportation costs from the shipping point to all points of delivery.

(d) *Maximum prices for products purchased by certain governmental agencies.* The maximum price for each grade of each processed product which is purchased for any institution of any state, or political subdivision thereof, or of the United States by an authorized purchasing agency (other than purchases by a war procurement agency or the Federal Surplus Commodities Corporation) shall be either:

(1) The highest price which such agency contracted to pay for such grade of processed product in contracts specifying comparable delivery and entered into during the 30-day period commencing on March 16, 1942, or actually paid for such grade of processed products during such period; or

(2) The seller's maximum price determined under the applicable provisions of paragraph (a), (b), or (c) of this section. The purchaser shall, in issuing requests for bids, state which of the two formulae for determining maximum prices set out in subparagraphs (1) and (2) of this paragraph (d) shall be applicable to such bids: *Provided,* That, if the purchaser states that the maximum price is the alternative set forth in said subparagraph (1), the purchaser shall quote in its invitation for bids the maximum price for each grade of processed product to be purchased.

(e) *Adjustment of maximum prices for products sold to certain governmental agencies to include certain special charges.* In any sale of processed products to a war procurement agency or to the Federal Surplus Commodities Corporation the seller may add to the maximum prices determined under paragraphs (a), (b), and (c) of this section the actual cost of freezing and wrapping or packaging such products if such products are frozen and wrapped or packaged pursuant to specifications applicable to products for overseas shipment or supply ship delivery: *Provided,* That the actual cost of freezing shall in no event exceed the lowest commercial rate for such freezing in the market area.

(f) *Adjustment of maximum prices.* In the event that any maximum price computed pursuant to paragraphs (a), (b), or (c) of this section results in a price containing a fraction of a cent which fraction is indivisible exactly into eighths, the seller shall adjust such maximum price to the nearest eighth of a cent.

(g) *Maximum prices which cannot be priced under the foregoing paragraphs.* Except as provided in paragraph (j) of this section, if the maximum price for any grade of any processed product cannot be determined under paragraphs (a), (b), or (c) of this section, the maximum price for such processed product shall be the maximum price of the most nearly competitive seller.

(h) *Maximum prices for products which cannot be priced under paragraphs (a) or (g).* If the maximum price for any processed product cannot be determined under paragraph (a) or (g) of this section, the seller shall apply to the Office of Price Administration, Washington, D. C., for authorization to establish a maximum price, setting forth in such sworn application a detailed description of the grade and kind of processed product for which a price is sought, including, where appropriate: a description of the nature and degree of processing and the maximum prices, if any, established for the sale by the seller of other grades of processed product; the manner in which the processed product differs from the most similar processed product for which a maximum price is established, and the maximum price for such processed product; the costs of any of the operations which are added to or eliminated from the processing of the most similar processed product; a statement of the reasons why the new manner of processing is being undertaken; a statement of the price requested, and the method by which the requested price was arrived at. Authorization to establish a maximum price for such processed product will be accompanied by instructions as to the method for determining the maximum price. Within 10 days after such price has been determined, the seller shall report the price to the Office of Price Administration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(i) *Maximum prices for products which cannot be priced under paragraphs (c) or (g).* Except as provided in paragraph (j) of this section, if the

maximum price for any grade of any processed product shipped by carload cannot be determined under paragraph (g) of this section, the maximum price, f. o. b. the seller's shipping point for each grade of each processed product sold for carload delivery, shall be determined by subtracting ½¢ per pound from the seller's maximum price for such grade of processed product as determined pursuant to paragraph (a) of this section, or as determined pursuant to paragraph (g) or (h) in lieu of paragraph (a), if such maximum price cannot be determined pursuant to paragraph (a).

(j) *Maximum prices for products sold for export.* The maximum price at which a person may sell or deliver any commodity for export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(k) *Duty to report maximum prices and adhere to reported prices.* Each seller shall report to the Office of Price Administration, pursuant to the provisions of § 1364.407, his maximum prices on all processed products which he sells. The seller shall in no event charge any prices higher than those so reported as his maximum prices.

(l) *Limitation of maximum prices.* Notwithstanding any other provision of this subpart D, effective July 5, 1943, the maximum price for each grade of each processed product shall not exceed the price computed in the following manner:

(i) The seller shall itemize separately the maximum price determined pursuant to this § 1364.476 for each grade of each processed product and the unit of weight to which such price is applicable.

(ii) Taking each processed product separately as recorded in (i), the seller shall record the name, grade and weight of each ingredient used in preparing 100 lbs. of the finished processed product.

(iii) Using the figures enumerated in (i) the seller shall compute and record his sales realization at his maximum selling price for 100 lbs. of the finished processed product.

(iv) The seller shall compute the amount of the reduction in meat costs (using new maximum prices and maximum prices in effect on June 12, 1943) for the kind, grade and quantity of meat used in preparing 100 lbs. of the finished processed product.

(v) The seller shall deduct the figure obtained in (iv) from the figure obtained in (iii) and use the result to determine the adjusted maximum price for the unit of weight of the processed product.

(vi) Not later than July 19, 1943, each seller subject to this subpart D shall file with the OPA at Washington, D. C. a copy of his adjusted maximum selling prices for each grade of each processed product together with a copy of the full computation as required by subdivisions (i) to (v), inclusive.

[Paragraph (l) added by Am. 15, 8 F.R. 7675. For effective date see note following table in § 1364.452 (d) (2)]

[§ 1364.476 amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

§ 1364.477 *Definitions applicable to processed products.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to processed products the term:

(1) "Person" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided,* That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Seller" means any person who sells, supplies, disposes, barters, exchanges, transfers or delivers, and contracts and offers to do any of the foregoing. Where a person makes sales from more than one place of business, each separate place of business of such person shall be deemed to be a separate seller, except that all places of business owned or controlled by the same person, and selling in the same market area shall be regarded as a single seller. Each shipping point from which a car route or car routes originate shall be deemed a separate seller. If more than half of the sales at any one place of business are sales of kosher processed products the sales at such place of business shall not be included with sales at any other place of business in computing maximum prices. All sales by any person to hotels and restaurants from one or more selling places in the same market area may be treated, at the option of such person, as sales by a separate seller.

(3) "Processed products" means cured, pickled, spiced, smoked, dried or otherwise processed beef and/or veal, including sausage containing any proportion of beef or veal: *Provided,* That any beef carcass, or cut thereof, including any beef wholesale cut which has been boned as permitted in Subpart B of this Revised Regulation or otherwise, or any veal carcass, or cut thereof, including any veal wholesale cut which has been boned as permitted in Subpart C of this Revised Regulation or otherwise, or any miscellaneous beef item defined in § 1364.452 (p) or product of the same type or similar thereto shall not be deemed a processed product. Products of each grade and brand and in each stage of processing, shall be considered separate processed products. Each type of canned and packaged meat, made entirely from beef and/or veal shall be considered a separate processed product. Kosher processed products shall for the purposes of § 1364.476 be regarded as separate processed products.

[Subparagraph (3) as amended by Am. 6, 8 F.R. 4844, effective 4-14-43]

(4) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration or any agency of the foregoing.

(5) "Carload" means:

(i) A shipment by rail of fresh, frozen and/or processed meat, and/or wholesale cuts or meat and/or carcasses, to a single delivery point of at least the minimum weight as set forth in the tariffs of railroad carriers, upon which shipment the railroad carload rate from the point of shipment to the point of destination is based: *Provided,* That where a smaller quantity is shipped which could move at a railroad carload rate rather than at a railroad less-than-carload rate because a lower transportation charge is produced thereby, such smaller quantity shall be considered a carload lot;

(ii) A shipment by motor truck or trucks, to a single delivery point of 15,000 pounds of fresh, frozen and/or processed meat and/or wholesale cuts or meat and/or carcasses as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery, at the seller's place of business, of 15,000 pounds or more of fresh, frozen and/or processed meat and/or wholesale cuts or meat and/or carcasses.

(6) "Purchasing agency" refers to the authorized purchasing agency which contracts for future delivery of any processed products according to fixed specifications.

(7) "Sales at retail" means sales to the ultimate consumer: *Provided,* That no wholesaler, processor, packer, slaughterer, branch house, purchaser for resale, car route or commercial user, shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals, by a person regularly and generally engaged in selling at retail, made on usual retail terms, shall be regarded as a sale at retail.

(8) "Car route" means a shipment by rail or truck, other than a carload, to a place outside of the market area in which the shipping point is located.

(9) "Market area" means any municipality or group of municipalities, each of which has a common boundary with another: *Provided,* That such market area shall in no event extend in any direction further than 50 miles from the seller's shipping point.

(10) "Packaged meat" means meat sold in prepared containers of uniform size and appearance, which containers bear an identification of the contents and a statement of the weight of volume thereof.

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

[§ 1364.477 amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

§ 1364.478 *Petitions for adjustment.* (a) The Office of Price Administration may, by order, adjust any maximum price established under §§ 1364.401 to 1364.413, inclusive, §§ 1364.476 and 1364.477 for any seller who petitions for such adjustment in accordance with Revised

Procedural Regulation No. 1, issued by the Office of Price Administration, in any case in which such seller shows:

(1) That such maximum price causes him hardship and is abnormally low in relation to the maximum prices established for competitive sellers:

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after December 15, 1942, will be granted under this section.

[§ 1364.478 added by Amendment 2, 8 F.R. 164, effective 1-8-43]

SUBPART E—APPENDICES

[Formerly Subpart D, redesignated by Am. 4, effective 4-3-43]

§ 1364.526 *Appendix A: Formula for meat marking fluid.* The following formula has been approved by the United States Department of Agriculture, Bureau of Animal Industry, Meat Inspection Laboratory, to be used for marking meats under the provisions of meat inspection law:

Water	gallons	45
Pure grain alcohol, 95 percent	gallons	38
Granulated cane sugar	pounds	100
Methyl violet	pounds	10

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

It is not necessary that the above-mentioned formula be adhered to in every detail, but the proportions indicated should not be subjected to any considerable variation; otherwise the marking qualities of the fluid may be impaired. Instead of the pure grain alcohol specified in the formula there may be employed pure grain alcohol, denatured according to formula 33 of the United States Bureau of Internal Revenue. When such denatured alcohol is used, it should be employed in the proportion indicated above. No additional methyl violet should be added. Instead of granulated cane sugar, pure granulated glucose may be used in the same proportion, or heavy corn sirup, if of suitable purity, may be used, provided due allowance is made for the water introduced in that way. All the ingredients used in preparing the marking fluid must be free from poisonous and harmful substances.

§ 1364.527 *Appendix B: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade), and condition.*

REGULATION 1. DEFINITIONS

Section 1. Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

Section 2. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean—

Paragraph 1. *Secretary.* Secretary or Acting Secretary of Agriculture of the United States.

Paragraph 2. *Bureau.*[12] Agricultural Marketing Administration of the United States Department of Agriculture.

Paragraph 3. *Official grader.* Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, grade, and condition of products under the act.

Paragraph 4. *Office of grading.* The office of an official grader of products covered by these regulations.

Paragraph 5. *Grading certificate.* Certificate of the class, quality (grade), and condition of products issued by an official grader under the act.

Paragraph 6. *Interested party.* Anyone having a financial interest in the products involved, including the shipper, the receiver, or the carrier, or any authorized person in behalf of such party.

Paragraph 7. *Regulations.* Rules and regulations of the Secretary under the act.

Paragraph 8. *Class.* Class is a subdivision of a given commercial product based on essential physical characteristics that differentiate between major groups of the same kind or species, for instance, the classes in beef are: steer, heifer, cow, stag, and bull.

Paragraph 9. *Quality.* Quality in a product is a combination of its inherent properties which determines its relative degree of excellence.

Paragraph 10. *Condition.* Condition of a commercial product denotes those characteristics affecting its merchantability—with special reference to state of preservation, cleanliness, soundness, wholesomeness, and fitness for human food.

Paragraph 11. *Grade.* Grade is the last important commercial subdivision of a product based on certain definite value and preference-determining factors, such as conformation, finish, and quality in meats.

Paragraph 12. *Products.* Includes carcasses and wholesale cuts.

REGULATION 4. GRADING SERVICE

Section 1. *Kind of service.* Examination, identification, and certification of products shall be made according to class, quality (grade), and condition.

Section 2. *Who may obtain service.* Application for grading may be made by any financially interested person or his authorized agent, including Federal, State, county, and municipal governments, and common carriers.

Section 3. *How to make application.* Application for grading shall be filed in the office of grading or with an official grader. It may be made in writing, orally, or by telegraph or telephone. If made orally, the official grader may require that it be confirmed in writing or by telegraph, stating the facts required by Section 4 of this regulation.

Section 4. *Form of application.* Each application for grading shall include the following information: (a) the date of application; (b) the description and location of the product to be graded; (c) the name and post office address of the applicant and of the person, if other than the applicant, making the application in his behalf; (d) the interest of the applicant (except an official of the Federal Government or a State) therein; (e) the name, post office address, and interest of all other known parties, except carriers, interested in the products involved; (f) the shipping point and destination of the product; (g) type of service desired; and (h) such other information as may be necessary for proper identification of the product or as may be required by the Chief of Bureau.

Section 5. *When application deemed filed.* An application for grading shall be deemed filed when delivered to the proper office of grading. Record showing date and time of filing shall be made in such office.

Section 6. *When application may be rejected.* Any application may be rejected by the official grader in charge of the office of grading in which it is filed for noncompliance with the act or any applicable regulation thereunder, failure to make product available for examination, abusive language or act of violence, or interference with grader while performing grading, and such official grader shall immediately notify the applicant of the reasons for such rejection.

Section 7. *Authority of agent.* Proof of the authority of any person applying for service in behalf of another may be required in the discretion of the official grader.

Section 8. *Accessibility of product.* The applicant shall cause the products for which service is requested to be made accessible for grading and to be so placed as to disclose class, quality, and condition.

Section 9. *Basis of service.* Examination, identification, and certification for class, grade, and condition shall be based upon the official or tentative standards of the Department of Agriculture as contained in this Maximum Price Regulation No. 169.

Section 10. *Order of grading.* Service shall be rendered in the order in which applications are received, except that precedence may be given to applications made by another branch of the Federal Government, a State, or a municipality, and appeal grading.

Section 11. *Financial interest of official grader.* No official grader shall grade any products in which he is directly or indirectly financially interested.

Section 12. *Investigation on motion of graders.* A grader may of his own motion and without the use of any force, when authorized by the Chief of the Bureau, investigate the class, quality (grade), and condition of any products at such points as are provided under regulation 3, and may issue and transmit to the shipper of such products and other parties interested therein certificates or copies thereof showing the results of such investigations.

Section 13. *Certificate, form of.* Certificates shall include the following information: (1) the number of the certificate; (2) name of designated market and place of grading; (3) date and time of grading; (4) names and addresses of applicant, party in possession, and shipper and buyer, if known; (5) exact number of carcasses, sides, quarters, cuts, and packages of products by classes and grades examined, if graded; (6) if previously examined, reference to previous certificate by numbers; (7) if rejected or not graded, reason for rejecting or not grading; (8) for purposes of identification, the weight of each class, grade and lot; (9) the amount of fees and expenses; (10) name of official grader or graders; (11) additional facts necessary to fully describe condition, class, and grade, or as may be required by the Chief of Bureau.

Section 14. *Certificates, issuance.* The official grader shall sign and issue certificates covering lots of products personally graded by him unless through special arrangements approved by the Chief of Bureau this be not required, in which case complete records of

[12] "Agricultural Marketing Administration" is substituted wherever the terms, "Bureau" or "Bureau of Agricultural Economics of the United States Department of Agriculture" are used in this § 1364.527. This is in accordance with the Order issued by the Secretary of Agriculture.

the grading shall be furnished the Bureau; but in no case shall any grader sign a certificate covering any product not graded by him. Graders shall stamp, brand, tag, label, seal, or otherwise identify or supervise the stamping, branding, tagging, labeling, sealing, or otherwise identifying of each unit of product or package or container thereof with its class and quality (grade) as far as practicable, or the applicant may issue, when authorized by the Chief of the Bureau, certificates of quality of such forms as are approved by the Chief of the Bureau, the certificates of quality issued by the applicant to be used only by the applicant in such manner and for such purpose as is approved by the Chief of the Bureau.

Section 15. *Disposition of certificates.* The original certificate, and not to exceed two copies if requested, upon issuance shall be immediately delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the official grader and one copy forwarded to the Chief of Bureau. Copies will be furnished to other financially interested parties as outlined in regulation 7, section 1, paragraph 6.

Section 16. *Advance information.* Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed, telephoned, or radioed to him, or to any person designated by him, at his expense.

REGULATION 5. APPEAL GRADING

Section 1. *When appeal may be taken.* An application for appeal grading may be made whenever any financially interested party is dissatisfied with the determination stated in the original certificate.

Section 2. *How to obtain.* Appeal grading may be obtained by the applicant or other person financially interested in the product by filing a request for such appeal grading (a) with the official in charge of the meat grading service at nearest designated market, or (b) with the grader who did the original grading, or (c) with the Chief of the Bureau. The application for appeal shall state the reasons therefor, and may be accompanied by a copy of any previous grading certificate or report, or any other information which the applicant shall have received regarding the product at the time of the original grading. Such application may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally, the person receiving the application may require that it be confirmed in writing.

Section 3. *Record of filing time.* A record showing the date and time of filing such application shall be immediately made by the receiver thereof.

Section 4. *When appeal may be refused.* If it shall appear that the reasons stated in an application for appeal grading are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original grading, or that the products cannot be made accessible for thorough grading, or that the identity has been lost, or that these regulations have not been complied with, the application may be denied.

Section 5. *When appeal may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading has been performed upon payment of any expenses incurred in connection therewith.

Section 6. *When second grading is not an appeal.* Gradings requested to determine factors of quality or condition which may have undergone material change since the original grading shall not be considered appeal gradings within the meaning of this regulation. Second grading, requested for the purposes of securing an up-to-date certificate and not involving any question as to the correctness of the original certificate covering the lot in question, shall not be considered appeal grading within the meaning of this regulation.

Section 7. *Order in which made.* Appeal gradings shall be performed as far as practicable at time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications.

Section 8. *Who shall pass upon appeals.* Appeal grading shall be passed upon by official graders designated therefor by the Chief of Bureau, and such grading shall be conducted jointly by two official graders when practicable. No appeal grader shall pass upon an application involving the correctness of a certificate issued by him.

Section 9. *Appeal findings.* Immediately after an appeal grading has been made a certificate designated as "appeal grading certificate" shall be signed and issued referring specifically to the original certificate and stating the quality and condition of the product as shown by the appeal grading. In all other respects the provisions of regulation 4 shall apply to such appeal grading certificates except that if the applicant for appeal grading be not the original applicant, a copy of the appeal grading certificate shall be mailed to the original applicant.

Section 10. *Superseded certificates.* When a grading certificate shall have been superseded under these regulations by an appeal grading certificate such grading certificate shall become null and void and shall not thereafter represent the class, quality, or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal grading is filed, the officer or officers issuing the appeal grading certificate shall forward notice of such issuance and of the cancelation of the original certificate to such persons as he considers necessary to prevent fraudulent use of the canceled certificate.

REGULATION 7. FEES AND EXPENSES

Section 1. Amount of, rates, etc. * * *

Paragraph 1. *Basis for charges.* Fees and charges for grading services shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of $2.20 per hour for each official grader assigned unless otherwise provided by special agreement approved by the Chief of the Bureau: *Provided,* That no grading services shall be rendered for less than a minimum charge of $1.10; *Provided further,* That the Chief of the Bureau may, in lieu of the fixed charge of $2.20 per hour, fix other reasonable charges for the grading and certification of products at rates, which, in his judgment, will cover the costs of the services.

Paragraph 2. *Charges by graders employed or licensed by Department of Agriculture.* Charges for services by employees of the Department and by graders licensed by the Secretary shall be at rates established herein.

Paragraph 3. *Charges under cooperative agreement.* Charges for grading under cooperative agreements shall be those provided for by such agreements.

Paragraph 4. *For appeal grading.* Fees and charges for appeal grading shall be double those for original grading; except that appeal grading for Federal Government agencies shall be at actual cost; provided that when on appeal grading it is found that there was error in determination based upon the original grading equal to or exceeding 10 percent of the total weight of the products, no charge will be made unless special agreement with applicant is made in advance.

Paragraph 5. *For copies of grading certificates.* For not to exceed three copies of a certificate to any person financially interested in a product involved the fee shall be $1.

Section 2. *How fee shall be paid.* Fees and other charges shall be paid by the applicant in accordance with directions on the fee bill furnished him, and in advance if required by the official grader.

Section 3. *Disposition of fees.*

Paragraph 1. *By graders exclusively employed by the Department.* Fees for grading done by graders exclusively employed by the Department shall be remitted to the Bureau for deposit into the Treasury as Miscellaneous Receipts.

Paragraph 2. *By graders under cooperative agreements.* Fees for grading done by graders acting under cooperative agreements with a State or municipal organization, or other cooperating party, shall be disposed of in accordance with the terms of such agreements. Such portion of fees collected under cooperative agreements as may be due the United States shall be remitted to the Bureau for deposit into the Treasury.

§ 1364.528 *Appendix C: Specifications for grades of carcass beef*—(a) *Choice.* Choice grade beef carcasses and wholesale cuts shall be relatively blocky and compact and thickly fleshed throughout. Loins and ribs shall be thick and full. The rounds shall be plump. The chucks shall be short and thick, and the neck and shanks short. The fat covering shall be fairly smooth and uniform and shall extend over the entire exterior surface of the carcass. The interior fat shall be abundant in the pelvic cavity and over the kidney. The protrusion of fat between the chine bones shall be fairly liberal and the "overflow" of fat over the inside of the ribs shall be distinctly in evidence and fairly evenly distributed. The intermingling of fat with the lean in evidence between the ribs, called feathering, shall be extensive. Both the interior and the exterior fat shall be firm, brittle, and somewhat waxy, but may be slightly wavy or rough. The fat is usually white or creamy white but a slight yellowish tinge will not exclude beef from this grade, provided the character of the fat meets the requirements for the grade in other respects. The cut surface of the lean muscle shall be firm and possess a smooth velvety appearance. It shall be well marbled and the marbling shall be relatively extensive, especially in the heavier carcasses. The color shall be uniform and bright and may range from a pale red to a deep blood red. The bones are usually soft and red, terminating in soft pearly white cartilages but some ossification of the cartilages and hardening in the bone as indicated by a tinge of whiteness will not disqualify beef produced from mature cattle from this grade.

Only beef produced from beef-type steers and heifers that show a relatively high degree of perfection in breeding and feeding will qualify for the choice grade. Beef produced from cows is not eligible for this grade.

(b) *Good.* Good grade beef carcasses and wholesale cuts shall be moderately blocky and compact and shall be moderately thick-fleshed throughout. A tendency for the loins and ribs to be slightly

flat and for the rounds to be slightly flat and to taper toward the shank is permitted. Chucks and neck may be only moderately short and thick and shanks may be only moderately short. The fat covering shall extend well over the exterior surface but may show a moderate degree of waste or patchiness, particularly in heavy mature beef. The interior fat shall be fairly plentiful in the pelvic cavity and around the kidney. There is usually a slight protrusion of fat between the chine bones. The "overflow" of fat over the inside of the ribs may be apparent to a slight extent. A limited amount of intermingling of fat with the lean between the ribs, called feathering, shall be in evidence. Both the interior and the exterior fat are usually fairly firm and brittle. The quantity of fat required of beef within this grade will vary within relatively wide limits dependent upon the age and class of cattle from which it is produced. That produced from lightweight steers and heifers which were slaughtered when relatively young may have a relatively thin exterior fat covering and only a moderate quantity of interior fat, whereas that produced from heavier, older cattle may possess a relatively thick exterior fat covering and fairly heavy interior fat deposits in the pelvic cavity, over the kidney, and on the inside of the forequarters. The fat is usually creamy white but it may possess a distinctly yellowish tinge. The cut surface of the lean muscle may be only moderately firm and smooth and velvety in appearance. Beef within this grade will show a relatively wide range of marbling. That produced from young cattle may show only a limited degree of marbling which is apparent only in the thicker cuts whereas that produced from the older, more mature cattle shall show rather extensive marbling throughout. The color is usually uniform and bright but may be slightly two-toned or slightly shady. It usually ranges from a light red to a slightly dark red. The bone will range from soft and red in lightweight beef produced from young cattle to a relatively hard bone that is tinged with white in the beef produced from older, more mature cattle. It is, however, necessary that the chine bones show cartilages, termed "buttons", in order to qualify for this grade.

Beef produced from steers, heifers, and relatively young well-finished beef-type cows may qualify for the Good grade.

(c) *Commercial.* Commercial grade beef carcasses and wholesale cuts may be somewhat rangy, angular, and irregular in conformation and the fleshing may be slightly thin throughout. Loins and ribs tend to be flat and somewhat thinly fleshed. The rounds are relatively long, flat, and tapering. Chucks are usually slightly flat and thinly fleshed. The neck is somewhat long and thin and the shanks somewhat long and tapering. The quantity of fat required of beef within this grade will vary within wide limits dependent upon the age and class of cattle from which it is produced. That produced from relatively young lightweight steers and heifers that were slaughtered when relatively young may have a thin exterior fat covering that does not extend over the round or chucks and a relatively small quantity of interior fat. In such beef there will be practically no protrusion of fat between the chine bones and there will be no "overflow" of fat on the inside of the ribs and no feathering between the ribs. Beef produced from heavier, older cattle, and particularly from mature animals, will possess a moderately thick exterior fat covering that may be uneven and wasty, and fairly heavy interior fat deposits in the pelvic cavity, over the kidney, and on the inside of the forequarters. The fat may be slightly yellow, somewhat soft, and slightly oily. The cut surface of the lean muscle may be somewhat soft and watery in beef produced from younger cattle, but in that produced from older cattle it is usually firm but is also usually coarse. Beef within this grade produced from yearling cattle will have little if any marbling whereas that produced from mature cattle, and particularly cows, will show a moderate degree of marbling through the thicker cuts. The color may be two-toned or shady and usually ranges from a light red to a dark red. The character of the bone will vary from fairly soft and red in the beef produced from the young cattle to white and hard in that produced from mature cattle.

Beef produced from steers, heifers, and cows may qualify for the commercial grade.

(d) *Utility.* Utility grade beef carcasses and wholesale cuts may be decidedly rangy, angular, and irregular in conformation. The fleshing is usually thin. The loins and ribs are flat and thinly fleshed. The rounds are long, flat, and tapering. The chucks are flat and thinly fleshed. The neck and shanks are long and tapering. The hip and shoulder joints are prominent. The degree of fat covering varies from very thin in beef produced from young steers and heifers to a slightly thick covering that may be somewhat uneven in beef produced from cattle that are more or less advanced in age. The quantity of interior fat varies from very little in beef that is produced from young and immature steers and heifers to a moderate quantity in that produced from mature cattle. The fat is usually soft and varies in color from a grayish white to decidedly yellow. The cut surface of the lean muscle is usually soft and watery in the beef produced from younger cattle but in that produced from more mature cattle it is usually fairly firm but coarse. The beef in this grade will show practically no marbling except in that produced from aged cattle which may show a little marbling in the thicker cuts. The color may be two-toned or shady and usually ranges from a light red to a very dark red. The bone is usually hard and white.

The utility grade of beef may be produced from steers, heifers, or cows.

(e) *Cutter and canner.* Cutter grade beef carcasses and wholesale cuts may be very rangy, angular, and irregular in conformation and very thinly fleshed throughout. The loins and ribs are very flat, thin, and shallow. The rounds are very long, flat, and tapering. The chucks are very flat, thin, and shallow. The neck and shanks are very long and tapering, the hip and shoulder joints are very prominent. The degree of exterior fat covering may vary from a very thin covering that is confined almost entirely to the ribs and loins in the beef produced from younger cattle to a thin, more extensive covering in the beef produced from mature cattle. The interior fat is confined largely to the pelvic cavity and the kidney and may vary from a very small quantity, if any, in these parts in beef produced from younger cattle to a limited quantity in that produced from mature cattle. The color of both the interior and the exterior fat may vary from grayish white to a deep yellow. The cut surface of the lean muscle shows no marbling, is coarse, and is usually soft and watery. The color may be two-toned or shady and usually ranges from a slightly dark red to a very dark red. The bone is usually hard and white.

The cutter grade of beef may be produced from steers, heifers, and cows. That produced from cows constitutes a relatively large percentage of the beef eligible for this grade.

Canner grade beef carcasses and wholesale cuts shall be extremely rangy, angular, and irregular in conformation and extremely thinly fleshed throughout. All cuts are extremely thinly fleshed. Loins and ribs are extremely thin, flat, and shallow. The rounds are very long, flat and tapering, and the chucks are extremely thin, flat, and shallow. The neck and shanks are extremely long and the hips and shoulder joints are extremely tapering. Beef of this grade is practically devoid of both interior and exterior fat. The outside surface usually has a very dark appearance. The cut surface of the lean muscle is usually coarse and is soft and watery in appearance. It shows no marbling. The color may be two-toned or shady and usually ranges from a moderately dark red to an extremely dark red or brownish black. The bones are nearly always hard and white.

A very large percentage of the beef of the canner grade is produced from mature cows that are somewhat advanced in age.

§ 1364.529 *Appendix D: Specifications for grades of veal carcasses*—(a) *Choice.* A choice grade veal carcass is markedly superior in conformation, finish and quality.

In general shape or outline it is blocky and compact. It is broad and deep in proportion to its length. All parts are thickly fleshed, each part having its proper proportionate thickness. Because of the thickness of fleshing the carcass presents a plump, full, well-rounded appearance. The different parts are developed and balanced in such a way as to result in a high proportion of back, loin, and round combined.

The shanks are short and thick. Rounds are thick and bulging. Loin and

back are full and plump. Shoulders and breasts are broad and thick. The neck is short and thick.

There is a thin covering of fat over the rump, loin, back and top of the shoulders, and over the inner walls of the chest and abdomen. There are moderately large deposits of fat in the breast, flanks, and crotch, and around the kidneys. All exterior fat is smooth. The color of fat is a creamy white tinged with pink.

The flesh ranges from light gray to pinkish brown in color. It is firm, fine-grained and, in a cut surface, is velvety to sight and touch. All bones are small in proportion to the size and weight of the carcass and are soft and red.

(b) *Good.* A good grade veal carcass possesses a moderately high degree of conformation, finish, and quality.

In general shape or outline it tends to be blocky and compact. It is moderately broad and deep in proportion to its length. All parts are moderately thick-fleshed, each part having its proper proportionate thickness. Because of the thickness of fleshing, the carcass presents a moderately plump, full, well-rounded appearance. The different parts are developed and balanced in such a way as to result in a moderately high proportion of back, loin, and round combined.

The shanks are moderately short and thick. Rounds are moderately thick and bulging. Loin and back are moderately full and plump. Shoulders and breast are moderately broad and thick. The neck is moderately short and thick.

There is a very thin covering of fat over the loin and back and over the inner walls of the chest and abdomen. There are slightly small deposits of fat in the breast, flanks, and crotch, and around the kidneys. All exterior fat is moderately smooth. The color of fat is usually a creamy white. The flesh ranges from a pinkish brown to a light tan in color, is moderately firm, fine-grained and, in a cut surface, is moderately velvety but may be slightly moist to sight and touch. All bones are moderately small in proportion to the size and weight of the carcass and are moderately soft and red.

(c) *Commercial.* A commercial grade veal carcass is slightly deficient in conformation, finish, and quality.

In general shape or outline it is slightly rough and rangy. It is slightly narrow and shallow in proportion to its length. All parts are slightly deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents a slightly empty, sunken, or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in a slightly low proportion of back, loin, and round combined.

The shanks are slightly long and thin. Rounds are slightly thin and tapering. Loins and back are slightly depressed. Shoulders and breast are slightly narrow and thin. The neck is slightly long and thin.

There are extremely thin patches of fat over the back and loin and over a portion of the inner walls of the chest and abdomen. There are very small deposits of fat in the breast, flanks, and crotch, and around the kidneys, the latter usually being incompletely covered. The color of fat is white but it lacks the pinkish tinge.

The flesh is usually pinkish brown in color, is slightly soft, is coarse-grained and, in a cut surface, is slightly moist to the touch. All bones are slightly large in proportion to the size and weight of the carcass, are moderately soft but are slightly lacking in redness.

(d) *Utility.* A utility grade veal carcass is very deficient in conformation, finish, and quality.

In general shape or outline it is very rough and rangy. It is very narrow and shallow in proportion to its length. All parts are very deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents a very depressed or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in a very low proportion of back, loin, and round combined.

The shanks are very long and thin. Rounds are very thin and tapering. Loin and back are very shallow and depressed. Shoulders and breast are very narrow and thin. The neck is very long and thin.

There is no fat covering over the back, loin, or inner walls of the chest and abdomen. Usually there are extremely small deposits of fat in the breast, flanks, and crotch, and around the kidneys. The color of the fat usually is grayish white tinged with yellow.

The flesh ranges from pinkish brown to dark tan in color, is soft, very coarse-grained and, in a cut surface, is very moist to the touch. All bones are large in proportion to the size and weight of the carcass, are moderately soft but are lacking in redness.

(e) *Cull.* A cull grade veal carcass is extremely deficient in conformation, finish, and quality.

In general shape or outline it is extremely rough and rangy. It is extremely narrow and shallow in proportion to its length. All parts are extremely deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents an extremely shallow, depressed, or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in an extremely low proportion of back, loin, and round combined.

The shanks are extremely long and thin. Rounds are extremely thin and tapering. Loin and back are extremely depressed. Shoulders and breast are extremely narrow and thin. The neck is extremely long and thin.

There is no fat covering over any part of the exterior of the carcass and none on the inner walls of the chest and abdomen. There are no discernible fat deposits in the breast, flanks, or crotch, and only extremely small quantities around the kidneys.

The flesh usually is reddish brown in color, is very soft, coarse-grained and watery. All bones are very large in proportion to the size and weight of the carcass and are decidedly lacking in softness and redness.

§ 1364.530 *Appendix E: Beef cutting charts.*[1]

§ 1364.531 *Appendix F: Form No. 636-590.* (Form Approved—Bureau of the Budget 08-R 736.)

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICE OF FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) OR GOVERNMENT CONTRACT BONING PURSUANT TO § 1364.405 (F) OF REVISED MAXIMUM PRICE REGULATION NO. 169 DUE TO INCREASED DIRECT LABOR COSTS CAUSED BY USE OF INEXPERIENCED LABOR OR OVERTIME PAYMENTS

NOTE: Pursuant to § 1364.405 (f) adjustments under this application are limited to no more than $1.00 per hundredweight for sales of frozen boneless beef (Army specifications) or $.72 per hundredweight for government contract boning. File separate application for each plant at which adjustment is sought. No adjustment will be allowed unless all of the information herein is provided by applicant.

1. Name of applicant_____

2. Address of applicant_____

(Indicate here plant address for which adjustment is sought.)

3. (a) List all plants at which applicant is currently producing or produced during 1943, frozen boneless beef (Army specifications).

_____

_____

(b) Is applicant applying for increase in selling price under § 1364.452 (m) or government contract boning price under § 1364.405 (e)?

_____

_____

4. Is applicant undertaking production of frozen boneless beef (Army specifications) as a new operation?

Yes_____

No_____

5. Has a War Procurement Agency requested applicant to increase or undertake production of frozen boneless beef (Army specifications)?_____ If so, give name of agency and brief explanation concerning such request.

_____

_____

_____

6. ONLY APPLICANTS CURRENTLY PRODUCING FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) OR WHO PRODUCED FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) DURING 1943 SHALL ANSWER THIS QUESTION.

Give information required by this question for each of the two months immediately preceding this application, or if no production during such period, for each of most recent two months in 1943 during which applicant produced frozen boneless beef (Army specifications).

[1] Filed as part of the original document.

DIRECT LABOR COSTS IN PRODUCTION OF FROZEN BONELESS BEEF

	(i) Choice or AA	(ii) Good or A	(iii) Commercial or B	(iv) Utility or C	(v) Total
(a) Month					
Total production (pounds)					
Dressed carcass weight (pounds)					

Classification of direct production employees responsible for above production (1)	Number in each classification (2)	Total wages paid in each classification (3)	Total wages paid at single rate (4)	Total wages paid at overtime rate (5)
Boners				
Weighers				
Packers				
Total				

	(i) Choice or AA	(ii) Good or A	(iii) Commercial or B	(iv) Utility or C	(v) Total
(b) Month					
Total production (pounds)					
Dressed carcass weight (pounds)					

Classification of direct production employees responsible for above production (1)	Number in each classification (2)	Total wages paid in each classification (3)	Total wages paid at single rate (4)	Total wages paid at overtime rate (5)
Boners				
Weighers				
Packers				
Total				

(c) HOURS OF WORK FOR BONERS

Type of production of boneless meat during periods shown in 6 (a) and (b) (1)	Production (pounds) (2)		Total number of boners responsible for production (3)		Total number of boners in column (3) carried over on plant pay-roll from previous month (4)		Total man-hours (5)		Number of hours overtime (6)	
	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month
Frozen boneless beef (Army specifications)										
Other boneless beef										
Other boning operations										

(2) Total production (boneless weight) in pounds (show results for each of two months in 6 (a) and (b) separately).
(5) Total man-hours only for boners (total of single and overtime).
(6) Total number of hours overtime for boners.

(d) If any classification shown in (a) and (b), or part thereof was paid on a piece rate basis, indicate the following:

	(i) Classification	(ii) Number of employees	(iii) Piece rate (single time)	(iv) Piece rate (overtime)	(v) Average volume of production per hour
Month					
Month					

(e) (i) What is the anticipated increased production of frozen boneless beef (Army specifications) per month?

Total pounds _____

(ii) Divide total wages paid for direct labor in producing frozen boneless beef (Army specifications) for two months shown by total production of such beef and show result in direct labor cost per hundredweight of production. _____

(iii) If the increased production shown in 6 (e) (i) will require a higher direct labor cost than determined in 6 (c) (ii), explain in detail the reasons for such increased rate and the method of computing the anticipated increased rate. In showing the method of computation, make wage and hour breakdown as shown in 6 (a), (b) and (c) and (d).

(f) On the basis of anticipated increased direct labor costs (shown in 6 (e) (iii)), the applicant requires an increase of _____ per hundredweight to cover such increased costs.

7. ONLY APPLICANTS WHO PROPOSE TO UNDERTAKE THE PRODUCTION OF FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) AS A NEW OPERATION SHALL ANSWER THIS QUESTION

NOTE: If the applicant engages in other beef boning operations, answer subparagraphs (a) through (f).

Give information required by subparagraphs (a) through (f) for each of the two months immediately preceding this application, or if no production during such period, for each of most recent two months in 1943 during which applicant carried on boning operations.

TOTAL PRODUCTION OF BONELESS BEEF (FOR SAUSAGE PRODUCTION, CANNING AND OTHER PURPOSES) DIRECT LABOR COSTS IN PRODUCTION OF BONELESS BEEF

	(i) Choice or AA	(ii) Good or A	(iii) Commercial or B	(iv) Utility or C	(v) Cutter and Canner or D	(vi) Bologna Bulls or D	(vii) Total
(a) Month							
Total production (pounds)							
Dressed carcass weight (pounds)							

Classification of direct production employees responsible for above production (1)	No. in each classification (2)	Total wages paid in each classification (3)	Total wages paid at single rate (4)	Total wages paid at overtime rate (5)
Boners				
Weighers				
Total				

	(i) Choice or AA	(ii) Good or A	(iii) Commercial or B	(iv) Utility or C	(v) Cutter and Canner or D	(vi) Bologna Bulls or D	(vii) Total
(b) Month							
Total production (pounds)							
Dressed carcass weight (pounds)							

TOTAL PRODUCTION OF BONELESS BEEF (FOR SAUSAGE PRODUCTION, CANNING AND OTHER PURPOSES) DIRECT LABOR COSTS IN PRODUCTION OF BONELESS BEEF—continued

Classification of direct production employees responsible for above production (1)	No. in each classification (2)	Total wages paid in each classification (3)	Total wages paid at single rate (4)	Total wages paid at overtime rate (5)
Boners				
Weighers				
Total				

HOURS OF WORK FOR BONERS

Type of production of boneless meat during periods shown in 7 (a) and (b) (1)	Production (pounds) (2)		Total number of boners responsible for production (3)		Total number of boners in column (3) carried over on plant pay-roll from previous month (4)		Total man-hours (5)		Number of hours overtime (6)	
	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month
Boneless beef for sausage and canning										
Other boning operations										

(2) Total production (boneless weight) in pounds (show results for each of two months in 7 (a) and (b) separately).
(5) Total man-hours only for boners (total of single and overtime).
(6) Total number of hours overtime for boners.

(d) If any classification shown in (a) and (b), or part thereof was paid on a piece rate basis, indicate the following:

	(i) Classification	(ii) Number of employees	(iii) Piece rate (single time)	(iv) Piece rate (overtime)	(v) Average volume of production per hour
Month					
Month					

(e) Describe in detail the manner in which applicant's boning operations shown in subparagraphs (a) through (d) differ from the proposed manner of producing frozen boneless beef (Army specifications).

(f) Divide total wages paid for direct labor in producing boneless beef for two months shown by total production of such boneless beef and show result in direct labor costs per hundredweight of production. _____

(g) What is the anticipated monthly production of frozen boneless beef (Army specifications)? _____ lbs.

(h) What boning yields does applicant anticipate in production of frozen boneless beef (Army specifications)?

Choice _____% Commercial _____%
Good _____% Utility _____%

Has applicant made any tests? _____ If so, indicate results.

(i) give following direct labor cost anticipations:

(i) Number of direct production employees needed to produce production shown in 7 (g)	(ii) Classification of employees needed	(iii) Number of each classification	(iv) Number of man-hours each classification will work per month to attain production	(v) Number of man-hours each classification will work at single rate	(vi) Number of man-hours each classification will work at overtime rate	(vii) Single time rate of pay for each classification	(viii) Overtime rate of pay for each classification	(ix) Total monthly anticipated direct labor costs

(i) Show total number of direct production employees necessary for proposed production.
(iii) Show number of employees for each classification listed in (ii).
(iv) The number of man-hours for each classification should be total of (v) and (vi) for same classification.
(vii) and (viii) If any classification or part of classification will be paid on a piece rate basis, show classification, number of employees, single time and overtime piece rates, separately.
(ix) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification.

(j) If applicant has answered paragraphs (a) through (f), explain why direct labor cost of production of frozen boneless beef (Army specifications) (divide 7 (g) by 7 (i) (x)) will exceed direct labor cost of production of other boneless beef.

(k) Give following additional information:

(i) Estimated boning-test costs for the production of frozen boneless beef (Army specifications) proposed in 7 (g) showing credits and all other anticipated costs.

(ii) The proportions, by grades, of anticipated monthly production of frozen boneless beef.

Choice _____% Commercial _____%
Good _____% Utility _____%

(iii) On the basis of anticipated direct labor costs shown for proposed production of frozen boneless beef (Army specifications) the applicant requires an increase of _____ per cwt. to cover such increased costs.

I certify that all the information above is true and correct.

Section 35 (a) of the United States Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within the jurisdiction of any Department or Agency of the United States.

Signature of applicant _____
Official title _____
Dated _____

[§ 1364.531 added by Am. 34, 8 F. R. 16280, effective 12-1-43]

NOTE: The record keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget according to the Federal Reports Act of 1942.

Issued this 28th day of January, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1467; Filed, January 23, 1944; 4:18 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 355,[1] Amdt. 13]

RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

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

Maximum Price Regulation No. 355 is amended in the following respects:

1. The price for grade "B or commercial" in Item No. VII, 9 of the table contained in section 22 (j) is amended to read as follows:

B or commercial:	Cents per pound
9. Blade and arm	23

2. The price for grade "B or commercial" in Items No. VIII, 2, 3, 5 and 7 of the table contained in section 22 (j) are amended to read as follows:

B or commercial:	Cents per pound
2. Breast (boneless)	23
3. Flank meat	23
5. Neck (boneless)	23
7. Shank and heel meat (boneless) (hind and fore)	23

3. The price for grade "A or good" in Item No. XIII, 3 of the table contained in section 22 (m) is amended to read as follows:

A or good:	Cents per pound
3. Neck (boneless)	34

4. The price for grade "D or cutters and canners" in Item No. III, 11 of the

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

[1] 8 F.R. 4423, 4922, 6214, 6243, 7193, 7327, 8185, 8945, 9366, 11237, 12237, 12311.

table contained in section 22 (p) is amended to read as follows:

	Cents per pound
D or cutters and canners:	
11. Shank (boneless) (hind and fore)	22

5. The price for grade "D or cull" in Item No. VII, 7 of the table contained in section 22 (p) is amended to read as follows:

	Cents per pound
D or cull:	
7. Loin	28

6. The price for grade "D or cull" in Item No. VII, 7 of the table contained in section 22 (r) is amended to read as follows:

	Cents per pound
D or cull:	
7. Loin	28

7. The price for "Tripe, cooked" for Zone 10 listed in alphabetical order in the table contained in section 28 (e) is amended to read as follows:

Price per pound:	Zone 10
Tripe, cooked	16

8. The item "head skinned" listed in alphabetical order in the table contained in section 28 (g) is amended to read as follows:

PRICE PER POUND

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Head	18	17	16	16	14	15	15	16	16	16	17

9. The item "head skinned" listed in alphabetical order in the table contained in section 28 (h) is amended to read as follows:

PRICE PER POUND

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Head	17	15	15	14	13	14	14	14	15	15	15

10. The item "Tongue-Type A" listed in alphabetical order in the table contained in section 28 (g) is hereby revoked.

11. The following items are added in their alphabetical order in the table contained in section 28 (g) to read as follows:

CLASS 1 AND 2

PRICE PER POUND

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Tongue	29	27	27	26	25	25	26	26	27	27	27
Tongue—cured	30	29	28	28	27	27	27	28	28	28	29
Tongue—smoked	40	39	38	38	36	37	37	38	38	38	39

12. The item "Tongue-Type A" listed in alphabetical order in the table contained in section 28 (h) is hereby revoked.

13. The following items are added in their alphabetical order in the table contained in section 28 (h) to read as follows:

CLASS 3 AND 4

PRICE PER POUND

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Tongue	27	26	25	24	23	24	24	24	25	25	26
Tongue—cured	28	27	27	26	25	25	26	26	26	27	27
Tongue—smoked	38	36	36	35	34	35	35	35	36	36	36

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1457; Filed, January 28, 1944; 4:14 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 23]

PUERTO RICO

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

Revised Maximum Price Regulation 183 is amended in the following respect:

Section 28, Table 13 is amended to read as follows:

TABLE 13—MAXIMUM PRICES FOR COFFEE

	To wholesalers	At wholesale and to roasters and to retailers	At retail (per lb.)
Dried parchment	$23.70—122 lbs	$24.70—122 lbs	
Green	$24.00—100 lbs	$25.00—100 lbs	$0.28
Roasted			
in containers in excess of one pound		$35.40—100 lbs	.40
in containers of one pound or less		$36.00—100 lbs	.40

NOTE: All prices are delivered except for sales by wholesalers and at retail.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1461; Filed, January 28, 1944; 4:16 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 35]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

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 62 is added to read as follows:

SEC. 62. *Maximum prices for domestics at wholesale and retail*—(a) *To what transactions, products, and persons this section applies*—(1) *What commodities are covered.* This regulation applies to all dry goods items commonly known as domestics which are classified and defined as follows:

(i) *Sheets and pillow cases.* This classification includes all bed sheets and pillow cases.

(ii) *Towels.* This classification includes all hand, bath, kitchen, dish, beach and other towels; wash cloths, bath mats, toilet seat covers and similar articles and combination sets of any of the above listed or similar items when sold at a unit price.

(iii) *Pads and covers.* This classification includes mattress pads and covers, crib pads, ironing board pads and covers, table pads and covers, hot pads, table covers of oil cloth or of materials other than woven fabric, and excludes table mats made of lauhala or other native fibers.

(iv) *Table linens and decorative items.* This classification includes table cloths, napkins, luncheon sets and bridge sets, bureau scarfs, decorative pillow tops, table runners, doilies, art linens and similar fabric articles.

(v) *Bedspreads and blankets.* This classification includes all blankets, comforters, quilts, automobile robes, bedspreads, matched sets of spreads and other articles such as draperies when sold at a unit price, and all similar articles.

(vi) *Pillows and cushions.* This classification includes all pillows and cushions, whether used for beds, punees or for decoration and includes automobile seat cushions.

(vii) *Ready-made curtains.* This classification includes all ready-made

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

[1] 8 F.R. 9532, 10763, 10906, 11437, 11847, 12549, 10937, 12632, 13165, 13847, 14090, 14765, 15195.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139.

curtains and panels, whether used in kitchen, bathroom, shower, bedroom, living room or elsewhere.

(viii) *Ready-made draperies and slip covers for furniture.* This classification includes all ready-made draperies and slip covers for furniture and similar fabric articles.

(ix) *Batting materials.* This classification includes all wool, cotton or other bats.

(x) *Window shades and awnings.* This classification includes window shades, awnings, porch curtains, and similar articles, whether made of woven fabric, paper or synthetics.

(xi) *Diapers.* This classification includes all diapers, whether cloth or paper.

(2) *What transactions are covered.* This regulation applies to sales at wholesale, sales at retail, sales by manufacturing-wholesalers and sales by manufacturing-retailers, of domestics as set forth in paragraph (a).

(3) *Effect upon General Maximum Price Regulation for Hawaii and other maximum price regulations.* The provisions of this section supersede the provisions of the General Maximum Price Regulation for the Territory of Hawaii,[2] General Order No. 49, and all other maximum price regulations issued by the Office of Price Administration, except as may hereinafter be provided, with respect to sales at wholesale and at retail and sales by manufacturing-wholesalers and manufacturing-retailers in the Territory of Hawaii of domestics as set forth in paragraph (a).

(b) *Maximum prices for sales at wholesale*—(1) *Wholesalers and jobbers.* The maximum prices for sales at wholesale of domestics listed and described in paragraph (a), which were manufactured outside the Territory of Hawaii, shall be an amount equal to the sum of the manufacturer's selling price less all allowable trade and cash discounts and allowances except cash discounts up to 2% and the "landing cost" (as defined in paragraphs (g) and (h)), multiplied by 1.20: *Provided,* That

(i) The wholesaler or jobber regularly carries such classification of domestics in stock and has heretofore carried such classification of articles in stock, and

(ii) The particular articles being priced were sold out of such stock, and

(iii) The particular articles being priced were invoiced and shipped to the establishment of the wholesaler or jobber.

(2) *Drop shipments.* The maximum prices for sales at wholesale of any articles listed and described in paragraph (a) of this section by a person who has not heretofore regularly carried such articles in stock, and such goods are not being sold out of the stock, and such goods were not invoiced and shipped to the establishment of such person, shall be those established by sections 2 and 3 of the General Maximum Price Regulation for Hawaii.

(3) *Maximum prices for locally made articles.* The maximum prices for sales at wholesale of any article manufactured in the Territory of Hawaii listed and described in paragraph (a) of this section by a wholesaler or jobber who satisfies the conditions as to inventory set forth in subdivision (i), (ii) and (iii) of paragraph (b) (1) above, shall be those established by sections 2 and 3 of the General Maximum Price Regulation.

(4) *Manufacturing-wholesalers and manufacturing retailers.* The maximum price for sales at wholesale of any article listed or described in paragraph (a) of this section which the wholesaler or retailer makes or has made for him from materials owned by him, shall be computed by multiplying the sum of the costs of manufacturing by 1.15. The costs of manufacturing shall include only

(i) An amount equal to the wholesale price of the material, which for the wholesaler shall be no higher than his maximum wholesale price for such material, and for the retailer shall be the actual cost of the material to him, which may in no case be higher than the wholesale price.

(ii) An amount equal to the cost of cutting and fringing, which in no case may exceed 1¢ for every 15 inches of the perimeter.

(iii) An amount equal to the cost of sewing, which in no case may exceed maximum prices therefor which have been filed with the Price Control Section of the Office of the Military Governor or the Office of Price Administration under Maximum Price Regulation No. 20 of the Military Governor of the Territory of Hawaii, or under Maximum Price Regulation No. 165 of the Office of Price Administration.

(iv) An amount equal to the maximum prices permitted by this regulation for the block print or prints which are printed on the item by or for the manufacturing-wholesaler or manufacturing-retailer.

(5) *Allowance for block printing.* Where a wholesaler block prints, or has block printed for him, any article covered in this section, he may, for the purpose of determining the maximum price under this section, add to the manufacturer's selling price the maximum price permitted by this regulation for such prints.

(6) *Inability to determine price at wholesale.* Any person who is unable to determine prices under paragraphs (b) (1), (2), (3) or (4) shall apply to the Office of Price Administration for a maximum price. Such application must set forth the manufacturer's selling price less all allowable discounts and allowances except cash discounts up to 2% and the "landing cost" for such articles as specified in paragraphs (g) and (h).

(7) *Restrictions on markup at wholesale*—(i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

(ii) No part of the wholesale markup may be taken by a wholesaler-retailer on any article listed and described in paragraph (a) of this section that is sold by any retail outlet owned, controlled by, under the control of, controlling, or in any other way affiliated with respect to ownership or control with the wholesaler.

(c) *Maximum prices for sales at retail*—(1) *Purchases from mainland manufacturers.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section which the retailer purchases from a mainland manufacturer shall be the amount determined by multiplying the manufacturer's selling price less all allowable discounts and allowances except cash discounts up to 8% plus the "landing cost" by the figure given below in the first column of the table for the classification to be priced.

(2) *Purchases from distributors.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section which the retailer purchases from a person selling at wholesale, whose maximum prices for the sale are determined by paragraph (b) (2) shall be the amount determined by multiplying the manufacturer's selling price plus the "landing cost" by the figure given below in the first column of the table for the classification of goods to be priced.

(3) *Purchases from mainland wholesalers and jobbers.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section which the retailer purchases from a mainland wholesaler or jobber shall be the amount determined by multiplying the wholesaler's or jobber's selling price less all allowable discounts and allowances except cash discounts up to 8% plus the "landing cost" by the figure given in the second column of the table for the classification of goods to be priced.

(4) *Purchases from local wholesalers and jobbers.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section that is imported from the mainland and which the retailer purchases from a local wholesaler or jobber shall be the amount determined by multiplying the wholesaler's or jobber's selling price less all allowable discounts and allowances except cash discounts up to 8% by the figure given below in the second column of the table for the classification of goods to be priced.

(5) *Locally manufactured articles.* The maximum price for sales at retail of any article listed and described in paragraph (a) of this section which is made by a manufacturer located in the Territory of Hawaii shall be: If the retailer purchases direct from the manufacturer or from a wholesaler the amount determined by multiplying the manufacturer's selling price less all allowable discounts and allowances except cash discounts up to 8% by the figure given in the second column of the table for the classification of goods to be priced.

[2] 8 F.R. 5307, 6362.

(6) *Manufacturing-wholesalers and manufacturing-retailers.* The maximum price for any article listed and described in paragraph (a) of this section which the retailer purchases from a local manufacturing-wholesaler or manufacturing-retailer, or which he makes or has made for him, shall be the amount determined by multiplying the wholesale price as determined under paragraph (b) (4) by the figure given in the second column of the table for the classification of goods to be priced.

TABLE OF RETAIL MULTIPLICATION FIGURES

	Column 1	Column 2
Sheets and pillow cases, pads and covers, pillows and cushions, batting materials, window shades and awnings, diapers	$1.60	$1.50
Towels, ready-made curtains, ready-made draperies	1.65	1.50
Table linens, blankets and bedspreads:		
Budget to $8.75	1.65	1.50
Better over 8.75	1.75	1.50

NOTE: The price designation in the table above with respect to Budget and Better refers to the cost price upon which the retailer will use the multiple in the above table to determine his maximum retail price.

(7) *Allowance for block printing.* Where a retailer block prints, or has block printed for him, any article covered in this section he may, for the purpose of determining the maximum price under this section, add to the manufacturer's selling price or wholesaler's selling price, depending on the source of purchase, the maximum price permitted by this regulation for such prints.

(8) *Inability to determine price at retail.* Any person who is unable to determine prices at retail under subparagraphs (1) through (6) of this paragraph (c) shall apply to the Office of Price Administration for the establishment of a maximum price.

(9) *Odd cent maximum prices at retail.* Whenever the calculation of a maximum retail price results in a fraction of a cent, the maximum price shall be adjusted to the nearest cent.

(d) *Maximum price for nationally advertised articles.* Application may be made for approval of a price for an article listed in paragraph (a) which is nationally advertised by the manufacturer thereof, and who requires that such article be sold at the prices established by such manufacturer. The applicant must set forth:

(1) Description of the article or line to be priced.

(2) Proof that the manufacturer has established a resale price and that such price is so marked on the article that any purchaser can know that it is a nationally advertised price.

(3) A statement that the seller will not sell such article at a price higher than such nationally advertised price. Such application, of course, need not be made where such nationally advertised price is not in excess of the maximum price as calculated under this section.

(e) *Maximum prices for assorted job lot merchandise.* In cases where a wholesaler or retailer purchases an assorted job lot of merchandise invoiced to him for a single or blanket price, he may make application to the Office of Price Administration for approval of his own allocation of the cost of such merchandise to the different articles involved. Such application shall show the allocation made by the wholesaler or retailer and shall show the resulting maximum wholesale or retail prices determined on the basis of such allocated costs.

(f) *Maximum prices for certain merchandise purchased at lower than manufacturer's maximum price.* In cases where a wholesaler or retailer purchases from a manufacturer or wholesaler any article listed and described in paragraph (a) of this section, at a price lower than the manufacturer's or wholesaler's maximum price and lower than a price which the purchaser previously paid to such manufacturer or wholesaler for the same or similar merchandise, and where such lesser price was paid by reason of the size of the purchase or the seasonal nature of the goods, application may be made to the Office of Price Administration for a maximum price for resale of the merchandise, which maximum price is based upon the higher price previously paid to such manufacturer or wholesaler, and the appropriate multiple provided by the section. Any such application must be accompanied by the invoice for the goods in question and the invoice establishing the former higher price, or other evidence of a similar nature.

(g) *"Landing cost".* For articles imported from outside the Territory of Hawaii "landing cost" shall be the total of the following amounts:

(1) An amount equal to the transportation charges, if any, actually incurred by the purchaser for transportation from the mainland point at which the purchaser received delivery, to the mainland port of shipment (including Federal transportation tax and terminal charges), not in excess of public (common or contract) carrier rates.

(2) An amount equal to mainland storage charges, and insurance in connection therewith, actually incurred by the purchaser, but charges for storage and insurance in connection therewith in excess of three months shall not be included.

(3) An amount equal to cartage charges actually incurred by the purchaser for cartage from warehouse to dock in port of shipment, not in excess of public (common or contract) carrier rates.

(4) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the purchaser, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included but the type of coverage is at the discretion of the buyer and seller.

(5) An amount equal to cartage charges in the port of entry in the Territory of Hawaii from dock to warehouse, computed at a rate not in excess of 1.20 per ton, weight or measurement: *Provided,* That the commodity is moved from the dock at the purchaser's expense.

(h) *"Landing cost" in cases of inter-island shipments.* In the case of a commodity originally imported from without the Territory of Hawaii to one island of the Territory and subsequently shipped to another island in the Territory, the "landing cost" in the island of final destination shall be the sum of the amounts specified in subparagraphs (1) through (4) below.

(1) An amount equal to the "landing cost" at the island from which the article was shipped, calculated under paragraph (g) above.

(2) An amount equal to cartage charges for cartage from the warehouse to the dock in the island from which the article was shipped, calculated at the rate set forth in paragraphs (g) (2) and (5) above, whether or not such cartage charges are actually incurred, but in no event shall such cartage charges exceed public (common or contract) carrier rates.

(3) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the purchaser for shipment between the islands, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included.

(4) An amount equal to cartage charges on the island of final destination, from dock to warehouse, computed at a rate not in excess of the amount set forth in paragraphs (g) (2) and (5) above: *Provided,* That the articles are moved from the dock at the purchaser's expense.

(i) *Records and reports.* For the purposes of this section this paragraph supersedes the provisions of section 10 of Maximum Price Regulation 373.

(1) *Required of person making sales at wholesale*—(i) *Purchase records.* Every person making sales at wholesale of any article listed in paragraph (a) of this section shall keep and make available for examination by this office for as long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase of each article showing:

(*a*) The date of purchase and date of receipt.

(*b*) The name and address of the vendor.

(*c*) The price paid, or charged.

(*d*) The quantity purchased.

(*e*) The manufacturer's selling price. If the person did not purchase the article from the manufacturer but is relying upon his vendor's written statement of the manufacturer's selling price, he shall keep such statement and make it available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(*f*) All records and data reflecting the charges incurred by the wholesaler in arriving at the selling price.

(ii) *Sales records.* Every person making sales at wholesale of any article listed in paragraph (a) of this section

shall invoice each sale of each such article. The original invoice shall be delivered to the buyer and shall state:

(*a*) The date of sale.
(*b*) Itemized list of articles sold.
(*c*) The manufacturer's selling price for each such article if the maximum price at wholesale is determined under (b) (2) or (3).
(*d*) Such person's ceiling price at wholesale for each article.
(*e*) The retailer's ceiling price for each article as calculated under (c).
(*f*) The price charged or received.

A copy of this invoice shall be made and kept by the person making sales at wholesale, for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) *Required of person making sales at retail*—(i) *Purchase records.* Every person making sales at retail of any article listed in paragraph (a) of this section shall keep and make available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase of each such article showing:

(*a*) The date of receipt.
(*b*) The name and address of the vendor.
(*c*) The manufacturer's selling price if priced under (c) (1), (2) or (5).
(*d*) The invoice cost if priced under (c) (3) or (4).
(*e*) The manufacturer's stock number if available.
(*f*) The retailer's stock number if any.
(*g*) The percentage used in determining the maximum price.
(*h*) The retailer's ceiling price.

The retailer may list the information required above on each purchase invoice covering the article. If the retailer did not purchase the article from the manufacturer but is relying upon his supplier's written statement of the manufacturer's selling price he shall keep such statement and make it available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. The retailer shall likewise keep and make available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, his purchase invoice covering that article.

(ii) *Sales records.* (*a*) Any retailer who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any retailer, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the retailer, a description of the article sold and the price received for it.

(*b*) Every retailer shall keep and make available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind he has customarily kept relating to the price charged for such article and in addition records showing as precisely as possible the basis upon which he determined the maximum price for such article.

(j) *Posting and marking of prices.* For the purposes of this section, this paragraph supersedes the provisions of section 10 of Maximum Price Regulation 373.

(1) *Posting.* On and after the effective date of this section every person who sells or offers to sell any article listed and described in paragraph (a) of this section at retail shall post in a conspicuous place, in a manner plainly visible to and understandable by the purchasing public in the department or portion of the premises where any such article is sold or offered for sale, a sign stating "Each article of domestics in this store (or on this counter, shelf, or in this case, bin, or rack) is marked and sold at our ceiling price or less."

(2) *Marking.* (i) On and after the effective date of this section no person shall sell or deliver or offer for sale any article listed and described in paragraph (a) of this section at retail unless there is firmly attached to such article a stamp, tag or other marking showing the selling price. Such selling price must be plainly visible to and understandable by the purchasing public.

(ii) All merchandise that is priced pursuant to paragraph (e) must have the lot number which appears on the invoice also clearly marked on the price ticket of each article.

(k) *Definitions.* When used in this section 62, the term:

(1) "Manufacturer's selling price" means the price at which the manufacturer of the article sold and invoiced it, before the deduction of any discounts or allowances, and shall not include any transportation costs, marine or war risk insurance, storage charges, or any other charge.

(2) "Sale at wholesale" means a sale by a person who received delivery of a commodity and resells it, without changing its form, to any person other than an ultimate consumer, and includes sales to retailers by manufacturing-wholesalers or manufacturing-retailers, but does not include any sale by a producer or manufacturer. (This definition is in lieu of the definition contained in section 12 of this Maximum Price Regulation 373, and is to be used for the purposes of this section only.)

(3) "Sale at retail" means a sale or selling to an ultimate consumer, provided that purchasers for resale, commercial and industrial users, shall not be deemed ultimate consumers.

(4) "Wholesaler-retailer" means a firm or person who customarily sells at least 50% of the articles listed and described in paragraph (a) of this section in his own or in an affiliated store.

(5) "Wholesaler's selling price" means the price appearing on the wholesaler's invoice to the retailer before the deduction of cash discounts or other discounts for prompt payment.

(6) "Manufacturing-wholesaler" means a wholesaler who has made for him from materials owned by him, articles for sale to a retailer.

(7) "Manufacturing-retailer" means a retailer who has made for him from materials owned by him, articles for sale to an ultimate consumer.

All the provisions of this amendment shall become effective as of December 1, 1943, except as follows with respect to sales at retail of articles in inventory as of December 1, 1943. Such articles need not be priced under this section until February 1, 1944: *Provided*, That any such article which is the same or similar to an article received in inventory after December 1, 1943, shall not be sold at a price higher than the maximum price established by this section for such new article. For the purposes of this provision, one article shall be deemed "similar" to another article if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such article, differences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such articles would ordinarily have been sold, shall not be taken into account.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1459; Filed, January 28, 1944; 4:14 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 452,[1] Amdt. 3]

MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

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 452 is amended in the following respects:

Article IV is amended by the addition of section 22 to read as follows:

SEC. 22. *Exemptions from this regulation.* (a) All sales and deliveries of heavy axles pursuant to the prime contract between the United States and the Timken-Detroit Axle Company, Detroit, Michigan, Contract No. W-20-018-ORD-816 and Production No. T-10759, notwithstanding section 3 or any other section of this regulation, are exempt from the provisions of this regulation. This exemption does not extend to sales and deliveries pursuant to subcontracts under such prime contract.

This amendment shall become effective January 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1456; Filed, January 28, 1944; 4:07 p. m.]

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

[1] 8 F.R. 11572, 12237, 12516.

PART 1340—FUEL

[RPS 88,[1] Amdt. 154]

PETROLEUM AND PETROLEUM PRODUCTS

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

Section 1340.159 (c) (9) is added to read as follows:

(9) *From Ohio and nearby Kentucky and Indiana Areas to District One and Michigan.*

Maximum prices [2] in bulk lots loaded into transportation facilities f. o. b. shipping points in areas designated below for shipment to ultimate destinations in P. A. W. District One and Michigan.

(Cents per gallon)

Gasoline	Price area G	Price area I	Price area J-1	Price area K-1
80-82 Oct. ASTM and ethyl grade	8.375	8.625	8.75	8.75
72-74 Oct. ASTM	7.375	7.625	7.75	7.75
Kerosene and distillate fuel oils				
41 A. P. I. gravity and above W. W. kerosene	5.5	6.125	6.25	6.25
No. 1 P. W. distillate (fuel oil) range and stove oil and No. 1 fuel oils	5.375	[3] 5.625	5.75	[4] 6.125
No. 2 fuel oil	5.25	[3] 5.50	5.50	[4] 6.00
No. 3 fuel oil	5.125	5.50	5.50	[4] 6.00

[2] Sellers of No. 1 P. W. Distillate, range oil and No. 1 fuel oil shipping from Price Area J-1 for destinations other than PAW District I and Michigan are permitted by this amendment to use either the price listed herein, or a price permitted under other provisions of this price schedule.

[3] For Boyd County Kentucky add .125.

[4] For Stark County Ohio deduct .25.

Price Area G comprises the counties of Union, Henderson, Davies, Hancock, Breckinridge, Meade, Hardin, Bullitt, Jefferson, and Oldham in Kentucky; and the counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd and Clark in Indiana.

Price Area I comprises the area within a radius of 25 miles of Indianapolis, Indiana; the counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, and Meigs in Ohio; and the counties of Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Greenup, and Boyd in Kentucky.

Price Area J-1 comprises the counties of Allen, Hancock, Lucas, Putnam, Wood, and Licking in Ohio.

Price Area K-1 comprises the counties of Cuyahoga, Lorain, Medina, Summit, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning and Columbiana in Ohio.

FROM MICHIGAN TO DISTRICT ONE

Maximum prices in bulk lots loaded into transportation facilities f. o. b. shipping points in areas designated below for shipment of ultimate destinations in P. A. W. District One

(Cents per gallon)

Gasoline	Price area J-2	Price area H-2
80-82 Oct. ASTM and ethyl grade	9.0	8.75
72-74 Oct. ASTM	8.0	7.75
67-69 Oct. ASTM	7.25	7.00
Straight Run	6.00	6.00
Kerosene and distillate fuel oils		
46-49 A. P. I. gravity W. W. kerosene	6.25	6.0
41-45 A. P. I. gravity W. W. kerosene	6.00	5.75
No. 1 P. W. distillate (fuel oil)	5.75	5.50
No. 2 fuel oil	5.50	5.25
No. 3 fuel oil	5.25	5.00

Range or stove oils (range or stove oil shall take the maximum price of the product listed above of the same specifications).

Price Area J-2 comprises Wayne and Monroe Counties in Michigan.

Price Area H-2 comprises the State of Michigan (excluding Wayne and Monroe Counties).

This amendment shall become effective February 4, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1481; Filed, January 29, 1944; 11:13 a. m.]

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

[1] 8 F.R. 9365, 9530, 9774, 9876, 10901, 9515.

PART 1381—SOFTWOOD LUMBER

[MPR 94,[1] Amdt. 12]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

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 No. 94 is amended in the following respects:

1. In § 1381.504, in the section heading, immediately after the word "prices", the phrase "including shipments on government bill of lading" is added.

2. In § 1381.504, a new paragraph (b) is added to read as follows:

(b) *Government bill of lading.* Where shipment is made on government bill of lading, the maximum price payable to the seller may be computed by determining what would be the maximum delivered price on the basis of estimated weights and commercial rates and subtracting therefrom the commercial rate times the actual weights.

This amendment shall become effective January 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1479; Filed, January 29, 1944; 11:12 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 19]

SOUTHERN PINE LUMBER

Revised Maximum Price Regulation No. 19 is redesignated Second Revised Maximum Price Regulation 19 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. The standards and specifications used in this regulation were, prior to such use, in general use in the Southern pine lumber industry. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1381.201 *Maximum prices for southern pine lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Second Revised Maximum Price Regulation No. 19 (Southern Pine Lumber), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: §1381.201 issued under 56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION NO. 19—SOUTHERN PINE LUMBER

ARTICLE I—SCOPE OF REGULATION

Sec.
1. Prices higher than ceiling prohibited.
2. What transactions are covered.
3. What products are covered.
4. What persons are covered.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

5. Basic prices and cash discount.
6. Distributors' direct-mill sales.
7. Addition for direct-mill retail sale.
8. Transportation charges.
9. Mixed car and anti-stain.
10. Special rule on averaging out freight.
11. Special pricing rules.
12. F. A. S. sales.
13. What the invoice must contain.
14. Prohibited practices.
15. Adjustable pricing.
16. Sales for export.

ARTICLE III—MISCELLANEOUS

17. Applications for adjustment and petitions for amendment.
18. What records must be kept.
19. Enforcement.
20. Licensing
21. Grades.
22. Grades, services or extras not listed.

ARTICLE IV—APPENDIX A: SHORTLEAF YELLOW PINE LUMBER

ARTICLE V—APPENDIX B: LONGLEAF YELLOW PINE LUMBER

ARTICLE VI—APPENDIX C: TABLE OF ESTIMATED WEIGHTS

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after February 4, 1944, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive any Southern pine lumber for direct-mill shipment at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than the ceiling prices may, of course, be charged and paid.

SEC. 2. *What transactions are covered.* (a) This regulation covers, under the name of "sales for direct-mill shipment" all sales of Southern pine lumber, no matter who the seller is, and regardless of the quantity involved, except sales of Southern pine lumber which was

[1] 7 F.R. 10848; 8 F.R. 859, 1138, 4118, 7352, 8009, 8756, 11040, 12136, 12296, 12878, 16199; 9 F.R. 206.

part of the regular stock of a distribution yard at the time the sale was made.

(b) *How to tell a mill from a distribution yard.* The term "mill" as used here, covers what are known in the trade as sawmills, planing mills and concentration yards. Three types of establishments are described below: the first, (1), a typical sawmill or planing mill; the second (2) a typical concentration yard; and the third, (3), a typical distribution yard. An establishment which resembles (1) or (2) more than it does (3) is considered a mill; and one which resembles (3) more than it does (1) or (2) is considered a distribution yard.

(1) "A typical sawmill or planing mill" is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly Southern pine and associated species of lumber;

(2) "A typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock mostly Southern pine and associated species of lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail and/or full truck-load shipment and which has been located at its particular site to be near the lumber producing area;

(3) "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which had been located at its particular site in order to be near a lumber consuming area.

(c) *New yards or changed status.* In order to prevent violation of this regulation by unnecessary routing through yards, the Office of Price Administration will not recognize distribution yards, either new or resulting from a change in operations, set up after May 24, 1943, unless the yard writes to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., and proves that it satisfies the requirements of the definition and that the purpose is not to get around this regulation by means of unnecessary yard business. Until approval is received, the new yard cannot consider itself a distribution yard for the purpose of this regulation.

SEC. 3. *What products are covered.* This regulation covers all items of Southern pine lumber, whether the item is specifically named in the price tables or not (except switch ties and cross ties, which are subject to Second Revised Maximum Price Regulation 216[1]—Railroad Ties). This means all lumber of the species included in the following definitions of shortleaf and longleaf yellow pine.

[1] 8 F.R. 12936, 16209.

(a) "Shortleaf yellow pine" means the species of shortleaf pine (Pinus echinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea), such longleaf pine (Pinus palustris) as contains less than six annual rings per inch and less than one-third summerwood, or any other pinus species, (except longleaf yellow pine), as defined in paragraph (b) of this section) known commercially as "Southern pine."

(b) "Longleaf yellow pine" means the botanical species of Pinus palustris which contains not less than six annual rings per inch and not less than one-third summerwood.

SEC. 4. *What persons are covered.* Any person who makes the kind of sale or purchase described above, for himself or others, is subject to this regulation. The term "person" includes an individual, corporation, partnership, association or any other organized group, their legal successors and representatives, the United States or any government or any of their political subdivisions or any agency of any of the foregoing.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 5. *Basic prices and cash discount*—(a) *Basic prices.* The maximum f. o. b. mill prices for shortleaf Southern pine lumber are set forth in Article IV and for longleaf Southern pine lumber in Article V.

(b) *Cash.* If cash is paid the maximum price must be reduced by the seller's August 1941 cash discount. When a seller was not in business in August 1941, 2% cash discount for payment in 10 days shall be allowed. On specific written allocations issued by the Office of Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

(c) *Sales of certain items of rough lumber.* In all sales of boards and dimension items of Southern pine in rough form, where shipment originates at a sawmill which has no planing mill or which customarily sells the Southern pine lumber produced by it in rough form, the maximum prices set forth in price Tables No. 1 (Boards S. L.), No. 2 (Dimension S. L.). No. 14 (Boards L. L.) and No. 15 (Dimension L. L.) of this regulation:

(1) shall include delivery within a radius of 25 miles, or

(2) shall be reduced $2.50 per M'BM where the purchaser himself makes the pick-up at the mill, or

(3) shall be reduced $2.50 per M'BM before making the transportation additions provided in section 8 where the seller makes delivery over 25 miles.

(d) *Combination grades.* Lumber sold in a combination of grade may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as No. 2 Common and better is the maximum price fixed for No. 2 Common lumber. But it is permissible to sell a combination of grades where the exact quantity of each grade shipped is separately shown on the invoice and segregated in the car by strips (except timbers) or otherwise easily made identifiable to the purchaser and separately tallied (tally card to be included in car), in which case the appropriate ceiling price for the quantity of each grade shipped may be charged.

(e) *Inspection certificate required on sales of certain grades.* Any shipment of Southern pine lumber priced in Tables 1, 2, 7, 14, 15 and 21 which does not bear the grade-mark of a qualified inspection agency or inspector which is currently recognized and accepted as such by any federal agency and which contains more than 30 percent of No. 1 Common or higher grades must be accompanied by a certificate of inspection by a qualified inspection agency or inspector which is currently recognized and accepted as such by any federal agency covering all lumber in the shipment. In the absence of such a certificate, lumber invoiced as No. 1 Common or higher grades in any such shipment may not be sold at prices higher than the prices provided in such tables for No. 2 Common.

SEC. 6. *Distributors' direct-mill sales*—(a) *Prices*—(1) *Wholesale-type sales.* On direct-mill sales of Southern pine lumber by a direct-mill distributor, there may be added to the regular f. o. b. mill prices established in this regulation 6 percent (but not more than $3.00 per M'BM). The distributor's addition must be evened out to the nearest quarter-dollar per M'BM or in the case of plastering or fence lath to the nearest 5 cents per 1,000 pieces. For example, if the maximum price for a particular item is $30.00 the ceiling price on a wholesale-type sale is $31.75. This mark-up applies only to carload quantities if shipped by rail, or to quantities of 18 M'BM or more if shipped by truck or water.

(2) *Commission-type sales.* On commission-type direct-mill sales of Southern pine lumber made through a direct-mill distributor the ceiling price is 4 percent (but not more than $2.00 per M'BM) higher than the regular f. o. b. mill prices established in this regulation. The distributor's commission must be evened out to the nearest quarter-dollar per M'BM or in the case of plastering or fence lath to the nearest 5 cents per 1,000 pieces. The mill must allow the direct-mill distributor a commission at least equal to the excess over the standard f. o. b. mill price. For example, if the maximum price for a particular item is $30.00, the mill ceiling on a commission-type sale made through a direct-mill distributor is $31.25 and the mill must allow the distributor at least $1.25. This mark-up applies only to carload quantities if shipped by rail, or to quantities of 18 M'BM or more if shipped by truck or water.

(3) *Distribution yard sales.* On direct-mill sales of Southern pine lumber made by wholesale or retail distribution yards, a mark-up of 6 percent (but not more than $3.00 per M'BM) may be made to the regular f. o. b. mill prices established in the regulation. The distributor's addition must be evened out to the nearest

quarter-dollar per M'BM or in the case of plastering or fence lath to the nearest 5 cents per 1,000 pieces. This mark-up applies only to carload quantities if shipped by rail, or to quantities of 18 M'BM or more if shipped by truck or water. (As to smaller quantities, see sections 7 below.)

(4) *Mill's price or realization.* This section 6 increases maximum prices only on sales by direct-mill distributors, or yards. The mill's price, or realization after deducting the 4 percent commission, may never be higher than the regular prices established in this regulation. The mill, of course, may sell at a price at which it will realize less than its regular ceiling.

(5) *Pyramiding prohibited.* The price additions permitted in this section 6 may not be made more than once to the regular f. o. b. mill price, regardless of the number of persons participating in the transaction. For example: If direct-mill distributor making a "commission-type" sale sells a car of $30.00 lumber to a yard which, in turn, sells to a consumer for direct-mill shipment, the mill's ceiling price on the sale through the distributor is $31.25 (4 percent addition) and the yard's ceiling price to the consumer is $31.75 (6 percent addition). Note that the yard cannot add its 6 percent either to the $31.25 on a purchase through a direct-mill distributor making a commission-type sale or to $31.75 if the purchase was from a direct-mail distributor making a "wholesale-type" sale. In both cases, the 6 percent may be added only to the regular f. o. b. mill price of $30.00.

Moreover, none of the additions in this section may be applied above the addition for direct-mill retail sales in section 7 below.

(6) *Exception in case of financial control.* No commission or addition, as provided in this section, may be charged, paid or collected in connection with any sale of lumber manufactured or concentrated by a mill or concentration yard controlled by the distributor, controlling the distributor or under common control with the distributor.

(b) *Definitions*—(1) *Direct-mill distributor.* A direct-mill distributor is (i) A person whose volume of wholesale-type and commission-type sales of lumber from March 1, 1943 to and including August 31, 1943, was at least 75 percent of his total volume of lumber sales during that period (or whose volume of wholesale-type and commission-type sales of lumber during that period was at least 5,000,000 board feet); or

(ii) A person who has been granted special permission by the Office of Price Administration to sell as a "direct-mill distributor" as provided in paragraph (c) of this section 6.

(2) *"Wholesale-type sale.* A "wholesale-type" sale is a sale in which the seller buys lumber in carload quantities from a mill or concentration yard, and takes title to and delivers the lumber to the buyer in substantially the same form.

(3) *Commission-type sale.* A "commission-type" sale is a sale through a direct-mill distributor, acting as a commission-man. For purposes of this section, a commission-man is a person who customarily represents and sells lumber in carload quantities for two or more mills or concentration yards, receives his compensation in the form of commissions based on the amount of the lumber sold, and is independent of both buyer and seller.

(c) *New distributors.* Any person who cannot meet the requirements of a "direct-mill distributor", as defined in paragraph (b) (1) (ii) of this section 6, may make special application to the Lumber Branch, Office of Price Administration, Washington 25, D. C. He may be given permission to qualify as a "direct-mill distributor", if he meets the following tests: He must provide evidence from banks or others, showing adequate financial responsibility. He must also fill orders with the Central Procuring Agency totaling at least 1,000,000 feet of Southern pine lumber for delivery within six months, to be shipped from mills which in 1942 produced less than 5,000,000 board feet of Southern pine lumber. In the case of mills which were not operating during substantially the entire year of 1942, shipment must be made from mills whose capacity as rated by the Forest Service is less than 25,000 board feet per day. Final authorization will not be granted until the entire 1,000,000 feet of lumber has been successfully delivered within the six months period. Until final authorization is granted, the 6 percent or 4 percent addition to the maximum price, as the case may be, must be held in escrow by a bank or other third party, on all sales of lumber made by the distributor, and if the quantity is not successfully delivered within the six months, the 6 percent or 4 percent addition must be returned to the buyers.

The authorization will not be granted if it appears that the purpose of the application is to evade the regulation by interposing an unnecessary middleman in the distribution of lumber, who will not in fact render the services characteristically rendered by the type of distributor in question.

(d) *Licenses.* Authorized distributors are licensed under section 20. This means that if, for example, they ship lumber that is not up to grade, specification and tally, they may, subject to the appropriate license suspension proceedings, lose their right not only to charge the price additions but even to continue in business.

(e) *Registration.* Any person qualifying as a "direct-mill distributor" under paragraph (b) (1) (i), (ii) of this section 6 must file a letter with the Lumber Branch, Office of Price Administration, Washington 25, D. C., before March 1, 1944, stating that he meets such requirements.

SEC. 7. *Addition for direct-mill retail sale.* (a) An addition of $3.50 per M'BM (but no charge for delivery) may be made by a mill or concentration yard on a sale of 5 M' BM or less only within a radius of 25 miles from the seller's establishment to any consumer or buyer (except a box or container manufacturer) who does not purchase for resale, where the shipment originates at a mill. This provision does not apply to sales of the items of rough lumber covered in paragraph (c) of section 5.

(b) An addition of $3.50 per M'BM may be made by any distribution yard on sales of less than carload quantities if shipped by rail, or less than 18 M'BM if shipped by truck or water to any consumer or buyer within a radius of twenty-five miles from the distribution yard who does not purchase for resale where the shipment originates at a mill and delivery is made directly to the buyer or a site specified by him, and the seller:

(1) Delivers the lumber to the job site, if required by the buyer, at such time and in such manner as the buyer specifies;

(2) Gives the buyer the privilege of exchanging lumber and returning unused material;

(3) Agrees to make good any shortage promptly from stocks kept on hand for this purpose.

(c) For the purpose of this and other provisions contained in this regulation the size of the sale is determined by the total quantity involved in the transaction without regard to whether it is broken up into smaller orders or deliveries. The amount delivered at a particular time does not determine the quantity. For example, if the buyer and seller at the time the sale is negotiated know that the quantity to be bought for a particular job will run to 20 M'BM the sale is one for 20 M'BM even though it may be split into 5 orders of 4 M'BM each or requisitioned in quantities of 4 M'BM. And this is true regardless of whether 5 different deliveries, in loads of 4 M'BM each are made on different days.

SEC. 8. *Transportation charges*—(a) *Rail charges.* (1) Only two methods of selling are recognized by this regulation. Any other method is prohibited, as a device to evade the ceiling by manipulation of freight.

The two permitted methods are: on a delivered basis using the estimated weights in Article VI, or on an f. o. b. mill basis with actual freight (figured, of course, on actual weights) to be paid by the purchaser.

The two methods may not be combined in a single transaction; that is, a seller may not sell on a basis which gives him the benefit of favorable estimated weights but requires the use of actual weights on items where estimated weights would be unfavorable to him. Note that sales described as "ceiling delivered", or as f. o. b. mill with freight allowed or included to a given destination, are to be treated as sales on a deliv-

ered basis. In such cases, the given estimated weights must be used.

(2) The estimated green weights may be used only when green lumber is actually specified and shipped.

(3) The transportation charge, when estimated weights are used, must be evened out to the nearest quarter-dollar per M'BM (or nearest 5 cents per 1,000 pieces of lath).

(b) *Common or contract carrier (other than rail).* Where transportation is by common or contract carrier (other than rail) the only rule is that actual cost of transportation may be added to f. o. b. mill ceiling.

(c) *Private truck.* When shipment is by truck-owned or controlled by the seller, the following amounts may be added for transportation: For distances up to and including 10 miles, $1.50 per M'BM, over 10 and up to and including 20 miles, $2.00 per M'BM and over 20 and up to and including 30 miles, $2.50 per M'BM. Where the distance is greater than 30 miles, the seller may charge the amount of the railroad charge at the carload rate for the most similar haul or $3.00 per M'BM, whichever is greater. Distance, as used in this paragraph, means the distance from the mill to the point of destination as measured by the speedometer. No addition may be made for the return trip.

(d) *Trucking to rail or water shipping point.* When a truck haul precedes a rail or water shipment, as when a mill located away from a railhead hauls lumber by truck to the railroad, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

(1) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(2) Where a mill's rail connection has been abandoned since September 5, 1941, and it has no comparable rail shipping point.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., and may be acted upon by letter or telegram. The addition may not be made on quotations or sales until permission has been received.

(e) *Truck delivery after rail haul.* When truck delivery to yard or job site follows a rail haul, and is specified in the order, the actual cost of truck delivery may be added. This may include the actual cost of handling and reloading involved in transfer from rail cars to trucks.

(f) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in paragraphs (b) and (c) of this section.

SEC. 9. *Mixed car and anti-stain*—(a) *Mixed cars.* For mixed car or mixed truck shipments, $1.00 additional per M'BM may be charged provided the exact quantity of each item shipped is separately shown on the invoice and segregated in the car by strips (except timbers) or otherwise easily made identifiable to the purchaser and separately tallied, with tally card included in car. A mixed car shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 2 M'BM each, or at least six items amount to not less than 1 M'BM each, or at least twelve items amount to not less than 500 board feet each. A mixed truck shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 500 board feet each, or at least six items amount to not less than 250 board feet each. An item consists of one width, thickness, or pattern of finish, casing, base, mouldings, partition, ceiling, siding, plain end flooring, end matched flooring, factory flooring, shiplap, boards, strips or dimension of either shortleaf or longleaf yellow pine. Different grades or lengths in the same table, however, do not establish different items for the purpose of this section. Random widths establish different items only when both edges are dressed. Any order or shipment substantially equivalent to a random width order shall be considered such. All timbers in the same table constitute a single item regardless of whether there is more than one width or thickness in the shipment.

(b) *Anti-stain.* For chemical anti-stain treatment, an addition of 50 cents per M feet board measure may be made to the price of air dried or green lumber (but not of kiln dried lumber). For lumber 3 x 3" to 10 x 10" or 2 x 14" and wider, the permissible addition is $1.00 per M; 3 x 11" and larger, $2.00. This addition may be made only on lumber shipped from mills which have equipment for proper and thorough chemical anti-stain treatment, and only on lumber which has been chemically treated by dipping in a vat containing a chemical solution. Treatment by spraying does not entitle the seller to the addition.

Since it is difficult to prove by examination of a piece of lumber after dressing whether it has been chemically anti-stain treated, it will be considered a violation of this regulation to add the anti-stain addition if the mill did not have, at the time the lumber was manufactured, a chemical dipping vat filled with a chemical solution through which its lumber moves as a part of its routine method of manufacture. Also, the addition will be considered a violation unless the mill can show invoices for the purchase of anti-stain chemicals in sufficient quantity to account for the amount of lumber produced by the mill. If it is shown that the mill does not have this kind of anti-stain equipment, or cannot show evidence of having purchased anti-stain chemicals in a volume consistent with the amount of lumber produced, the seller automatically will be considered guilty of over-charging on all lumber which has been invoiced with the anti-stain addition, without reference to individual inspection of the actual lumber shipped. In addition to liability for treble damages for this over-charge on all lumber shipped, the seller may also, under certain circumstances, be subject to fine and imprisonment and, after warning, the possible revocation of his license to sell lumber.

SEC. 10. *Special rule on averaging out freight.* When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more mills to a single destination on varying freight rates, the seller may average-out the transportation charges. For example, if a wholesaler bids per M'BM $34.75 (including 6 percent mark-up) on a single order of a hundred M'BM of lumber, the mill ceiling price being $30.00 per M'BM and the estimated freight $3.00, he can ship half of it on a rate resulting in a $2.00 freight charge and half on a rate resulting in a $4.00 freight charge.

Where this practice is adopted, the seller must observe all of the following conditions:

(a) Each invoice must state that the particular shipment is part of a larger order and identify the order. It must also show the individual rates for each shipment or delivery.

(b) The transportation charges which may be made and collected for each shipment or delivery, on account, must not exceed the average transportation charge figured on the entire order or the actual transportation charge for the particular shipment based upon the permitted estimated weights, whichever is the lower.

(c) Upon completion of the order the seller must render a final invoice showing the individual f. o. b. mill prices separately, the amount shipped from each mill, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered selling prices and also with the maximum prices permitted by this regulation. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation.

SEC. 11. *Special pricing rules.* (a) Where the buyer specifies restricted lengths and the shipment or orders fail to conform, the entire shipment must be priced at the random length price (unless the agreed price is lower).

(b) Where the buyer orders a random length shipment, and the given percentages of lengths as specified in footnotes to some of the price tables are not met because there is too large a percentage of shorts, the excess shorts must be priced at the separate prices for the short lengths.

(c) Where random length shipments required to average a specified length (e. g., 12' in the Board Table) fall short of this average, the price may not exceed

that of the nearest even length below the average length actually shipped.

(d) Where the order does not specify whether longleaf or shortleaf is required, the seller may only charge shortleaf prices.

(e) Where the order fails to specify the grade required, the seller may only ship and charge for No. 2 Common, unless otherwise agreed.

(f) Where the invoice does not specify the grade shipped or delivered, the price of the lowest grade in the shipment shall apply to the whole order.

(g) Where moisture content requirements are waived by the purchaser the maximum price for the whole order, shipment or delivery shall be the price herein established for green lumber. However, if the waiver applies to a specified part of the order, green lumber prices shall apply only to such part. For example, if a buyer orders 100,000 feet BM of Southern pine and the order specifies 60,000 feet dry lumber and 40,000 feet MCW, the green lumber prices apply only to the 40,000 feet. In any event where a "moisture content waived" sale is made on a delivered basis, the seller may only use the given estimated weights for dry lumber in computing transportation costs.

SEC. 12. *F. A. S. sales.* On all F. A. S. sales of lumber to be shipped outside of continental United States one addition of $3.50 per M'BM may be made. This addition may be made only if the seller, at the request of the buyer, bears the expense of so many of the following services as are actually to be performed: marking, bundling, assembling, switching, unloading, tallying, painting the ends, dock insurance and other services required for the proper dispatch of offshore cargo. In other words, if the buyer actually bears the expense of any of these services because of the seller's failure to perform such service or services, the addition may not be made. However, if the buyer's requirements do not include or permit unloading and any dock services which may be incidental thereto, but all other required services are performed, the addition shall be reduced to $2.25.

SEC. 13. *What the invoice must contain*—(a) *Price.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, or extra which affects the maximum f. o. b. mill or delivered prices must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) *Charges for transportation.* In all delivered sales, the invoice must contain the:

(1) Point of origin of shipment;
(2) Destination;
(3) Rail rate, if estimated weights are used; otherwise the actual amount added for transportation;
(4) The words "direct-mill shipment".

(c) *Delivery and related charges.* Any separate charge which the seller is permitted to make for truck delivery after rail haul, or for trucking to railhead, must be separately shown on the invoice.

(d) *Distributors' direct-mill sales.* The invoice on any distributor's direct-mill sale must be plainly marked "wholesaler's direct-mill sale", or "commissionman's direct-mill sale" or "yard's direct-mill sale", as the case may be, and must show the name of the direct-mill distributor.

(e) *Direct-mill retail sale.* If the "direct-mill retail sale" mark-up is permissible and is added, this must be separately indicated in the invoice.

SEC. 14. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollar-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit or cash discount practices from what they were in August 1941. This includes decreasing credit periods or making greater charges for extension of credit.

(2) Refusing to ship except in higher grades or in specified or restricted random lengths, or in mixed cars, or under other circumstances which bring the seller an extra return.

(3) Selling as specified lengths or widths a specific lot or shipment of lumber which is substantially equivalent to random lengths or widths, or reselling intact as specified lengths or widths a specific lot or shipment bought by the seller as standard or random lengths or widths, unless specifically permitted in this regulation. This prohibition shall not apply to shipments or deliveries which have been sorted out as to widths and lengths and then resold.

(4) Grading as a special grade lumber which can be graded as a standard grade; or wrongly or falsely grading or invoicing lumber.

(5) Making additions for special specifications, services, or other extras which are not specifically permitted.

(6) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis.

(7) Failing to invoice properly and in accordance with the requirements of this regulation.

(8) Unnecessarily routing lumber through a distribution yard.

(9) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(10) Making additions contained in the footnotes to the tables in Articles IV and V unless the order expressly requires the working, grade, condition, service, treatment, specification, size, or length for which the addition is permitted.

(11) Getting a higher price by charging the buyer for ripping or resawing, or charging on the basis of an original size larger than the item actually delivered; (for example: charging the price of 4 x 4 ripped to 2 x 4 on a sale and delivery of 2x4's), except where the items ordered and delivered are nonstandard sizes not specifically priced in the tables. This prohibition has no application where the buyer specified the larger size to be ripped or resawn into items of smaller size and the resulting items are priced higher in the tables than the original larger size; for example, the buyer may order 1 x 4 x 12' No. 2 Common Shortleaf, priced at $35.00 per M'BM ripped to 1 x 2 x 12'. By buying the larger size ripped the price to the buyer is lower ($36.00) than it would have been had he ordered the 1 x 2 as such ($38.00). In this example the maximum price is $36.00.

(12) Making the buyer take something he does not want in order to get what he does want; for example, making a buyer who orders No. 2 Common take all the upper grades that develop.

(13) Breaking up an order or apportioning deliveries in order to get the $3.50 direct-mill retail sale addition.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to section 6, *Distributors' direct-mill sales,* or to the case of a bona fide employer-employee relationship where the employee serves only one employer, in so far as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

SEC. 15. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment, but no person may deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment.

SEC. 16. *Sales for export.* The maximum price at which a person may export any Southern pine lumber shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

ARTICLE III—MISCELLANEOUS

SEC. 17. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (1) The term "Government contract" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States." The term also includes any subcontract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract", who believes that the maximum prices contained in this regulation impede or threaten to impede production of Southern pine lumber essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6[4] issued by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petition for amendment.* (1) Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[5] issued by the Office of Price Administration.

(2) In treating with petitions for amendment or adjustment, consideration will not be given to log and bolt costs which are higher than the applicable maximum purchase prices for logs and bolts established in Maximum Price Regulation 348 (Logs and Bolts),[6] or any revision or amendment of that regulation. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to Maximum Price Regulation 348, as amended, which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

SEC. 18. *What records must be kept.* All sellers of Southern pine lumber must keep records which will show a complete description of the items of lumber sold (i. e., grade, condition of dressing, quantity, etc.), the name and address of the buyer, the date of the sale and the price, for a period of two years. Buyers must keep similar records, including the name and address of the seller. Failure to comply with this provision shall constitute a violation of this regulation. Persons violating are subject to all penalties, actions and proceedings provided for by the Emergency Price Control Act of 1942 as amended, including a fine of not more than $5,000 or imprisonment for not more than two years, or both.

SEC. 19. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

SEC. 20. *Licensing.* The provisions of Licensing Order No. 1[7] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 21. *Grades.* The grades and terms in this regulation are based on the 1939 standard specifications for Southern pine lumber of the Southern Pine Inspection Bureau, the 1923 Gulf Coast Classification, issued by the Southern Pine Association, and the 1934 standard specifications for grades of Southern pine lumber for freight cars and locomotives in accordance with the Association of American Railroads' recommended practice, issued by the Southern Pine Inspection Bureau.

SEC. 22. *Grades, services or extras not listed.* (a) If a seller wishes to sell a grade which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted, he must apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C. for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables, between January 1 and August 1, 1941, from the seller's own records or if that is impossible, from the experience of the trade. If no established price differential existed, a detailed analysis of comparative value should be furnished.

(4) A true copy of the order or of customer's inquiry on the basis of which the application has been submitted.

(5) A statement by the purchaser that none of the grades specifically priced in the regulation will serve the purpose for which the stock is intended to be used, which purpose is to be stated; and that it has been his custom to purchase lumber on such special specifications.

(b) In each case where a special price is approved, an authorization number will be assigned which must appear on all final invoices covering shipments at such special price. Quotations and deliveries may not be made at the requested price until the price has been approved. Action on the request may be by letter or telegram.

(c) In all cases where special prices have been approved by the Lumber Branch of the Office of Price Administration under § 1381.212, paragraphs (f), (g) and (h) of Maximum Price Regulation 19 or section 20 of Revised Maximum Price Regulation 19, these special prices shall no longer apply if specific prices for the items are established by this regulation; but if no specific prices are established in the price tables, the price approved under the earlier regulation shall continue in effect. However, within sixty days after the issuance of this regulation, the Lumber Branch will assign authorization numbers for each special price previously approved and thereafter such authorization numbers must appear on all invoices covering shipments at such special prices. Special prices are subject to cancellation by letter or telegram at any time.

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

[4] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

[5] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

[6] 8 F.R. 16115, 16198, 16204, 16297, 9 F.R. 220, 392, 343, 402, 450, 538, 574, 682.

[7] 8 F.R. 13240.

ARTICLE IV—APPENDIX A: SHORTLEAF YELLOW PINE LUMBER

The maximum prices for Shortleaf Yellow Pine Lumber, F. O. B. Mill, per 1,000 feet board measure, shall be as follows:

TABLE 1—BOARDS AND STRIPS

S1S, S2S, S3S, S4S, S2S and Matched, or Shiplap, Standard or ¾", Air Dried

Grade	4' and 6' lengths	8' lengths	10' lengths	12' lengths	14' lengths	16' lengths	18' and 20' lengths
No. 1:							
4/4 edge [1]	$33.25	$37.75	$38.75	$38.75	$38.75	$40.25	$40.75
1 x 2 and 1 x 3	36.00	41.00	42.00	42.00	42.00	43.50	44.00
1 x 4	34.00	39.00	40.00	40.00	40.00	41.50	42.00
1 x 5	37.00	42.00	43.00	43.00	43.00	44.50	45.00
1 x 6	34.00	39.00	40.00	40.00	40.00	41.50	42.00
1 x 7	34.00	39.00	40.00	40.00	40.00	41.50	42.00
1 x 8	35.00	40.00	41.00	41.00	41.00	42.50	43.00
1 x 9	35.00	40.00	41.00	41.00	41.00	42.50	43.00
1 x 10	37.00	42.00	43.00	43.00	43.00	44.50	45.00
1 x 11	40.00	45.00	46.00	46.00	46.00	47.50	48.00
1 x 12	45.00	50.00	51.00	51.00	51.00	52.50	53.00
Restricted random widths [2]	35.00	40.00	41.00	41.00	41.00	42.50	43.00
	4'	6' and 8'					
No. 2:							
4/4 edge [1]	$31.25	$33.25	34.50	35.00	35.50	36.00	37.75
1 x 2 and 1 x 3	34.00	36.00	37.50	38.00	38.00	38.50	40.00
1 x 4	31.00	33.00	34.50	35.00	35.00	35.50	37.00
1 x 5	33.50	35.50	38.50	38.50	39.00	39.50	41.50
1 x 6	33.00	35.00	36.50	37.00	37.50	38.00	40.00
1 x 7	33.00	35.00	36.50	37.00	37.50	38.00	40.00
1 x 8	33.00	35.00	36.50	37.00	37.50	38.00	40.00
1 x 9	33.00	35.00	36.50	37.00	37.50	38.00	40.00
1 x 10	33.50	35.50	38.50	38.50	39.00	39.50	41.50
1 x 11	36.50	38.50	41.50	41.50	42.00	42.50	44.50
1 x 12	38.00	40.00	43.00	43.50	44.00	44.50	47.50
Restricted random widths [2]	32.75	34.75	36.50	37.00	37.50	38.00	39.75
No. 3:							
4/4 edge [1]	24.75	26.50	28.00	28.50	29.00	29.50	31.25
1 x 2 and 1 x 3	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 4	25.00	27.00	28.50	29.00	29.00	29.50	31.00
1 x 5	26.50	28.50	31.50	31.50	32.00	32.50	34.50
1 x 6	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 7	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 8	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 9	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 10	26.50	28.50	31.50	31.50	32.00	32.50	34.50
1 x 11	26.50	28.50	31.50	31.50	32.00	32.50	34.50
1 x 12	27.00	29.00	32.00	32.50	33.00	33.50	36.50
Restricted random widths [2]	26.00	28.00	29.75	30.25	30.50	31.00	33.00
Dunnage:							
4/4 edge [1]	20.00	21.75	23.25	23.75	24.25	24.75	26.50
1 x 3	21.00	23.00	24.50	25.00	25.50	26.00	28.00
1 x 4	20.00	22.00	23.50	24.00	24.00	24.50	26.00
1 x 5	21.50	23.50	26.50	26.50	27.00	27.50	29.50
1 x 6	21.00	23.00	24.50	25.00	25.50	26.00	28.00
1 x 7	21.00	23.00	24.50	25.00	25.50	26.00	28.00
1 x 8	21.00	23.00	24.50	25.00	25.50	26.00	28.00
1 x 9	21.00	23.00	24.50	25.00	25.50	26.00	28.00
1 x 10	21.50	23.50	26.50	26.50	27.00	27.50	29.50
1 x 11	21.50	23.50	26.50	26.50	27.00	27.50	29.50
1 x 12	22.00	24.00	27.00	27.50	28.00	28.50	31.50
Restricted random widths [2]	21.00	23.00	24.75	25.25	25.50	26.00	28.00
No. 4:							
4/4 edge [1]	19.00	20.75	22.25	22.75	23.25	23.75	25.50
1 x 3	20.00	22.00	23.50	24.00	24.50	25.00	27.00
1 x 4	19.00	21.00	22.50	23.00	23.00	23.50	25.00
1 x 5	20.50	22.50	25.50	25.50	26.00	26.50	28.50
1 x 6	20.00	22.00	23.50	24.00	24.50	25.00	27.00
1 x 7	20.00	22.00	23.50	24.00	24.50	25.00	27.00
1 x 8	20.00	22.00	23.50	24.00	24.50	25.00	27.00
1 x 9	20.00	22.00	23.50	24.00	24.50	25.00	27.00
1 x 10	20.50	22.50	25.50	25.50	26.00	26.50	28.50
1 x 11	20.50	22.50	25.50	25.50	26.00	26.50	28.50
1 x 12	21.00	23.00	26.00	26.50	27.00	27.50	30.50
Restricted random widths [2]	20.00	22.00	23.75	24.25	24.50	25.00	27.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*]

For working:
1. Rough, deduct $2.50.
2. End-matching, add $2.00.
3. For any other matcher dressing not otherwise provided for (except V-joint, ECB1S or ECB2S), add $2.00. Patterns requiring moulder work, add $6.50.
4. Ripping, add $1.00 for each cut; resawing, add $2.00 for each cut, both applicable only where machine run product is shipped.

For grade:
5. No. 1 common 85% or 90% heart facial area, add $8.00; 85% heart cubical content, add $6.00.

For condition:
6. Kiln dried, add $1.00.
7. Green, deduct $2.00.

For length:
8. Random lengths must average at least 12' (with a tolerance of 3"), and must take the 12' price.
9. Restricted random lengths, 10' to 16', or longer, all grades, and 8' to 16', or longer, No. 2 or lower grades, charge the specified length price for the lengths actually shipped.
10. For any average length, charge the price for the specified length corresponding to the average length required and shipped.
11. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
12. Odd or fractional lengths over 4', not listed, shall be counted and priced as next longer even length.
13. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $1.50 per M'BM for each necessary cross cut, but the addition for precision cutting permitted in footnote 11 may not also be charged and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on six inch breaks on the next break above.

For size:
14. Stock thinner than ¾", deduct $1.00 from the ¾" price for each 1/32" thinner than ¾", except when dressed both sides use ¾" price. However, sizes that can be resawn from boards or strips 1" in nominal thickness shall take the 1" price, plus the resawing addition permitted.
15. 13" and wider, add $2.50 per inch or fraction thereof to 12" price and compute footage on nominal size.
16. ⅝ and ¾ No. 1 and No. 2 Common, add $3.00.
17. ¾ No. 1 and No. 2 Common, add $2.50.
18. ⅝, ¾ and ⅞ No. 3 Common, add $2.00.
19. ⅝, ¾ and ⅞ No. 4 Common and Dunnage, add $1.00.
20. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $1.00 where stock is dressed clean.
21. For an average width, charge the price which would have been charged had the buyer ordered the various widths which were shipped.
22. Random widths, (other than restricted random widths), each width shall be priced at the specified width price.

[1] Edge widths are random widths including odd, even or fractional widths. Measurements shall be according to paragraph 136, S. P. I. B. Rules.

[2] Restricted random widths are 4" to 12" inclusive, and must not contain over 20% of 4" widths, and not less than 20% of 10' and wider.

TABLE 2—DIMENSION

S1S, S2S, S3S, or S4S Air Dried

Grade	4' lengths	6' lengths	8' lengths	9' lengths	10' lengths	12' lengths	14' lengths	16' lengths	18' lengths	20' lengths	22' and 24' lengths
No. 1:											
2 x 2	$31.00	$31.00	$38.00	$39.00	$38.00	$38.00	$39.00	$40.00	$41.50	$42.50	$48.00
2 x 3	30.00	30.00	37.00	38.00	37.00	37.00	38.00	39.00	40.50	41.50	47.00
2 x 4	29.00	29.00	36.00	37.00	36.00	36.00	37.00	38.00	39.50	40.50	46.00
2 x 5	32.50	32.50	39.50	42.50	41.00	41.00	41.00	42.00	45.50	47.50	52.00
2 x 6	29.00	29.00	36.00	37.00	36.00	36.00	37.00	37.50	39.50	40.50	46.00
2 x 8	29.00	29.00	36.00	37.00	36.00	36.00	37.00	37.50	39.50	40.50	46.00
2 x 10	32.50	32.50	39.50	42.00	41.00	41.00	41.00	42.00	45.50	47.50	52.00
2 x 12	34.50	34.50	41.50	44.00	43.00	43.00	43.00	44.00	47.50	49.50	54.00
No. 2:											
2 x 2	29.00	29.00	35.00	36.00	35.00	35.00	36.00	37.00	38.50	39.50	45.00
2 x 3	28.00	28.00	34.00	35.00	34.00	34.00	35.00	36.00	37.50	38.50	44.00
2 x 4	27.00	27.00	33.00	34.00	33.00	33.00	34.00	35.00	36.50	37.50	43.00
2 x 5	27.50	27.50	33.50	37.50	36.50	35.50	35.50	35.50	37.00	41.00	46.50
2 x 6	26.00	26.00	32.00	33.00	32.00	32.00	33.00	33.50	35.50	36.50	42.00
2 x 8	26.00	26.00	32.00	33.00	32.00	32.00	33.00	33.50	35.50	36.50	42.00
2 x 10	27.50	27.50	33.50	37.50	36.50	35.50	35.50	35.50	39.00	41.00	46.50
2 x 12	29.50	29.50	35.50	37.50	36.50	36.50	36.50	37.50	41.00	42.00	47.50
No. 3:											
2 x 2	22.00	25.00	27.00	28.00	27.00	27.00	28.00	29.00	30.50	31.50	33.50
2 x 3	21.00	24.00	26.00	27.00	26.00	26.00	27.00	28.00	29.50	30.50	32.50
2 x 4	20.00	23.00	25.00	26.00	25.00	25.00	26.00	27.00	28.50	29.50	31.50
2 x 5	20.50	23.50	25.50	29.50	28.50	27.50	27.50	27.50	31.00	33.00	35.00
2 x 6	19.00	22.00	24.00	25.00	24.00	24.00	25.00	25.50	27.50	28.50	30.50
2 x 8	19.00	22.00	24.00	25.00	24.00	24.00	25.00	25.50	27.50	28.50	30.50
2 x 10	20.50	23.50	25.50	29.50	28.50	27.50	27.50	27.50	31.00	33.00	36.00
2 x 12	22.50	25.50	27.50	29.50	28.50	28.50	28.50	29.50	33.00	34.00	37.00

[Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)]

For working:

1. Rough, deduct $2.50.
2. Shiplap, center matched, dressed and matched, grooved, or any other matcher dressing, not otherwise provided for, add $1.00. Patterns requiring moulder work, add $0.50.
3. Ripping or resawing, add $1.00 for each cut both applicable only when machine run product is shipped.
4. End-matched and center-matched, add $4.00.

For grade:

5. No. 1 common 85% heart facial area, add $12.00; No. 1 common 85% heart cubical content, add $8.00.

For condition:

6. Kiln dried, add $1.00.
7. Green, deduct $2.00.

For size:

8. Extra standard thickness, thicker than American Lumber Standard (for yard stock), add $1.00 where stock is dressed clean.
9. Odd or fractional widths not listed, add $3.00 to nearest greater listed width and compute footage on nominal size.

For length:

10. Random lengths must average at least 14′ (with a tolerance of 3″) and must take the 14′ price.
11. For any average length, except 9′, charge the price for the specified length corresponding to the average length required and shipped. Where a 9′ average is required charge the 8′ price.
12. For precision cutting to a specified exact length, with tolerance of not more than 1/4″ allowed, add $1.50. No addition is permitted for customary double end trimming.
13. Odd or fractional lengths over 4′, not listed, shall be counted and priced as the next longer even length.
14. For any length shorter than 4′, cut to a specified exact length, charge the price for the nearest even multiple length up to 12′. If there is no even multiple length 12′ or shorter, charge the 12′ price. In either case, add $1.50 per M′BM for each necessary cross cut, but the addition permitted in footnote 12 for precision cutting may not also be charged, and no total charge for such service may be greater than $6.00 per M′BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on six inch breaks on the next break above.
15. Lengths longer than 24′, add to 24′ price as follows (for all grades):

	2 x 10 and smaller	2 x 11 and larger
Length:		
26′	$1.00	$1.00
28′	2.00	2.00
30′	3.00	5.00
32′	5.00	7.00
34′	7.00	9.00
36′	9.00	12.00
38′	12.00	15.00
40′	15.00	20.00

TABLE 3—TIMBERS, ROUGH, GREEN

Size	No. 1 common			No. 2 common		
	Specified lengths 8′ to 16′	Specified lengths 18′ and 20′	Specified lengths 8′ to 20′	Specified lengths 8′ to 16′	Specified lengths 18′ and 20′	Specified lengths 8′ to 20′
3 x 3 to 4 x 4	$32.00	$36.00		$29.00	$33.00	
3 x 5 to 5 x 5	32.00	36.00		29.00	33.00	
3 x 7 to 5 x 8	32.00	36.00		29.00	33.00	
3 x 6 to 6 x 6	30.00	34.00		27.00	31.00	
6 x 7 to 8 x 8	34.00	38.00		30.00	34.00	
3 x 9 to 5 x 10			$39.00			$35.00
6 x 9 to 10 x 10			38.00			34.00
3 x 11 to 5 x 12			46.00			42.00
6 x 11 to 12 x 12			44.00			40.00
3 x 13 to 7 x 14			54.00			50.00
8 x 13 to 14 x 14			52.00			48.00
3 x 15 to 7 x 16			64.00			60.00
8 x 15 to 16 x 16			62.00			58.00
3 x 17 to 7 x 18			74.00			
8 x 17 to 18 x 18			72.00			
3 x 19 to 7 x 20			86.00			
8 x 19 to 20 x 20			84.00			

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)].

For working:

1. S1S, S2S, S3S, S4S, Shiplap or T and G, add $2.00.
2. Grooved 2 edges, add $3.00 (to dressed prices).
3. Beveling and/or outgauging, for two edges on one face, add $4.00; for four edges, or one face and one edge, add $8.00 (to dressed prices in each case).

	3 x 3 to 8 x 8	3 x 9 to 10 x 10	3 x 11 and larger
For grade: add to No. 1 common prices unless otherwise specified:			
4. Square edge and sound	$1.00	$1.00	$2.00
5. Medium grain (add to No. 1 or No. 2 common)	3.00	3.00	3.00
6. Dense (add to No. 1 or No. 2 common)	5.00	6.00	7.00
7. Dense square edge and sound	6.00	7.00	9.00
8. Dense No. 1 structural	7.00	8.00	10.00
9. Dense structural, square edge and sound	9.00	10.00	12.00
10. Dense structural	11.00	12.00	14.00
11. Dense select structural	13.00	14.00	16.00
12. 85% heart facial area (add to grade specified)	10.00	12.00	15.00
13. 90% heart facial area (add to grade specified)	13.00	15.00	18.00
14. 85% heart cubical content (add to grade specified)	8.00	10.00	12.00

For Lengths:

15. Over 20′, add to 20′ prices (all grades):

	3 x 3 to 10 x 10	3 x 11 and larger		3 x 3 to 10 x 10	3 x 11 and larger
22′ and 24′	$5.00	$5.00	34′	$12.00	$14.00
26′	6.00	6.00	36′	14.00	17.00
28′	7.00	7.00	38′	17.00	20.00
30′	8.00	10.00	40′	20.00	25.00
32′	10.00	12.00			

16. For lengths over 40′, add $5.00 per lineal foot.
17. Odd or fractional lengths over 5′ shall be counted and priced as next longer even length.
18. For length shorter than 8′ use nearest multiple length price plus a total of $2.00 per M. B. M. for cross-cutting.
19. For any average length, charge the price for the specified length corresponding to the average length required and shipped.
20. For precision cutting to a specified exact length, with tolerance of not more than 1/2″ allowed, add $2.00. No addition is permitted for customary double end trimming.

For condition:

21. Air dried, 23% moisture content, 3 x 3 and larger, and 2 x 14 and 2 x 16, add $4.00.
22. Kiln dried, 20% moisture content, 40 square inches of end area and less, add $3.00; end area greater than 40 square inches, add $3.00.
23. Kiln dried, 20% moisture content, 2 x 14 and 2 x 16, add $6.00.

For size:

24. In No. 1 common and grades above, for each 1″ in width above 20 x 20, add $6.00 to the 20 x 20 price.
25. Fractional thickness, add $3.00 to nearest listed greater thickness, and compute footage on nominal size.
26. Fractional widths, add $3.00 to nearest listed wider width, and compute footage on nominal size.
27. 2 x 14 and 2 x 16, add $3.00 to comparable 3″ price.
28. For any average size, charge the price for the average size required and shipped.
29. For a specified cubic average, the price shall be that of the length in 12 x 12 required to equal the specified cubic average.

TABLE 4—FLOORING, PLAIN END KILN DRIED—STANDARD LENGTHS [1]

HEART FACE SPECIFICATION

Size	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain—					
1 x 3"	$80.00	$66.00	$54.00	$49.00	------
1 x 4"	78.00	64.00	52.00	47.00	------
5/4 x 3"	95.00	80.00	65.00	61.00	------
5/4 x 4"	93.00	78.00	63.00	59 00	------
Near edge grain—					
1 x 3"	73.00	59.00	49.00	45.00	------
1 x 4"	71.00	57.00	47.00	43.00	------
5/4 x 3"	88.00	73.00	60.00	56.00	------
5/4 x 4"	86.00	71.00	58.00	54.00	------
Flat grain—					
1 x 3"	65.50	56.50	47.50	37.50	------
1 x 4"	63.50	54.50	45.50	36.50	------
5/4 x 3"	80.00	71.00	62.00	53.00	------
5/4 x 4"	78.00	69.00	60.00	51.00	------

NO HEART SPECIFICATION

Size	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain—					
1 x 3"	$68.00	$60.00	$45.00	$43.00	------
1 x 4"	66.00	58.00	43.00	39.00	------
5/4 x 3"	80.00	71.00	53.00	49.00	------
5/4 x 4"	78.00	69.00	51.00	47.00	------
Near edge grain—					
1 x 3"	61.00	53.00	40.00	38.00	------
1 x 4"	59.00	51.00	38.00	37.00	------
5/4 x 3"	73.00	64.00	48.00	44.00	------
5/4 x 4"	71.00	62.00	46.00	42.00	------
Flat grain—					
1 x 3"	57.00	52.50	38.00	36.00	$30.00
1 x 4"	55.50	51.00	37.00	36.00	29.00
5/4 x 3"	66.00	62 00	47.00	40.00	33.00
5/4 x 4"	64.00	60.00	45.00	39.00	31.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*].

For working:
1. End-matching, add $2.00.
2. Bark back, deduct $5.00.

For grade:
3. A, add $5.00 to B and Better prices.

For condition:
4. Air dried, deduct $1.00.

For length:
5. Specified lengths, all grades, 12' and 14', add $1.00; 16' and longer, add $3.00.
6. Restricted standard lengths, A, B and C, 12' to 16' or longer, add $2.00.
7. Restricted standard lengths, B, No. 2 and No. 3, 8' to 16' or longer, add 50¢.
8. For shorts, 4', 5' and/or 6', when specified, or when shipped with buyers' approval, in excess of percentage allowed in respective grades, deduct as follows:
   4', 5' and/or 6' B and Better and C $10.00
   4', 5' and/or 6' D and No. 2 ..... 5.00
   4', and 6' No. 3 ..... 2.00

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
D and No. 2	5% 4 and/or 5 foot.
	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
No. 3	Not to exceed 20% 4' and 6'.

TABLE 5—FLOORING, END-MATCHED KILN DRIED

HEART FACE SPECIFICATION

19" TO 96" NESTED AND BUNDLED FOR GRADES B AND BETTER AND C

12" TO 96" NESTED AND BUNDLED FOR GRADE D

Size	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain—					
1 x 3"	$72.00	$59.00	$50.00	------	------
1 x 4"	70.00	57.00	48.00	------	------
Near edge grain—					
1 x 3"	67.00	56.00	47.00	------	------
1 x 4"	66.00	55.00	46.00	------	------
Flat grain—					
1 x 3"	57.50	48.50	40.50	------	------
1 x 4"	55.50	46.50	38.50	------	------

NO HEART SPECIFICATION

19" TO 96" NESTED AND BUNDLED FOR GRADES B AND BETTER AND C

12" TO 96" NESTED AND BUNDLED FOR GRADES D

9" TO 96" NESTED AND BUNDLED FOR GRADES NO. 2 AND NO. 3

Size	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain—					
1 x 3"	$60.00	$53.00	$41.00	------	------
1 x 4"	58.00	51.00	39.00	------	------
Near edge grain—					
1 x 3"	55.00	50.00	38.00	------	------
1 x 4"	54.00	49.00	37.00	------	------
Flat grain—					
1 x 3"	45.00	42.00	35.00	$32.00	$25.00
1 x 4"	44.00	41.00	34.00	31.00	24.00

15" TO 18" LINEAL AVERAGE, NESTED AND BUNDLED

Flat grain—					
1 x 3"	$38.00	$35.00	$28.00	$25.00	$18.00
1 x 4"	37.00	34.00	27.00	24.00	17.00

12" TO 96" NESTED AND BUNDLED

Size	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Flat grain—					
9/16 or 5/8 x 3"	$41.50	$38.50	$33.00	$30.00	$23.00
9/16 or 5/8 x 4"	38.50	35.50	32.00	29.00	22.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*]

For condition:
1. Air dried, deduct $1.00.

TABLE 6—SIDING, CEILING, PARTITION, KILN DRIED—STANDARD LENGTHS [1]

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Drop siding:					
1 x 6" patterns 115, 117, 118, 119	$46.00	$43.00	$42.00	$39.00	$32.00
1 x 6" all other patterns	57.00	54.00	43.00	39.00	32.00
1 x 8" all patterns	57.00	54.00	43.00	39.00	32.00
1 x 10" all patterns	65.00	58.00	46.00	40.50	33.50
Bevel siding:					
5/8 x 4", 5", 6" and 8"	45.00	42.00	36.00	32.00	24.00
1/2 x 4", 5", 6" and 8"	39.00	36.00	31.00	28.00	21.00
Square edge siding:					
1/2 x 4", 6" and 8", S1S, S2S, S3S, S4S	44.00	41.00	37.00	32.00	20.00
Ceiling—standard bead or V, S1S or S2S:					
5/16 and 7/16 x 3" and 4"	39.00	36.00	31.00	28.00	21.00
5/16 and 7/16 x 6"	41.00	38.00	33.00	30.00	23.00
9/16 x 3" and 4"	40.00	38.00	33.00	30.00	21.00
9/16 x 5" and 6"	42.00	40.00	35.00	32.00	23.00
11/16 to 25/32 x 3" and 4"	49.00	46.00	37.00	33.00	20.00
11/16 to 25/32 x 5" and 6"	50.00	47.00	38.00	34.00	27.00
Partition—standard bead or V:					
11/16 x 4"	49.00	46.00	37.00	33.00	20.00
11/16 x 6"	51.00	48.00	39.00	35.00	22.00
3/4 x 4"	54.00	51.00	39.00	34.00	22.00
3/4 x 6"	56.00	53.00	41.00	36.00	24.00

Additions and deductions per 1,000 feet board measure. [*See section 14 (b) (10)*]

For working:
1. End matching, add $2.00.

For grade:
2. A, add $5.00 to B and better prices.

For condition:
3. Air dried, deduct $1.00.

For length:
4. Specified lengths, all grades, 12' and 14', add $1.00; 16' and longer, add $3.00.
5. Restricted standard lengths, A, B, and C, 12' to 16' or longer, add $2.00.
6. Restricted standard lengths, D, No. 2 and No. 3, 8' to 16' or longer, add 50¢.
7. For shorts, 4', 5' and/or 6', when specified or when shipped, with buyers' approval, in excess of percentage allowed in respective grades, deduct as follows:
   Siding, ceiling, partition, all widths, 4', 5' and/or 6' B and better and C $5.00
   Siding, ceiling, partition, all widths, 4', 5' and/or 6' D 3.00
   Siding, ceiling, partition, all widths, 4' No. 2 and No. 3 ..... 2.00

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
D, and No. 2	5% 4 and/or 5 foot.
	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
No. 3	Not to exceed 20% 4 and 6 foot.

TABLE 7—FINISH S4S KILN DRIED

	Standard lengths[1]	4 and 6 lengths	8 lengths	5, 10, and 12 lengths	7 and 14 lengths	16 lengths	9', 18, and 20' lengths
GRADE B AND BETTER							
4/4 edge[2] (S1S or S2S)	$55 50	$52 50	$52 50	$55 50	$56 25	$57 25	$58 25
1 x 2 and 3	57 00	47 00	54 00	57 00	58 00	59 00	60 00
1 x 4	55 50	45 50	52 50	55 50	56 50	57 50	58 50
1 x 5	67 00	57 00	64 00	67 00	68 00	69 00	70 00
1 x 6	59 00	49 00	56 00	59 00	60 00	61 00	62 00
1 x 7	63 00	60 00	60 00	63 00	64 00	65 00	66 00
1 x 8	59 00	56 00	56 00	59 00	60 00	61 00	62 00
1 x 9	63 00	60 00	60 00	63 00	64 00	65 00	66 00
1 x 10	67 00	64 00	64 00	67 00	68 00	69 00	70 00
1 x 11	70 00	67 00	67 00	70 00	71 00	72 00	73 00
1 x 12	83 00	80 00	80 00	83 00	84 00	85 00	86 00
Restricted random lengths[3]	61 75	55 00	58 75	61 75	62 75	63 75	64 75
5/4 and 6/4 edge[2] (S1S or S2S)	65 25	62.50	62.50	65 25	66 25	67 25	68 00
5/4 and 6/4 x 2 and 3	71 50	68 50	68 50	71 50	72.50	73 50	74 50
5/4 and 6/4 x 4	69 50	66 50	66 50	69 50	70 50	71 50	72.50
5/4 and 6/4 x 5	77 50	74 50	74 50	77 50	78 50	79 50	80 50
5/4 and 6/4 x 6	69 50	66 50	66 50	69 50	70 50	71 50	72.50
5/4 and 6/4 x 7	73 50	70 50	70 50	73 50	74 50	75 50	76 50
5/4 and 6/4 x 8	69 50	66 50	66 50	69 50	70 50	71 50	72.50
5/4 and 6/4 x 9	73 50	70 50	70 50	73 50	74 50	75 50	76 50
5/4 and 6/4 x 10	77 50	74.50	74 50	77 50	78 50	79.50	80 50
5/4 and 6/4 x 11	80 50	77 50	77 50	80 50	81 50	82.50	83 50
5/4 and 6/4 x 12	93 50	90 50	90 50	93 50	94 50	95 50	96 50
Restricted random widths[3]	72.25	69 25	69 25	72.25	73 25	74 25	75 25
7/4 and 8/4 edge[2] (S1S or S2S)	66 50	63 75	63 75	66 50	67 50	68 50	69 50
7/4 and 8/4 x 2 and 3	73 00	70 00	70 00	73 00	74 00	75 00	76 00
7/4 and 8/4 x 4	71 00	68 00	68 00	71 00	72.00	73 00	74 00
7/4 and 8/4 x 5	79 00	76 00	76 00	79 00	80 00	81 00	82.00
7/4 and 8/4 x 6	71 00	68 00	68 00	71 00	72.00	73 00	74 00
7/4 and 8/4 x 7	75 00	72 00	72.00	75 00	76 00	77 00	78 00
7/4 and 8/4 x 8	71 00	68 00	68 00	71 00	72.00	73 00	74 00
7/4 and 8/4 x 9	75 00	72 00	72 00	75 00	76 00	77 00	78 00
7/4 and 8/4 x 10	79 00	76 00	76 00	79 00	80 00	81 00	82 00
7/4 and 8/4 x 11	82 00	79 00	79 00	82.00	83 00	84 00	85 00
7/4 and 8/4 x 12	95 00	92.00	92.00	95 00	96 00	97 00	98 00
Restricted random widths[3]	73 75	70 75	70 75	73.75	74 75	75.75	76 75
10/4 edge[2] (S1S or S2S)	80 75	78 00	78 00	80 75	81.75	82.50	83 50
10/4 x 4	86 00	83 00	83 00	86.00	87 00	88 00	89 00
10/4 x 5	94.00	91 00	91 00	94.00	95 00	96 00	97.00
10/4 x 6	86.00	83 00	83 00	86 00	87 00	88.00	89 00
10/4 x 7	90 00	87 00	87 00	90 00	91 00	92.00	93 00
10/4 x 8	86.00	83 00	83 00	86.00	87 00	88 00	89 00
10/4 x 9	90 00	87 00	87 00	90 00	91 00	92.00	93 00
10/4 x 10	94.00	91 00	91 00	94 00	95 00	96 00	97 00
10/4 x 11	97 00	94 00	94 00	97 00	98 00	99.00	100 00
10/4 x 12	110 00	107.00	107 00	110 00	111 00	112.00	113.00
Restricted random widths[3]	88.75	85.75	85 75	88.75	89 75	90 75	91 75
12/4 edge[2] (S1S or S2S)	94 75	92.00	92.00	94 75	95.75	96.75	97 75
12/4 x 4	101.00	98 00	98.00	101 00	102.00	103.00	104 00
12/4 x 5	109 00	106.00	106.00	109 00	110 00	111 00	112.00
12/4 x 6	101 00	98 00	98.00	101 00	102.00	103 00	104 00
12/4 x 7	105 00	102.00	102.00	105 00	106 00	107 00	108.00
12/4 x 8	101 00	98 00	98 00	101 00	102.00	103 00	104 00
12/4 x 9	105 00	102.00	102.00	105.00	106 00	107 00	108 00
12/4 x 10	109 00	106.00	106.00	109 00	110 00	111 00	112.00
12/4 x 11	112.00	109 00	109.00	112.00	113 00	114.00	115.00
12/4 x 12	125 00	122.00	122.00	125.00	126 00	127 00	128 00
Restricted random widths[3]	103 75	100 75	100 75	103.75	104 75	105.75	106.75
Bark strips 1 x 3 and 1 x 4 (S2S)	47 00						
GRADE C							
4/4 edge[2] (S1S or S2S)	49 75	47.00	47 00	49 75	50 75	51 75	52.50
1 x 2 and 3	52 50	42.50	49 50	52.50	53 50	54 50	55 50
1 x 4	51 00	41 00	48.00	51 00	52.00	53 00	54 00
1 x 5	59 00	49 00	56.00	59 00	60 00	61 00	62 00
1 x 6	53 00	43 00	50 00	53 00	54 00	55 00	56 00
1 x 7	58.00	55 00	55 00	58 00	59 00	60 00	61 00
1 x 8	53 00	50 00	50 00	53 00	54 00	55 00	56 00
1 x 9	58.00	55 00	55 00	58 00	59 00	60 00	61 00
1 x 10	59 00	56 00	56 00	59 00	60 00	61 00	62 00
1 x 11	62 00	59 00	59 00	62 00	63 00	64 00	65 00
1 x 12	72 00	69 00	69 00	72 00	73 00	74 00	75 00
Restricted random widths[3]	55 00	[illegible]	52 00	55 00	56 00	57 00	58 00
5/4 and 6/4 edge[2] (S1S or S2S)	55 50	52 50	52 50	55 50	56 25	57 25	58 25
5/4 and 6/4 x 2 and 3	61 00	58 00	58 00	61 00	62 00	63 00	64 00
5/4 and 6/4 x 4	59 00	56 00	56 00	59 00	60 00	61 00	62 00

TABLE 7—Continued

	Standard lengths[1]	4 and 6 lengths	8 lengths	5, 10, and 12 lengths	7 and 14 lengths	16 lengths	9', 18, and 20' lengths
GRADE C—continued							
5/4 and 6/4 x 5	$65 00	$62 00	$62 00	$65 00	$66 00	$67 00	$68 00
5/4 and 6/4 x 6	59 00	56 00	56 00	59 00	60 00	61 00	62 00
5/4 and 6/4 x 7	64 00	61 00	61 00	64 00	65 00	66 00	67 00
5/4 and 6 x 4 x 8	59 00	56 00	56 00	59 00	60 00	61 00	62 00
5/4 and 6 x 4 x 9	64 00	61 00	61 00	64 00	65 00	66 00	67 00
5/4 and 6 x 4 x 10	65 00	62 00	62 00	65 00	66 00	67 00	68 00
5/4 and 6 x 4 x 11	68 00	65 00	65 00	68 00	69 00	70 00	71 00
5/4 and 6 x 4 x 12	78 00	75 00	75 00	78 00	79 00	80 00	81 00
Restricted random widths[3]	61 00	58 00	58 00	61 00	62 00	63 00	64 00
7/4 and 8/4 edge[2] (S1S or S2S)	55 25	52 50	52 50	55 25	56 25	57 25	58 25
7/4 and 8/4 x 2 and 3	61 00	58 00	58 00	61 00	62 00	63 00	64 00
7/4 and 8/4 x 4	59 00	56 00	56 00	59 00	60 00	61.00	62 00
7/4 and 8/4 x 5	65 00	62 00	62 00	65 00	66 00	67 00	68 00
7/4 and 8/4 x 6	59 00	56 00	56 00	59 00	60 00	61 00	62.00
7/4 and 8/4 x 7	64 00	61 00	61 00	64 00	65 00	66 00	67 00
7/4 and 8/4 x 8	59 00	56 00	56 00	59 00	60 00	61 00	62 00
7/4 and 8/4 x 9	64.00	61 00	61 00	64 00	65 00	66.00	67 00
7/4 and 8/4 x 10	65 00	62.00	62.00	65 00	66 00	67 00	68 00
7/4 and 8/4 x 11	68 00	65 00	65 00	68 00	69 00	70 00	71 00
7/4 and 8/4 x 12	78 00	75 00	75 00	78 00	79 00	80 00	81 00
Restricted random widths[3]	61 00	58 00	58 00	61 00	62.00	63 00	64 00
10/4 edge[2] (S1S or S2S)	64 75	62 00	62 00	64 75	65 75	66 50	67 50
10/4 x 4	69 00	66 00	66 00	69 00	70 00	71 00	72.00
10/4 x 5	75 00	72.00	72 00	75 00	76 00	77 00	78 00
10/4 x 6	69 00	66 00	66 00	69 00	70 00	71 00	72.00
10/4 x 7	74 00	71 00	71 00	74 00	75 00	76 00	77 00
10/4 x 8	69 00	66 00	66 00	69 00	70 00	71 00	72.00
10/4 x 9	74 00	71 00	71 00	74 00	75 00	76 00	77 00
10/4 x 10	75 00	72.00	72 00	75 00	76 00	77 00	78 00
10/4 x 11	78 00	75 00	75 00	78 00	79 00	80 00	81 00
10/4 x 12	88 00	85 00	85 00	88 00	89 00	90 00	91 00
Restricted random widths[3]	71 00	68 00	68 00	71 00	72.00	73 00	74.00
12/4 edge[2] (S1S or S2S)	74 25	71 25	71 25	74 25	75 00	76 00	77.00
12/4 x 4	79 00	76 00	76.00	79 00	80 00	81.00	82.00
12/4 x 5	85 00	82.00	82.00	85 00	86.00	87 00	88 00
12/4 x 6	79 00	76 00	76 00	79 00	80 00	81 00	82.00
12/4 x 7	84 00	81 00	81 00	84 00	85 00	86.00	87 00
12/4 x 8	79 00	76 00	76 00	79 00	80 00	81 00	82.00
12/4 x 9	84 00	81.00	81.00	84 00	85 00	86.00	87 00
12/4 x 10	85 00	82.00	82.00	85 00	86 00	87 00	88.00
12/4 x 11	88.00	85 00	85 00	88.00	89 00	90 00	91 00
12/4 x 12	98.00	95 00	95 00	98.00	99 00	100 00	101 00
Restricted random widths[3]	81 00	78.00	78.00	81 00	82.00	83.00	84.00
Bark strips 1 x 3 and 1 x 4 (S2S)	41 00					—	—

Additions and deductions per 1 000 feet board measure: [See section 14 (b) (10)]

For working:
1 Rough B and better, deduct $3 00.
2. Rough, C, deduct $2.00.
3 S1S, S2S, shiplap, S2S&CM (6 and wider only) standard or thinner, add $2.00. This table may not be used in pricing flooring drop siding ceiling or any other pattern for which a maximum price is set in any of the tables
4 Ripping or resawing add $1.00 for each cut, applicable only when machine run stock is shipped.
5 Casing base, jambs, apron, pulley stiles or any other pattern requiring moulder work (not including mouldings), add $7.00 for 1" stock $10 00 for 5/4' and thicker
6 Newel stepping, add $3.00.
7 Sanding one face, add $3 00
8. Wrapping add $5 00

For grade:
9 A add $5.00 to B and better prices.
10 If both sides are required A grade (par. 171), or if both sides are required B grade (par 171) add $5 00 for 1" stock $7 00 for 5/4 and 6/4 and $10 00 for 7/4 and thicker

For condition:
11 Air dried stain no defect deduct $0 00
12. Air dried deduct $4 00

For size:
13 13 and wider, add $3.50 per inch or fraction thereof to 12' prices and compute footage on nominal size.
14 Extra standard thickness thicker than American Lumber Standards (for yard stock) add $1 00 where stock is dressed clean.
15 Random width (other than restricted random widths) each width shall be priced at the specified width price

For length:

16. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
17. Odd or fractional lengths over 4', not listed, shall be counted and priced as next longer even length.
18. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiple length, up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $1.50 per M. B. M. for each necessary cross cut, but the addition for precision cutting permitted in footnote 16 may not also be charged, and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on six inch breaks on the next break above.

[1] Standard lengths are 8' to 20' inclusive, and in shipments of standard lengths, 5% of 8 foot in C and better grades shall be permitted.

[2] Edge widths are random widths including odd, even or fractional widths. Measurement shall be according to paragraph 136, S. P. I. B. rules.

[3] Restricted random widths are 4" to 12" inclusive and must not contain over 20% of 4" widths, and not less than 20% of 10" and wider.

TABLE 8—END-MATCHED AND CENTER-MATCHED BOARDS AND STRIPS AIR DRIED

Size	Grade B and better	Grade C	Grade No. 1	Grade No. 2	Grade No. 3	Grade No. 4
12" TO 96" NESTED AND BUNDLED						
1x 4"			$35.50	$31.50	$26.50	$22.50
1x 5"	$61.50	$56.50	38.50	32.50	27.50	23.50
1x 6"	57.50	51.50	35.50	33.50	28.50	24.50
1x 8"	57.50	51.50	36.50	33.50	28.50	24.50
15" TO 18" LINEAL AVERAGE, NESTED AND BUNDLED						
1x 4"			$25.50	$21.50	$16.50	$12.50
1x 5"	$51.50	$46.50	28.50	22.50	17.50	13.50
1x 6"	47.50	41.50	25.50	23.50	18.50	14.50
1x 8"	47.50	41.50	26.50	23.50	18.50	14.50

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*]

For condition:

1. Kiln dried, add $1.00.

TABLE 9—CAR MATERIAL, OTHER THAN DECKING AND FRAMING DRESSED TO PATTERN—KILN DRIED [1]

Size and grad	8' lengths	9' lengths	5' and 10' lengths	12' lengths	14' lengths	16' lengths	18' and 20' lengths	22' and 24' lengths
Select (Par. 51 A. A. R. Rules):[2]								
1 x 4" and 1 x 6"	$58.00	$65.00	$60.00	$62.00	$65.00	$67.00	$73.00	$85.00
Common (Par. 52 A. A. R. Rules):[2]								
1 x 4" and 1 x 6"	48.00	55.00	50.00	52.00	55.00	57.00	63.00	75.00
Select (Par. 55-59-62, A. A. R. Rules):[2]								
1 x 4", 1 x 6" and 1 x 8"	58.00	65.00	60.00	62.00	65.00	67.00	73.00	85.00
1 x 10"	66.00	73.00	68.00	70.00	73.00	75.00	81.00	93.00
1 x 12"	82.00	89.00	84.00	86.00	89.00	91.00	97.00	109.00
Common (Par. 56 A. A. R. Rules):[2]								
1 x 4", 1 x 6" and 1 x 8"	48.00	55.00	50.00	52.00	55.00	57.00	63.00	75.00
1 x 10"	56.00	63.00	58.00	60.00	63.00	65.00	71.00	83.00
1 x 12"	72.00	79.00	74.00	76.00	79.00	81.00	87.00	99.00
Common (Par. 60 A. A. R. Rules):[2]								
1 x 4", 1 x 6" and 1 x 8"	38.00	45.00	40.00	42.00	45.00	47.00	50.00	62.00
1 x 10"	46.00	53.00	48.00	50.00	53.00	55.00	58.00	70.00
1 x 12"	62.00	69.00	64.00	66.00	69.00	71.00	74.00	86.00
Select (Par. 53-55-59-62 A. A. R. Rules):[2]								
2 x 4"	62.00	67.00	62.00	62.00	62.00	67.00	72.00	82.00
2 x 6"	67.00	72.00	67.00	67.00	67.00	72.00	77.00	87.00
2 x 8"	70.00	75.00	70.00	70.00	70.00	75.00	80.00	90.00
2 x 10"	75.00	80.00	75.00	75.00	75.00	80.00	85.00	95.00
2 x 12"	90.00	95.00	90.00	90.00	90.00	95.00	100.00	110.00
Common (Par. 54-56-60 A. A. R. Rules):[2]								
2 x 4"	47.00	49.00	47.00	47.00	47.00	50.00	52.00	62.00
2 x 6"	52.00	54.00	52.00	52.00	52.00	55.00	57.00	67.00
2 x 8"	56.00	58.00	56.00	56.00	56.00	59.00	61.00	71.00
2 x 10"	64.00	66.00	64.00	64.00	64.00	67.00	69.00	79.00
2 x 12"	80.00	82.00	80.00	80.00	80.00	83.00	85.00	95.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*]

For Working:

1. Rough, deduct $2.00.
2. Where material is required S2S only, add $1.00.

For Grade:

3. Edge grain, add $15.00 to select price only.
4. Dense, running boards only, add $5.00.
5. Dense, 2" stock and thicker, add $4.00. Make no addition for dense on stock less than 2" thick (except for running boards as provided in footnote 4).
6. Grades and specifications other than those contained in A. A. R. Rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For condition:

7. Air dried, stain no defect, deduct $6.00.
8. Air dried, deduct $4.00.
9. Green, deduct $8.00.

For size:

10. 5/4 and 6/4, add $10.00 to 4/4 prices.
11. 2¼" and 2½" par. 53, 55, 59 and 62, add $15.00 to 8/4 prices; 2¼" and 2½" par. 54, 56 and 60, add $3.00 to 8/4 prices,
12. Extra standard thickness, other than those covered by A. A. R., add $1.00 where stock is dressed clean.
13. Odd or fractional widths, add $3.00 to nearest greater listed width and compute footage on nominal rough size.

For length:

14. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
15. Odd or fractional lengths, except 5' and 9', shall be counted and priced as next longer even length.
16. For any average length, charge the price for the specified length corresponding to the average length required and shipped.

For inspection:

17. Final inspection at destination in car repair or car building establishment rather than at shipping point, add $5.00.

[1] The prices in this table apply only to direct-mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the lumber branch of the National Office pursuant to section 22 hereof. In addition to the information specified in section 22 sellers must show for what uses the purchaser has ordered the car material.

[2] Specifications for car material designated above (A.A.R. Rules), correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M-907-33, adopted 1910; revised 1933.

TABLE 9A—CAR MATERIAL, FLOORING (DECKING), FLOOR BOARDS AND DOOR SILLS, DRESSED TO ALL PATTERNS, KILN DRIED OR AIR DRIED [1]

Size and grades	8' lengths	9' lengths	10' lengths	12' lengths	14' lengths	16' lengths
Select—(Par. 57 A. A. R. Rules):[2]						
2 x 6" and 2 x 8"	$67.00	$72.00	$67.00	$67.00	$67.00	$72.00
2¼ and 2½ x 6" and 8"	72.00	77.00	72.00	72.00	72.00	77.00
2¾ and 3 x 6" and 8"	77.00	82.00	77.00	77.00	77.00	82.00
Common—(Par. 58 A. A. R. Rules):[2]						
2 x 6" and 2 x 8"	47.50	49.50	47.50	47.50	47.50	50.50
2¼, 2½, 2¾ and 3 x 6" and 8"	50.50	52.50	50.50	50.50	50.50	53.50

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*].

For working:

1. Rough, deduct $2.00.
2. Where material is required S2S only, add $1.00.
3. Stock dressed 2⅜" net thickness, count and price as 2¾".

For grade:

4. Edge grain, add $15.00 to select price only.
5. Dense, add $4.00.
6. Grades and specifications other than those contained in A. A. R. rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.
7. Heart face, common (Par. 58), add $10.00; for all heart, add $15.00.

For condition:

8. Drying to moisture content of less than 15% add $5.00.
9. Green, deduct $5.00.

For size:

10. Extra standard thickness other than those covered by A. A. R., add $1.00 when dressed clean.
11. Odd or fractional widths, add $3.00 to nearest greater listed width and compute footage on nominal rough size.

For length:

12. For precision cutting to a specified exact length, with tolerance of not more ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
13. Odd or fractional lengths, except 9', shall be counted and priced as next longer even length.

For inspection:

14. Final inspection at destinaion in car repair or building establishment rather than at shipping point, add $5.00.

[1] The prices in this table apply only to direct-mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the lumber branch of the national office pursuant to section 22 hereof. In addition to the information specified in section 22, sellers must show for what uses the purchaser has ordered the car material.

[2] Specifications for car material designated above (A. A. R. Rules) correspond to the specifications issued by the association of American Railroads as set forth in its pamphlet M-907-33, adopted 1910, revised 1933.

TABLE 9B—CAR MATERIAL, FRAMING, SPECIFIED OR RANDOM LENGTHS, 20' AND SHORTER ROUGH, GREEN[1]

Size	Group 7		Group 8		Group 9				Group 10			
	Par. 64		Par. 65	Par. 66	Par. 67	Par. 68	Par. 69		Par. 70	Par. 71	Par. 72	
	Dense common	Nondense common	Dense select structural	Close grain select structural	Dense select structural	Close grain select structural	Dense common structural	Nondense common structural	Dense select structural	Close grain select structural	Dense common structural	Nondense common structural
2" to 4" x 2" to 8"	$45.00	$40.00	$53.00	$51.00	$53.00	$51.00	$47.00	$42.00	$53.00	$51.00	$49.00	$41.00
2" to 4" x 8¼" to 10"	51.00	46.00	59.00	57.00	59.00	57.00	53.00	48.00	59.00	57.00	52.00	47.00
2" to 4" x 10¼" to 12"	58.00	53.00	66.00	64.00	66.00	64.00	60.00	55.00	66.00	64.00	59.00	54.00
2" to 4" x 12¼" to 14¾"	68.00	63.00	76.00	74.00	76.00	74.00	70.00	65.00	76.00	74.00	69.00	64.00

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10).]

For working:
1. Dressing to standard patterns, add $2.00.

For grade:
2. 85% heart facial area, add $12.00.
3. 75% heart girth measurement, add $8.00.
4. 85% heart girth measurement, add $15.00.
5. All heart, add $25.00.
6. Grades and specifications other than those contained in A. A. R. rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For condition:
7. Dry, moisture content between 15 and 20%, add $5.00.

For size:
8. 4/4, 5/4, 6/4, 7/4, add $4.00.
9. Over 4" in thickness, deduct $1.00.
10. Measurement for rough sizes must allow not less than ¼" for dressing on each dimension.

For inspection:
11. Final inspection at destination in car repair or building establishment rather than at shipping point, add $5.00.

For length:
12. For precision cutting to a specified exact length, with tolerance of not more than ⅛" allowed, add $1.50. No addition is permitted for customary double end trimming.
13. Odd or fractional lengths, except 5', 7' and 9', shall be counted and priced as next longer even length.
14. Lengths longer than 20', add to 20' prices as follows (for all grades):

	16" and under	Over 16"
22' and 24'	$5.00	$5.00
26'	6.00	6.00
28'	7.00	7.00
30'	8.00	10.00
32'	10.00	12.00
34'	12.00	14.00
36'	14.00	17.00
38'	17.00	20.00
40'	20.00	23.00

15. For lengths over 40', add $5.00 per lineal foot.

[1] The prices in this table apply only to direct-mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchases may be established upon application to the Lumber Branch of the National Office pursuant to section 22 hereof. In addition to the information specified in section 22, sellers must show for what uses the purchaser has ordered the car material.

TABLE 10—STANDARD PLASTERING LATH AND FENCE LATH: KILN DRIED

Size	Grade No. 1	Grade No. 2	Grade No. 3
¾x1½"—4' plastering lath	$6.00	$5.00	$4.00
¾x1½—32" plastering lath	4.00	2.00	------
¾x1½—32" fence lath	5.00	3.50	------
¾x1½—36" fence lath	6.25	4.25	------
¾x1½—42" fence lath	7.00	5.00	------
¾x1½—48" fence lath	9.00	7.00	------
¾x1½—60" fence lath	11.25	9.25	------
¾x1½—72" fence lath	13.00	11.00	------

Additions and deductions per 1,000 pieces

For condition:
1. Air dried, deduct 25%.
2. Green, deduct 50%.

TABLE 11—BUNDLE LATH, AIR DRIED OR KILN DRIED

Size	Standard lengths[1]	4', 6', and 8'
1x4	$20.00	$23.00
1x6	24.00	31.00

[1] Standard lengths are 4' and up.

TABLE 12—BED SLATS, S4S, AIR DRIED OR KILN DRIED (BUNDLED)

Grade and size	Per set (3 pieces) 20"	Per set (3 pieces) 29"	Per set (3 pieces) 42"	Per set (3 pieces) 54" to 60"
No. 1—1 x 3	$0.35	$0.37	$0.33	$0.43
No. 2—1 x 3	.23	.20	.31	.41

TABLE 13—O. G. BATTS, KILN DRIED—STANDARD LENGTHS[1]

Size	Grade B and better	Grade C	Grade D	Grade No. 2
9/16 or 5/3 x 3	$42.00	$42.00	$33.00	$32.00
9/16 or 5/3 x 4	43.00	43.00	33.00	30.00

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

B and Better	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
D and No. 2	5% 4 and/or 5 foot.
	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.

Additions and deductions per 1,000 feet board measure: See section 14 (b) (10).]

For Condition:
1. Air dried, deduct $1.00.

For length:
2. For specified lengths, all grades, 12' and 14', add $1.00; 16' and longer, add $3.00.
3. For shorts, 4' and 6', when specified, or when shipped with buyers' approval, in excess of percentage permitted in respective grades, B and Better and C, deduct $3.00; D, deduct $3.00; No. 2 Common (4 foot only), deduct $2.00.

ARTICLE V—APPENDIX B: LONGLEAF YELLOW PINE LUMBER

The maximum prices for longleaf yellow pine lumber, f. o. b. mill, per 1,000 feet board measure, shall be as follows:

TABLE 14—BOARDS AND STRIPS, S1S, S2S, S3S, S4S, S2S AND MATCHED, OR SHIPLAP, STANDARD OR ¾"—AIR DRIED

Grade	4' and 6' lengths	8' lengths	10' lengths	12' lengths	14' lengths	16' lengths	18' and 20' lengths
NO. 1							
1 x 2	$40.00	$45.00	$46.00	$46.00	$46.00	$47.50	$48.00
1 x 3	41.00	46.00	47.00	47.00	47.00	48.50	49.00
1 x 4	37.00	42.00	43.00	43.00	43.00	44.50	45.00
1 x 5	42.00	47.00	48.00	48.00	48.00	49.50	50.00
1 x 6	40.00	45.00	46.00	46.00	46.00	47.50	48.00
1 x 7	41.00	46.00	47.00	47.00	47.00	48.50	49.00
1 x 8	41.00	46.00	47.00	47.00	47.00	48.50	49.00
1 x 9	42.00	47.00	48.00	48.00	48.00	49.50	50.00
1 x 10	42.00	47.00	48.00	48.00	48.00	49.50	50.00
1 x 11	49.00	54.00	55.00	55.00	55.00	56.50	57.00
1 x 12	53.00	58.00	59.00	59.00	59.00	60.50	61.00
Restricted random widths [1]	40.25	45.25	46.25	46.25	46.25	47.75	48.25
NO. 2	4'	6' and 8'					
1 x 2	36.00	38.00	39.50	40.00	40.00	40.50	42.00
1 x 3	37.00	39.00	40.50	41.00	41.00	41.50	43.00
1 x 4	33.00	35.00	36.50	37.00	37.00	37.50	39.00
1 x 5	38.00	40.00	41.50	42.00	42.50	43.00	45.00
1 x 6	36.00	38.00	39.50	40.00	40.50	41.00	43.00
1 x 7	36.00	38.00	39.50	40.00	40.50	41.00	43.00
1 x 8	36.00	38.00	39.50	40.00	40.50	41.00	43.00
1 x 9	38.00	40.00	43.00	43.50	44.00	44.50	46.50
1 x 10	38.00	40.00	43.00	43.50	44.00	44.50	46.50
1 x 11	41.00	43.00	46.00	46.50	47.00	47.50	50.50
1 x 12	45.00	47.00	50.00	50.50	51.00	51.50	54.50
Restricted random widths [1]	36.00	38.00	39.75	40.25	40.75	41.25	43.00
NO. 3							
1 x 2	28.00	30.00	31.50	32.00	32.00	32.00	34.00
1 x 3	30.00	32.00	33.50	34.00	34.00	34.50	36.00
1 x 4	28.00	30.00	31.50	32.00	32.00	32.50	34.00
1 x 5	30.00	32.00	33.50	34.00	34.50	35.00	37.00
1 x 6	29.00	31.00	32.50	33.00	33.50	34.00	36.00
1 x 7	29.00	31.00	32.50	33.00	33.50	34.00	36.00
1 x 8	29.00	31.00	32.50	33.00	33.50	34.00	36.00
1 x 9	30.00	32.00	35.00	35.00	35.50	36.00	38.00
1 x 10	30.00	32.00	35.00	35.00	35.50	36.00	38.00
1 x 11	30.50	32.50	35.50	36.00	36.50	37.00	40.00
1 x 12	31.00	33.00	36.00	36.50	37.00	37.50	40.50
Restricted random widths [1]	29.00	31.00	32.75	33.25	33.75	34.25	36.00
NO. 4 AND DUNNAGE							
1 x 3	26.00	28.00	29.50	30.00	30.00	30.50	32.00
1 x 4	19.00	21.00	22.50	23.00	23.00	23.50	25.00
1 x 5	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 6	25.00	27.00	28.50	29.00	29.50	30.00	32.00
1 x 7	25.00	27.00	28.50	29.00	29.50	30.00	32.00
1 x 8	25.00	27.00	28.50	29.00	29.50	30.00	32.00
1 x 9	26.00	28.00	31.00	31.00	31.50	32.00	34.00
1 x 10	26.00	28.00	31.00	31.00	31.50	32.00	34.00
1 x 11	26.50	28.50	31.50	32.00	32.50	33.00	36.00
1 x 12	27.00	29.00	32.00	32.50	33.00	33.50	36.50
Restricted random widths [1]	24.25	26.25	28.00	28.50	29.00	29.50	31.25

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10).]

For working:
1. Rough, deduct $2.50.
2. End-matching, add $2.00.
3. For any other matcher dressing not otherwise provided for (except V-joint, ECB1S, ECB2S), add $2.00. Patterns requiring moulder work, add $6.50.
4. Ripping, add $1.00 for each cut; resawing, add $2.00 for each cut, both applicable only when machine run product is shipped.

For grade:
5. No. 1 common 85 or 90% heart facial area, add $20.00.
6. No. 2 common 85 or 90% heart facial area, add $12.00.

For condition:
7. Kiln dried, add $1.00.
8. Green, deduct $2.00.

For length:
9. Random lengths must average at least 12' (with a tolerance of 3"), and must take the 12' price.
10. Restricted random lengths, 10' to 16', or longer, all grades, and 8' to 16', or longer, No. 2 or lower grades charge the specified length price for the lengths actually shipped.
11. For any average length, charge the price for the specified length corresponding to the average length required and shipped.
12. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add $1.50. No addition is permitted for customary double end trimming.
13. Odd or fractional lengths over 4', not listed, shall be counted and priced as the next longer even length.
14. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $1.50 per M'BM for each necessary cross cut, but the addition for precision cutting permitted in footnote 12 may not also be charged, and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on six inch breaks on the next break above.

For size:
15. Stock thinner than 3/4", deduct $1.00 from the 3/4" price for each 1/32" thinner than 3/4", except when dressed both sides use 3/4" price. However, sizes that can be resawn from boards or strips 1" in nominal thickness shall take the 1" price, plus the resawing addition permitted.
16. 13" and wider, add $2.50 per inch or fraction thereof to 12" price and compute footage on nominal size.
17. 5/4, 6/4, and 7/4 No. 1 common, add $7.00.
18. 5/4, 6/4, and 7/4 No. 2 and No. 3 common, add $4.00.
19. 5/4, 6/4, and 7/4 No. 4 common, and dunnage, add $2.00.
20. Extra standard thickness, thicker than American Lumber Standard (for yard stock), add $1.00 where stock is dressed clean.
21. For an average width, charge the price that would have been charged had the buyer ordered the various widths which were shipped.
22. Random widths (other than restricted random widths), each width shall be priced at the specified width price.

[1] Restricted random widths are 4" to 12" inclusive, and must not contain over 20% of 4", and not less than 20% of 10" and wider.

TABLE 15—DIMENSION, S1S, S2S, S3S, S4S, AIR DRIED

Grade	4' lengths	6' lengths	8' lengths	9' lengths	10' lengths	12' lengths	14' lengths	16' lengths	18' lengths	20' lengths	22' and 24' lengths
No. 1—											
2 x 2	$36.00	$36.00	$43.00	$44.00	$42.00	$42.00	$42.00	$44.00	$45.00	$45.00	$50.00
2 x 3	34.00	34.00	41.00	44.00	41.00	41.00	41.00	42.00	44.00	44.00	49.00
2 x 4	33.00	33.00	40.00	41.00	39.00	39.00	39.00	41.00	42.00	42.00	47.00
2 x 5	37.00	37.00	44.00	50.00	46.00	47.00	48.00	50.00	52.00	52.00	56.00
2 x 6	31.00	31.00	38.00	41.00	38.00	38.00	38.00	39.00	41.00	41.00	46.00
2 x 8	31.00	31.00	38.00	41.00	39.00	39.00	39.00	40.00	42.00	42.00	47.00
2 x 10	37.00	37.00	44.00	50.00	46.00	47.00	48.00	50.00	52.00	52.00	56.00
2 x 12	43.00	43.00	50.00	57.00	53.00	53.00	54.00	57.00	59.00	59.00	63.00
No. 2—											
2 x 2	33.00	33.00	39.00	40.00	38.00	38.00	38.00	40.00	42.00	42.00	45.00
2 x 3	32.00	32.00	38.00	39.00	39.00	38.00	38.00	39.00	41.00	41.00	45.00
2 x 4	30.00	30.00	36.00	37.00	35.00	35.00	35.00	37.00	39.00	39.00	42.00
2 x 5	34.00	34.00	40.00	43.00	42.00	42.00	42.00	43.00	45.00	45.00	49.00
2 x 6	29.00	29.00	35.00	36.00	36.00	35.00	35.00	36.00	38.00	38.00	42.00
2 x 8	29.00	29.00	35.00	37.00	36.00	36.00	36.00	37.00	39.00	39.00	42.00
2 x 10	34.00	34.00	40.00	43.00	42.00	42.00	42.00	43.00	45.00	45.00	49.00
2 x 12	34.00	34.00	40.00	45.00	43.00	43.00	44.00	45.00	47.00	47.00	52.00
No. 3—											
2 x 2	23.00	26.00	28.00	29.00	28.00	28.00	28.00	29.00	29.00	29.00	31.00
2 x 3	23.00	26.00	28.00	29.00	28.00	28.00	28.00	29.00	29.00	29.00	31.00
2 x 4	20.00	23.00	25.00	26.00	25.00	25.00	25.00	26.00	26.00	26.00	28.00
2 x 5	21.00	24.00	26.00	27.00	26.00	26.00	26.00	27.00	27.00	27.00	30.00
2 x 6	20.00	23.00	25.00	26.00	25.00	25.00	25.00	26.00	26.00	26.00	28.00
2 x 8	20.00	23.00	25.00	26.00	25.00	25.00	25.00	26.00	26.00	26.00	28.00
2 x 10	21.00	24.00	26.00	27.00	26.00	26.00	26.00	27.00	27.00	27.00	30.00
2 x 12	21.00	24.00	26.00	27.00	26.00	26.00	26.00	27.00	27.00	27.00	30.00

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)].

For working:
1. Rough, deduct $2.50.
2. Shiplap, center matched, dressed and matched, grooved, or any other matcher dressing not otherwise provided for, add $1.00. Patterns requiring moulder work, add $6.50.
3. Ripping or resawing, add $1.00 for each cut, both applicable only when machine run product is shipped.
4. End-matched and center matched, add $4.00.

For grade:
5. No. 2, 1030f, par. 333, add $2.50 to No. 2 common prices.
6. No. 1 common and No. 2 common, 85 or 90% heart facial area, sizes 2 x 2 to 2 x 8, add $15.00.
7. No. 1 common and No. 2 common, 85 or 90% heart facial area, sizes 2 x 10 and 2 x 12, add $20.00.

For condition:
8. Kiln dried, add $1.00.
9. Green, deduct $2.00.

For size:

10. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $1.00 where stock is dressed clean.
11. Odd or fractional widths, not listed, add $3.00 to nearest greater listed width and compute footage on nominal size.

For length:

12. Random lengths must average at least 14′ (with tolerance of 3″) and must take the 14′ price.
13. For any average length, except 9′, charge the price for the specified length corresponding to the average length required and shipped. Where a 9′ average is required charge the 8′ price.
14. For precision cutting to a specified exact length, with tolerance of not more than ¼″ allowed, add $1.50. No addition is permitted for customary double end trimming.
15. Odd or fractional lengths over 4′, not listed, shall be counted and priced as the next longer even length.
16. For any length shorter than 4′, cut to a specified exact length, charge the price of the nearest even multiple length up to 12′. If there is no even multiple length 12′ or shorter, charge the 12′ price. In either case, add $1.50 per M′BM for each necessary cross cut, but the addition permitted in footnote 14 for precision cutting may not also be charged, and no total charge for such service may be greater than $6.00 per M′BM. If length breaks on even one-half foot, compute footage on actual length, otherwise compute on six-inch breaks on the next break above.
17. Lengths longer than 24′, add to 24′ price as follows (for all grades):

Length:	
26′	$2.00
28′	4.00
30′	6.00
32′	10.00
34′	14.00
36′	18.00
38′	24.00
40′	30.00

TABLE 16—TIMBERS, ROUGH, GREEN

	No. 1 common specified lengths			Square edge and sound specified lengths			No. 1 structural and merchantable '05 specified lengths		
	8′ to 14′	16′, 18′ and 20′	22′ and 24′	8′ to 14′	16′, 18′ and 20′	22′ and 24′	8′ to 14′	16′, 18′ and 20′	22′ and 24′
3 x 3 to 4 x 4	$40.00	$42.00	$45.00	$42.00	$44.00	$47.00	$44.00	$46.00	$49.00
3 x 5 to 5 x 5	40.00	42.00	45.00	42.00	44.00	47.00	45.00	47.00	50.00
3 x 6 to 6 x 6	38.00	40.00	43.00	40.00	42.00	45.00	42.00	44.00	47.00
3 x 7 to 6 x 8	40.00	42.00	45.00	42.00	44.00	47.00	44.00	46.00	49.00
7 x 7 to 8 x 8	42.00	44.00	47.00	44.00	46.00	49.00	47.00	49.00	52.00
3 x 9 to 5 x 10	50.00	52.00	55.00	52.00	54.00	57.00	55.00	57.00	60.00
6 x 9 to 10 x 10	49.00	51.00	54.00	51.00	53.00	56.00	54.00	56.00	59.00
3 x 11 to 5 x 12	64.00	66.00	69.00	66.00	68.00	71.00	69.00	71.00	74.00
6 x 11 to 12 x 12	62.00	64.00	67.00	64.00	66.00	69.00	67.00	69.00	72.00
3 x 13 to 7 x 14	73.00	75.00	78.00	75.00	77.00	80.00	80.00	82.00	85.00
8 x 13 to 12 x 14	71.00	73.00	76.00	73.00	75.00	78.00	77.00	79.00	82.00
13 x 13 to 14 x 14	73.00	75.00	78.00	75.00	77.00	80.00	79.00	81.00	84.00
3 x 15 to 7 x 16	85.00	87.00	90.00	87.00	89.00	92.00	92.00	94.00	97.00
8 x 15 to 14 x 16	83.00	85.00	88.00	85.00	87.00	90.00	87.00	89.00	92.00
15 x 15 to 16 x 16	85.00	87.00	90.00	87.00	89.00	92.00	89.00	91.00	94.00
3 x 17 to 9 x 18	97.00	99.00	102.00	99.00	101.00	104.00	104.00	106.00	109.00
10 x 17 to 16 x 18	95.00	97.00	100.00	97.00	99.00	102.00	102.00	104.00	107.00
17 x 17 to 18 x 18	97.00	99.00	102.00	99.00	101.00	104.00	104.00	106.00	109.00
3 x 19 to 10 x 20	112.00	114.00	117.00	114.00	116.00	119.00	119.00	121.00	124.00
12 x 19 to 18 x 20	110.00	112.00	115.00	112.00	114.00	117.00	117.00	119.00	122.00
19 x 19 to 20 x 20	112.00	114.00	117.00	114.00	116.00	119.00	119.00	121.00	124.00

Additions and deductions per 1,000 feet board measure [*See section 14 (b) (10)*].

For working:

1. S1S, S2S, S3S, S4S, chiplap or T. and G., add $2.00.
2. Grooved two edges, add $3.00 (to dressed prices).
3. Beveling and/or outgauging, for two edges on one face, add $4.00; for four edges, or one face and one edge, add $3.00 (to dressed price in each case).

For grade:

4. Structural square edge and sound, add $3.00 to merchantable '05 prices.
5. Merchantable structural, add $5.00 to merchantable '05 prices.
6. Square edge and sound, 85% heart cubical content, 6 x 6 and larger, not over 2″ out of square, add $5.00 to merchantable '05 prices.
7. 1905 prime, 8″ and over, add $8.00 to merchantable '05 prices.
8. 1905 prime, under 8″, add $10.00 to merchantable '05 prices.
9. Square edge and sound, 85% heart facial area, make following additions to merchantable '05 prices:

	24′ and under	25′ to 30′	31′ to 40′
8 x 8 and under	$10.00	$14.00	$20.00
Over 8 x 8	12.00	16.00	22.00

10. Square edge and sound, 90% heart facial area, add $1.00 to 85% heart facial area, square edge and sound prices.
11. Prime structural, add to merchantable '05 prices as follows: 24′ and under, $13.00; 25′ to 30′, $17.00; 31′ to 40′, $23.00.
12. Square edge and sound, 85% heart girth, add $10.00 to 85% heart facial area, square edge and sound prices.
13. Square edge and sound, 90% heart girth, add $13.00 to 85% heart facial area, square edge and sound prices.
14. Select structural, add to merchantable '05 prices, as follows:

	24′ and under	25′ to 30′	31′ to 40′
Posts and timbers	$25.00	$30.00	$35.00
Joists, planks, beams and stringers	30.00	35.00	40.00

15. Select structural, heart requirement waived, deduct $15.00 from select structural prices.
16. No. 2 timbers, deduct $8.00 from merchantable '05 prices.

For Length:

17. 25′ to 30′, add $1.00 per lineal foot to 24′ price.
18. 31′ to 36′, add $2.00 per lineal foot to 30′ price.
19. 37′ to 42′, add $3.00 per lineal foot to 36′ price.
20. 43′ to 50′, add $5.00 per lineal foot to 42′ price.
21. 51′ to 55′, add $8.00 per lineal foot to 50′ price.
22. 56′ to 60′, add $12.00 per lineal foot to 55′ price.
23. Odd or fractional lengths over 8′ shall be counted and priced as next longer even length.
24. For lengths shorter than 8′ use nearest multiple length price plus a total of $2.00 per M′BM for cross cutting.
25. For any average length, charge the price for the specified length corresponding to the average length required and shipped.
26. For precision cutting to a specified exact length, with tolerance of not more than ½″ allowed, add $2.00. No addition is permitted for customary double end trimming.

For condition:

27. Air dried, 23% moisture content, 3 x 3 and larger, and 2 x 14 and 2 x 16, add $4.00.
28. Kiln dried, 20% moisture content, 2 x 14 and 2 x 16, add $0.00.
29. Kiln dried, 20% moisture content, 40 square inches of end area and less, add $5.00; end area greater than 40 square inches, add $8.00.

For size:

30. No. 2 common and grades above, for each 1″ width above 20″ width, add $7.50 to the nearest comparable 20″ price.
31. Fractional thickness, add $3.00 to nearest listed greater thickness and compute footage on nominal size.
32. Fractional widths, add $3.00 to nearest listed wider width and compute footage on nominal size.
33. 2 x 14 and 2 x 16, add $3.00 to comparable 3″ price.
34. For any average size, charge the price for the average size required and shipped.
35. For a specified cubic average, the price shall be that of the length in 12 x 12 required to equal the average specified.

TABLE 17—FLOORING, PLAIN END, KILN DRIED—STANDARD LENGTHS[1]

HEART FACE SPECIFICATION

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain:					
1 x 3	$95.00	$80.00	$63.00	$58.00	-------
1 x 4	93.00	78.00	61.00	56.00	-------
5/4 x 3	117.00	100.00	78.00	74.00	-------
5/4 x 4	115.00	98.00	76.00	72.00	-------
Near edge grain:					
1 x 3	88.00	73.00	58.00	54.00	-------
1 x 4	86.00	71.00	56.00	52.00	-------
5/4 x 3	110.00	93.00	73.00	69.00	-------
5/4 x 4	108.00	91.00	71.00	67.00	-------
Flat grain:					
1 x 3	73.00	65.00	53.00	46.00	-------
1 x 4	71.00	63.00	51.00	46.00	-------
5/4 x 3	95.00	85.00	68.00	49.00	-------
5/4 x 4	95.00	83.00	68.00	49.00	-------

NO HEART SPECIFICATION

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain:					
1 x 3	$75.00	$67.00	$55.00	$40.00	-------
1 x 4	73.00	65.00	53.00	49.00	-------
5/4 x 3	100.00	85.00	63.00	59.00	-------
5/4 x 4	98.00	83.00	61.00	57.00	-------
Near edge grain:					
1 x 3	68.00	60.00	50.00	44.00	-------
1 x 4	66.00	58.00	48.00	44.00	-------
5/4 x 3	93.00	78.00	58.00	54.00	-------
5/4 x 4	91.00	76.00	56.00	52.00	-------
Flat grain:					
1 x 3	56.00	54.00	43.00	38.00	$30.00
1 x 4	56.00	54.00	43.00	38.00	29.00
5/4 x 3	73.00	67.00	50.00	42.00	33.00
5/4 x 4	72.00	66.00	48.00	42.00	32.00
9/16 x 4	45.00	43.00	35.00	34.00	28.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*]

For working:

1. End-matching, add $2.00.
2. Bark back, deduct $5.00.

For grade:

3. A, add $5.00 to B and better prices.

For condition:

4. Air dried, deduct $1.00.
5. Specified lengths, all grades, 12′ and 14′, add $1.00; 16′ and longer, add $3.00.
6. Restricted standard lengths, A, B, and C, 12′ to 16′ or longer, add $2.00.
7. Restricted standard lengths, D, No. 2, and No. 3, 8′ to 16′ or longer, add 10%.
8. For shorts, 4′, 5′ and/or 6′, when specified, or when shipped with buyer's approval, in excess of percentage allowed in respective grades, deduct as follows:

4′, 5′ and/or 6′ B and better and C	$10.00
4′, 5′ and/or 6′ D and No. 2	5.00
4′ and 6′ No. 3	2.00

[1] Standard lengths are 4′ to 20′ inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot. 5% 8 and/or 9 foot.
D and No. 2	5% 4 and/or 5 foot. 5% 6 and/or 7 foot. 5% 8 and/or 9 foot.
No. 3	Not to exceed 20% 4′ and 6′.

TABLE 18—FLOORING, END MATCHED, KILN DRIED

HEART FACE SPECIFICATION

19" to 96" Nested and Bundled for Grades B and Better and C.
12" to 96" Nested and Bundled for Grade D.
9" to 96" Nested and Bundled for Grade No. 2.

	Grade B and Better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge Grain:					
1 x 3	$85.00	$71.00	$54.00		
1 x 4	83.00	69.00	52.00		
Near Edge Grain:					
1 x 3	80.00	63.00	51.00		
1 x 4	79.00	67.00	50.00		
Flat Grain:					
1 x 3	64.00	55.00	52.00	$45.00	
1 x 4	61.00	52.00	49.00	44.00	

NO HEART SPECIFICATION

19" to 96" Nested and Bundled for Grades B and Better and C.
12" to 96" Nested and Bundled for Grade D.
9" to 96" Nested and Bundled for Grades No. 2 and No. 3.

Edge grain:					
1 x 3	$65.00	$58.00	$46.00		
1 x 4	63.00	56.00	44.00		
Near edge grain:					
1 x 3	60.00	55.00	43.00		
1 x 4	59.00	54.00	42.00		
Flat grain:					
1 x 3	47.00	44.00	42.00	$35.00	$25.00
1 x 4	46.00	43.00	41.00	34.00	24.00

Additions and deductions per 1,000 feet board measure: [See Section 14 (b) (10)]

For condition:
1. Air dried, deduct $1.00.

TABLE 19—SIDING, CEILING, PARTITION, KILN DRIED—STANDARD LENGTHS[1]

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Drop siding:					
1 x 6" patterns 115, 117, 118, 119	$48.00	$45.00	$44.00	$40.00	$32.00
1 x 6" all other patterns	57.00	54.00	50.00	42.00	33.00
1 x 8" all patterns	57.00	54.00	50.00	42.00	33.00
Bevel siding:					
5/8 x 4", 5", 6" and 8"	45.00	42.00	36.00	32.00	24.00
1/2 x 4", 5", 6" and 8"	39.00	36.00	31.00	28.00	21.00
Square edge siding:					
1/2 x 4", 6" and 8", S1S, S2S, S3S, S4S	44.00	41.00	37.00	32.00	20.00
Ceiling—standard bead or V:					
5/16 and 7/16 x 3" and 4" S1S	37.00	35.00	30.00	28.00	20.00
5/16 and 7/16 x 6" S1S	39.00	37.00	32.00	30.00	22.00
5/16 and 7/16 x 3" and 4" S2S	40.00	38.00	32.00	31.00	20.00
5/16 and 7/16 x 6" S2S	43.00	40.00	33.00	31.00	23.00
9/16 x 3" and 4" S2S	41.00	39.00	34.00	32.00	22.00
11/16 to 25/32 x 3" and 4"	55.00	52.00	42.00	38.00	22.00
11/16 to 25/32 x 6"	56.00	53.00	43.00	39.00	23.00
Partition—standard bead or V:					
11/16 to 25/32 x 3" and 4"	55.00	52.00	42.00	38.00	22.00
11/16 to 25/32 x 6"	56.00	53.00	43.00	39.00	23.00

Additions and deductions per 1,000 feet board measure: [See Section 14 (b) (10)].

For working:
1. End-matching, add $2.00.

For grade:
2. A, add $5.00 to B and better prices.
3. 85% heart facial area, partition, B and better and C, add $20.00; D and lower grades, add $12.00.

For condition:
4. Air dried, deduct $1.00.

For length:
5. Specified lengths, all grades, 12' and 14', add $1.00; 16' or longer, add $3.00.
6. Restricted standard lengths, A, B and better and C, 12' to 16' or longer, add $2.00.
7. Restricted standard lengths, D, No. 2 and No. 3, 8' to 16' or longer, add 50¢.
8. For shorts, 4', 5' and/or 6', when specified, or when shipped with buyer's approval, in excess of percentage allowed in respective grades, deduct as follows:

Siding, ceiling and partition, all widths, 4', 5' and/or 6' B and better and C	$5.00
Siding, ceiling and partition, all widths, 4', 5' and/or 6' D	3.00
Siding, ceiling and partition, all widths, 4' No. 2 and No. 3	2.00

[1] Standard lengths are 4' to 20', inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
D and No. 2	5% 4 and/or 5 foot.
	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
No. 3	Not to exceed 20% 4 and 6 foot.

TABLE 20—CEILING, END MATCHED, KILN DRIED—12" TO 96"

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
5/8 x 4"–18" to 96"	$31.00	$28.00			
5/8 x 4"–12" to 96"				$30.00	$20.00

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)].

For condition:
1. Air dried, deduct $1.00.

TABLE 21—FINISH, S4S KILN DRIED

	Standard lengths[1]	4' and 6' lengths	8' lengths	5', 10' and 12' lengths	7' and 14' lengths	16' lengths	9', 18' and 20' lengths
GRADE B AND BETTER							
4/4 edge[2] (S1S or S2S)	$53.50	$53.50	$53.50	$53.50	$54.50	$55.50	$56.50
1 x 2 and 3	58.00	51.00	58.00	58.00	59.00	60.00	61.00
1 x 4	56.50	49.50	56.50	56.50	57.50	58.50	59.50
1 x 5	65.00	58.00	65.00	65.00	66.00	67.00	68.00
1 x 6	57.00	50.00	57.00	57.00	58.00	59.00	60.00
1 x 7	61.00	54.00	61.00	61.00	62.00	63.00	64.00
1 x 8	57.00	57.00	57.00	57.00	58.00	59.00	60.00
1 x 9	61.00	61.00	61.00	61.00	62.00	63.00	64.00
1 x 10	65.00	65.00	65.00	65.00	66.00	67.00	68.00
1 x 11	68.00	68.00	68.00	68.00	69.00	70.00	71.00
1 x 12	79.00	79.00	79.00	79.00	80.00	81.00	82.00
Restricted random widths[3]	59.50	55.75	59.50	59.50	60.50	61.50	62.50
5/4 and 6/4 edge[2] (S1S or S2S)	67.75	67.75	67.75	67.75	68.50	69.50	70.50
5/4 and 6/4 x 2 and 3	74.00	74.00	74.00	74.00	75.00	76.00	77.00
5/4 and 6/4 x 4	72.00	72.00	72.00	72.00	73.00	74.00	75.00
5/4 and 6/4 x 5	80.00	80.00	80.00	80.00	81.00	82.00	83.00
5/4 and 6/4 x 6	72.00	72.00	72.00	72.00	73.00	74.00	75.00
5/4 and 6/4 x 7	76.00	76.00	76.00	76.00	77.00	78.00	79.00
5/4 and 6/4 x 8	72.00	72.00	72.00	72.00	73.00	74.00	75.00
5/4 and 6/4 x 9	76.00	76.00	76.00	76.00	77.00	78.00	79.00
5/4 and 6/4 x 10	80.00	80.00	80.00	80.00	81.00	82.00	83.00
5/4 and 6/4 x 11	83.00	83.00	83.00	83.00	84.00	85.00	86.00
5/4 and 6/4 x 12	92.00	92.00	92.00	92.00	93.00	94.00	95.00
Restricted random widths[3]	74.50	74.50	74.50	74.50	75.50	76.50	77.50
7/4 and 8/4 edge[2] (S1S or S2S)	70.50	70.50	70.50	70.50	71.50	72.50	73.25
7/4 and 8/4 x 2 and 3	77.00	77.00	77.00	77.00	78.00	79.00	80.00
7/4 and 8/4 x 4	75.00	75.00	75.00	75.00	76.00	77.00	78.00
7/4 and 8/4 x 5	80.00	80.00	80.00	80.00	81.00	82.00	83.00
7/4 and 8/4 x 6	75.00	75.00	75.00	75.00	76.00	77.00	78.00
7/4 and 8/4 x 7	79.00	79.00	79.00	79.00	80.00	81.00	82.00
7/4 and 8/4 x 8	75.00	75.00	75.00	75.00	76.00	77.00	78.00
7/4 and 8/4 x 9	79.00	79.00	79.00	79.00	80.00	81.00	82.00
7/4 and 8/4 x 10	80.00	80.00	80.00	80.00	81.00	82.00	83.00
7/4 and 8/4 x 11	83.00	83.00	83.00	83.00	84.00	85.00	86.00
7/4 and 8/4 x 12	95.00	95.00	95.00	95.00	96.00	97.00	98.00
Restricted random widths[3]	77.00	77.00	77.00	77.00	78.00	79.00	80.00
10/4 edge[2] (S1S or S2S)	84.50	84.50	84.50	84.50	85.50	86.50	87.50
10/4 x 4	90.00	90.00	90.00	90.00	91.00	92.00	93.00
10/4 x 5	95.00	95.00	95.00	95.00	96.00	97.00	98.00
10/4 x 6	90.00	90.00	90.00	90.00	91.00	92.00	93.00
10/4 x 7	94.00	94.00	94.00	94.00	95.00	96.00	97.00

[1] See footnotes at end of table.

TABLE 21—FINISH, S4S KILN DRIED—Continued

	Standard lengths [1]	4' and 6' lengths	8' lengths	5', 10' and 12' lengths	7' and 14' lengths	10' lengths	9', 18' and 20' lengths
GRADE B AND BETTER—continued							
10/4 x 8	$90.00	$90.00	$90.00	$90.00	$91.00	$92.00	$93.00
10/4 x 9	94.00	94.00	94.00	94.00	95.00	96.00	97.00
10/4 x 10	95.00	95.00	95.00	95.00	96.00	97.00	98.00
10/4 x 11	98.00	98.00	98.00	98.00	99.00	100.00	101.00
10/4 x 12	110.00	110.00	110.00	110.00	111.00	112.00	113.00
Restricted random widths [3]	92.00	92.00	92.00	92.00	93.00	94.00	95.00
12/4 edge [2] (S1S or S2S)	98.75	98.75	98.75	98.75	99.75	100.50	101.50
12/4 x 4	105.00	105.00	105.00	105.00	106.00	107.00	108.00
12/4 x 5	110.00	110.00	110.00	110.00	111.00	112.00	113.00
12/4 x 6	105.00	105.00	105.00	105.00	106.00	107.00	108.00
12/4 x 7	109.00	109.00	109.00	109.00	110.00	111.00	112.00
12/4 x 8	105.00	105.00	105.00	105.00	106.00	107.00	108.00
12/4 x 9	109.00	109.00	109.00	109.00	110.00	111.00	112.00
12/4 x 10	110.00	110.00	110.00	110.00	111.00	112.00	113.00
12/4 x 11	113.00	113.00	113.00	113.00	114.00	115.00	116.00
12/4 x 12	125.00	125.00	125.00	125.00	126.00	127.00	128.00
Restricted random widths [3]	107.00	107.00	107.00	107.00	108.00	109.00	110.00
GRADE C							
4/4 edge [2] (S1S or S2S)	49.75	49.75	49.75	49.75	50.75	51.75	52.75
1 x 2 and 3	55.00	48.00	55.00	55.00	56.00	57.00	58.00
1 x 4	53.50	46.50	53.50	53.50	54.50	55.50	56.50
1 x 5	61.00	54.00	61.00	61.00	62.00	63.00	64.00
1 x 6	53.00	46.00	53.00	53.00	54.00	55.00	56.00
1 x 7	58.00	51.00	58.00	58.00	59.00	60.00	61.00
1 x 8	53.00	53.00	53.00	53.00	54.00	55.00	56.00
1 x 9	58.00	58.00	58.00	58.00	59.00	60.00	61.00
1 x 10	61.00	61.00	61.00	61.00	62.00	63.00	64.00
1 x 11	64.00	64.00	64.00	64.00	65.00	66.00	67.00
1 x 12	75.00	75.00	75.00	75.00	76.00	77.00	78.00
Restricted random widths [3]	55.50	51.75	55.50	55.50	56.50	57.50	58.50
5/4 and 6/4 edge [2] (S1S or S2S)	61.00	61.00	61.00	61.00	62.00	63.00	64.00
5/4 and 6/4 x 2 and 3	67.00	67.00	67.00	67.00	68.00	69.00	70.00
5/4 and 6/4 x 4	65.00	65.00	65.00	65.00	66.00	67.00	68.00
5/4 and 6/4 x 5	73.00	73.00	73.00	73.00	74.00	75.00	76.00
5/4 and 6/4 x 6	65.00	65.00	65.00	65.00	66.00	67.00	68.00
5/4 and 6/4 x 7	70.00	70.00	70.00	70.00	71.00	72.00	73.00
5/4 and 6/4 x 8	65.00	65.00	65.00	65.00	66.00	67.00	68.00
5/4 and 6/4 x 9	70.00	70.00	70.00	70.00	71.00	72.00	73.00
5/4 and 6/4 x 10	73.00	73.00	73.00	73.00	74.00	75.00	76.00
5/4 and 6/4 x 11	76.00	76.00	76.00	76.00	77.00	78.00	79.00
5/4 and 6/4 x 12	85.00	85.00	85.00	85.00	86.00	87.00	88.00
Restricted random widths [3]	67.50	67.50	67.50	67.50	68.50	69.50	70.50
7/4 and 8/4 edge [2] (S1S or S2S)	64.00	64.00	64.00	64.00	64.75	65.75	66.75
7/4 and 8/4 x 2 and 3	70.00	70.00	70.00	70.00	71.00	72.00	73.00
7/4 and 8/4 x 4	68.00	68.00	68.00	68.00	69.00	70.00	71.00
7/4 and 8/4 x 5	76.00	76.00	76.00	76.00	77.00	78.00	79.00
7/4 and 8/4 x 6	68.00	68.00	68.00	68.00	69.00	70.00	71.00
7/4 and 8/4 x 7	73.00	73.00	73.00	73.00	74.00	75.00	76.00
7/4 and 8/4 x 8	68.00	68.00	68.00	68.00	69.00	70.00	71.00
7/4 and 8/4 x 9	73.00	73.00	73.00	73.00	74.00	75.00	76.00
7/4 and 8/4 x 10	76.00	76.00	76.00	76.00	77.00	78.00	79.00
7/4 and 8/4 x 11	79.00	79.00	79.00	79.00	80.00	81.00	82.00
7/4 and 8/4 x 12	88.00	88.00	88.00	88.00	89.00	90.00	91.00
Restricted random widths [3]	70.50	70.50	70.50	70.50	71.50	72.50	73.50
10/4 edge [2] (S1S or S2S)	73.25	73.25	73.25	73.25	74.25	75.25	76.25
10/4 x 4	78.00	78.00	78.00	78.00	79.00	80.00	81.00
10/4 x 5	83.00	83.00	83.00	83.00	87.00	88.00	89.00
10/4 x 6	78.00	78.00	78.00	78.00	79.00	80.00	81.00
10/4 x 7	83.00	83.00	83.00	83.00	84.00	85.00	86.00
10/4 x 8	78.00	78.00	78.00	78.00	79.00	80.00	81.00
10/4 x 9	83.00	83.00	83.00	83.00	84.00	85.00	86.00
10/4 x 10	86.00	86.00	86.00	86.00	87.00	88.00	89.00
10/4 x 11	89.00	89.00	89.00	89.00	90.00	91.00	92.00
10/4 x 12	98.00	98.00	98.00	98.00	99.00	100.00	101.00
Restricted random widths [3]	80.50	80.50	80.50	80.50	81.50	82.50	83.50
12/4 edge [2] (S1S or S2S)	82.75	82.75	82.75	82.75	83.75	84.75	85.75
12/4 x 4	88.00	88.00	88.00	88.00	89.00	90.00	91.00
12/4 x 5	96.00	96.00	96.00	96.00	97.00	98.00	99.00
12/4 x 6	88.00	88.00	88.00	88.00	89.00	90.00	91.00
12/4 x 7	93.00	93.00	93.00	93.00	94.00	95.00	96.00
12/4 x 8	88.00	88.00	88.00	88.00	89.00	90.00	91.00
12/4 x 9	93.00	93.00	93.00	93.00	94.00	95.00	96.00
12/4 x 10	96.00	96.00	96.00	96.00	97.00	98.00	99.00
12/4 x 11	99.00	99.00	99.00	99.00	100.00	101.00	102.00
12/4 x 12	108.00	108.00	108.00	108.00	109.00	110.00	111.00
Restricted random widths [3]	90.50	90.50	90.50	90.50	91.50	92.50	93.50

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)]

For working:
1. Rough, B and better, deduct $3.00.
2. Rough, C, deduct $2.00.
3. S1S, S2S, shiplap, S2S & CM (5" and wider only) standard or thinner, add $2.00. This table may not be used in pricing flooring, drop siding, ceiling, or any other pattern for which a maximum price is set in any of the tables.
4. Ripping or resawing, add $1.00 for each cut, both applicable only when machine run stock is shipped.
5. Casing, base, jambs, apron, pulley-stiles or any other pattern requiring moulder work (not including mouldings), add $7.50 for 1" stock, $10.00 for 5/4 and thicker.
6. Nosed stopping, add $3.00.
7. Sanding one face, add $3.00.
8. Wrapping, add $5.00.

For grade:
9. A, add $5.00 to B and better prices.
10. If both sides are required A grade (par. 171), or if both sides are required B grade (par. 171), add $5.00 for 1" stock, $7.50 for 5/4 and 6/4, and $10.00 for 7/4 and thicker.

For condition:
11. Air dried, stain no defect, deduct $6.00.
12. Air dried, deduct $4.00.

For size:
13. 13" and wider, add $3.50 per inch or fraction thereof to 12" prices and compute footage on nominal size:
14. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $1.00 where stock is dressed clean.
15. Random widths (other than restricted random widths), each width shall be priced at the specified width price.

For length:
16. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
17. Odd or fractional lengths over 4', not listed, shall be counted and priced as next longer even length.
18. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $1.50 per m. b. m. for each necessary cross cut, but the addition for precision cutting permitted in footnote 16 may not also be charged, and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on six-inch breaks on the next break above.

[1] Standard lengths are 8' to 20' inclusive, and in shipments of standard lengths, 5% of 8 foot in C and Better grades shall be permitted.
[2] Edge widths are random widths, including odd, even or fractional widths measurment shall be according to paragraph 136. S. P. I. B. Rules.
[3] Restricted random widths are 4" to 12" inclusive, and must not contain over 20% of 4" widths, and not less than 20% of 10" and wider

TABLE 22.—CAR MATERIAL, OTHER THAN DECKING AND FRAMING DRESSED TO PATTERN—KILN DRIED [1]

Size and grade	6' lengths	8' lengths	6' & 10' lengths	12' lengths	14' lengths	16' lengths	18' & 20' lengths	22' & 24' lengths
Select (par. 51 A. A. R. rules): [2]								
1 x 4 and 1 x 6	$53.00	$55.00	$60.00	$62.00	$65.00	$67.00	$73.00	$85.00
Common (par. 52 A. A. R. rules): [2]								
1 x 4 and 1 x 6	53.00	60.00	55.00	57.00	60.00	62.00	63.00	80.00
Select (par. 55-59-62 A. A. R. rules): [2]								
1 x 4, 1 x 6 and 1 x 8	53.00	65.00	60.00	62.00	65.00	67.00	73.00	85.00
1 x 10	66.00	73.00	68.00	70.00	73.00	75.00	81.00	93.00
1 x 12	82.00	89.00	84.00	86.00	89.00	91.00	97.00	109.00
Common (par. 56 A. A. R. rules): [2]								
1 x 4, 1 x 6 and 1 x 8	53.00	60.00	55.00	57.00	60.00	62.00	63.00	80.00
1 x 10	61.00	68.00	63.00	65.00	68.00	70.00	76.00	88.00
1 x 12	77.00	84.00	79.00	81.00	84.00	86.00	92.00	104.00
Common (par. 60 A. A. R. rules): [2]								
1 x 4, 1 x 6 and 1 x 8	43.00	50.00	45.00	47.00	50.00	52.00	55.00	67.00
1 x 10	51.00	58.00	53.00	55.00	58.00	60.00	63.00	75.00
1 x 12	67.00	74.00	69.00	71.00	74.00	76.00	79.00	91.00
Select (par. 53-55-59-62 A. A. R. rules): [2]								
2 x 4	70.00	75.00	70.00	70.00	70.00	75.00	80.00	90.00
2 x 6	75.00	80.00	75.00	75.00	75.00	80.00	85.00	95.00
2 x 8	75.00	80.00	75.00	75.00	75.00	80.00	85.00	95.00
2 x 10	83.00	88.00	83.00	83.00	83.00	88.00	93.00	103.00
2 x 12	93.00	103.00	93.00	93.00	93.00	103.00	103.00	118.00
Common (par. 54-56-60 A. A. R. rules): [2]								
2 x 4	52.00	54.00	52.00	52.00	52.00	55.00	57.00	67.00
2 x 6	57.00	59.00	57.00	57.00	57.00	60.00	62.00	72.00
2 x 8	57.00	59.00	57.00	57.00	57.00	60.00	62.00	72.00
2 x 10	65.00	67.00	65.00	65.00	65.00	68.00	70.00	80.00
2 x 12	81.00	83.00	81.00	81.00	81.00	84.00	86.00	96.00

[1] See footnotes at end of table.

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*].

For working:
1. Rough, deduct $2.00.
2. Where material is required S2S only, add $1.00.

For grade:
3. Edge grain, add $15.00 to select price only.
4. Grade and specifications other than those contained in A. A. R. Rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For condition:
5. Air dried, stain no defect, deduct $6.00.
6. Air dried, deduct $4.00.
7. Green, deduct $8.00.

For size:
8. 5/4 and 6/4, add $10.00 to 4/4 prices.
9. 2¼" and 2½" par. 53, 55, 59, and 62, add $15.00 to 8/4 prices; and for 2¼" and 2½" par. 54, 56, and 60, add $3.00 to 8/4 prices.
10. Extra standard thickness, other than those covered by A. A. R., add $1.00 where stock is dressed clean.
11. Odd or fractional widths, add $3.00 to nearest greater listed width and compute footage on nominal rough size.

For length:
12. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
13. Odd on fractional lengths, except 5' and 9', shall be counted and priced as next longer even length.
14. For any average length, charge the price for the specified length corresponding to the average length required and shipped.

For inspection:
15. Final inspection at destination in car repair or building establishment rather than at shipping point, add $5.00.

[1] The prices in this table apply only to direct mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the lumber branch of the national office pursuant to section 22 hereof. In addition to the information specified in section 22 sellers must show for what uses the purchaser has ordered the car material.

[2] Specifications for car material designated above, (A. A. R. rules) correspond to the specifications issued by the Associations of American Railroads as set forth in its pamphlet M-907-33, adopted 1910; revised 1933.

TABLE 22A—CAR MATERIAL, FLOORING (DECKING), FLOOR BOARDS AND DOOR SILLS, DRESSED TO ALL PATTERNS, KILN DRIED OR AIR DRIED[1]

Size and grade	8' lengths	9' lengths	10' lengths	12' lengths	14' lengths	16' lengths
Select (par. 57 A. A. R. rules):[2]						
2 x 6" and 2 x 8"	$75.00	$80.00	$75.00	$75.00	$75.00	$80.00
2¼ and 2½ x 6" and 8"	80.00	85.00	80.00	80.00	80.00	85.00
2¾ and 3 x 6" and 8"	85.00	90.00	85.00	85.00	85.00	90.00
Common (par. 58 A. A. R. rules):[2]						
2 x 6" and 2 x 8"	60.00	65.00	60.00	60.00	60.00	65.00
2¼, 2½, 2¾ and 3 x 6" and 8"	65.00	70.00	65.00	65.00	65.00	70.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*]

For working:
1. Rough, deduct $2.00.
2. Where material is required S2S only, add $1.00.
3. Stock dressed 2⅜" net thickness, count and price as 2¾".

For grade:
4. Edge grain, add $15.00 to select price only.
5. Grades and specifications other than those contained in A. A. R. Rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.
6. Heart Face, Common (par. 58), add $10.00.

For condition:
7. Drying to moisture content of less than 15%, add $5.00.
8. Green, deduct $5.00.

For size:
9. Extra standard thickness, other than those covered by A. A. R., add $1.00 where stock is dressed clean.
10. Odd or fractional widths, add $3.00 to nearest greater listed width and compute footage on nominal rough size.

For length:
11. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
12. Odd or fractional lengths, except 9', shall be counted and priced as next longer even length.

For inspection:
13. Final inspection at destination in car repair or building establishment rather than at shipping point, add $5.00.

[1] The prices in this table apply only to direct-mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the Lumber Branch of the National Office pursuant to section 22 hereof. In addition to the information specified in section 22, sellers must show for what uses the purchaser has ordered the car material.

[2] Specifications for car material designated above, (A. A. R. rules) correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M-907-33, adopted 1910; revised 1933.

TABLE 22B—CAR MATERIAL, FRAMING SPECIFIED OR RANDOM LENGTHS, 8' TO 14'—ROUGH GREEN[1]

Size	Group 7, par. 64, common	Group 8, par. 65, select structural, no heart required	Group 9, par. 67, select structural, no heart required	Group 10		
				Par. 69, common structural	Par. 70, select structural, no heart required	Par. 72, common structural
3 to 5 x 3 to 8"	$48.00	$63.00	$63.00	$58.00	$63.00	$56.00
3 to 5 x 9 and 10"	58.00	73.00	73.00	68.00	73.00	66.00
3 to 5 x 11 and 12"	71.00	86.00	86.00	81.00	86.00	79.00
3 to 5 x 13 and 14"	82.00	97.00	97.00	92.00	97.00	90.00

Additions and deductions per 1,000 feet board measure: [*See section 14(b) (10)*]

For working:
1. Dressing to standard patterns, add $2.00.

For heart requirement:
2. 85% heart cubical content, add $5.00.
3. 1905 prime as to heart 8" and over, add $8.00.
4. 1905 prime as to heart under 8", add $10.00.
5. 85% heart facial area, make following additions:

	24' and under	25' to 30'	31' to 40'
8 x 8 and under	$10.00	$14.00	$20.00
Over 8 x 8	12.00	16.00	22.00

6. 90% heart facial area, add $3.00 to 85% heart facial area prices.
7. 85% heart girth, add $10.00 to 85% heart facial area prices.
8. 90% heart girth, add $13.00 to 85% heart facial area prices.
9. Select structural, heart content required, groups 8, 9 and 10, paragraphs 65, 67 and 70, add $15.00.

For grade:
10. Grades and specifications other than those contained in A. A. R. rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For condition:
11. Dry, moisture content between 15 and 20%, add $5.00.

For size:
12. Fractional thickness, add $3.00 to nearest listed greater thickness. Compute footage on nominal rough size.
13. Fractional widths, add $3.00 to nearest listed wider width and compute footage on nominal rough size.
14. 2" sizes in all above grades, add $2.00.
15. ¼, ¾, ¾, ⅞, add $5.00.
16. Over 6" in thickness, deduct $1.00.
17. Measurement for rough sizes must allow not less than ¼" for dressing on each dimension.

For inspection:
18. Final inspection at destination in car repair or building establishment rather than at shipping point, add $5.00.

For length:
19. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
20. Odd or fractional lengths, except 5', 7' and 9', shall be counted and priced as next longer even length.
21. 16', 18' and 20', add $2.00 to 8' to 14' price.
22. 22' and 24', add $3.00 to 20' price.
23. 25' to 30', add $1.00 per lineal foot to 24' price.
24. 31' to 36', add $2.00 per lineal foot to 30' price.
25. 37' to 42', add $3.00 per lineal foot to 36' price.
26. 43' to 50', add $5.00 per lineal foot to 42' price.
27. 51' to 55', add $8.00 per lineal foot to 50' price.
28. 56' to 60', add $12.00 per lineal foot to 55' price.

[1] The prices in this table apply only to direct mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the lumber branch of the National Office pursuant to section 22 hereof. In addition to the information specified in section 22, sellers must show for what uses the purchaser has ordered the car material.

TABLE 23—STANDARD PLASTERING, AND FENCE LATH, KILN DRIED

Size	Grade No. 1	Grade No. 2	Grade No. 3
3/8 x 1½"—4' plastering lath	$5.75	$5.00	$3.50
3/8 x 1½"—32" plastering lath	4.00	2.50	--------
½ x 1½"—32" fence lath	5.50	3.50	--------
½ x 1½"—36" fence lath	6.25	4.25	--------
½ x 1½"—42" fence lath	7.50	5.50	--------
½ x 1½"—48" fence lath	9.00	7.00	--------
½ x 1½"—60" fence lath	11.25	9.25	--------
½ x 1½"—72" fence lath	13.50	11.50	--------

Additions and deductions per 1,000 pieces

For condition:
1. Air dried, deduct 25%.
2. Green, deduct 50%.

TABLE 24—BED SLATS, S4S—AIR DRIED OR KILN DRIED (BUNDLED)

Grade and size	Per set (8 pieces) 36"	Per set (8 pieces) 39"	Per set (8 pieces) 42"	Per set (8 pieces) 54" to 60"
No. 1—1 x 3	$0.35	$0.37	$0.38	$0.48
No. 2—1 x 3	.28	.30	.31	.41

TABLE 25—O. G. BATTS—KILN DRIED—STANDARD LENGTHS [1]

	Grade B and better	Grade C	Grade D	Grade No. 2
9/16 or 5/8 x 3	$43.00	$41.00	$36.00	$33.00
9/16 or 5/8 x 4	41.00	39.00	34.00	32.00

Additions and deductions per 1,000 feet board measure: [*See section 14* (b) (*10*)].

For condition:

1. Air dried, deduct $1.00.

For lengths:

2. For specified lengths, all grades, 12' and 14', add $1.00; 16' and longer, add $3.00.
3. For shorts, 4' and 6', when specified, or when shipped, with buyer's approval, in excess of percentages permitted in respective grades, B and better and C, deduct $5.00; D, deduct $3.00; No. 2 Common (4 foot only), deduct $2.00.

[1] Standard lengths, are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

B and better	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
D, and No. 2	5% 4 and/or 5 foot.
	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.

ARTICLE VI—APPENDIX C: THE FIGURES GIVEN REFER TO DRY WEIGHT, EXCEPT WHERE OTHERWISE SPECIFIED

FLOORING

	Longleaf (pounds)	Shortleaf (pounds)
1 x 3" (for hollow back deduct 100 lbs.)	2,000	1,800
1 x 4" (for hollow back deduct 100 lbs.)	2,100	1,900
1¼ x 3" (for hollow back deduct 100 lbs.)	2,200	2,000
1¼ x 4" (for hollow back deduct 100 lbs.)	2,300	2,100

CEILING AND PARTITION

5/16" ceiling	1,000	900
7/16" ceiling	1,200	1,100
9/16" ceiling	1,500	1,400
11/16" ceiling (and Boston partition)	1,800	1,700
¾" partition	1,900	1,800
25/32" partition and ceiling, use same weights as flooring.		

DROP SIDING

	Longleaf (pounds)	Shortleaf (pounds)
1 x 6" (pat. 116)	2,000	2,000
1 x 8" and 10" (pat. 116)	2,100	2,100
1 x 6" (pat. 117)	1,700	1,700
1 x 8" and 10" (pat. 117)	1,800	1,800
1 x 6" (other patterns)	1,800	1,800
1 x 8" and 10" (other patterns)	1,000	1,000
Bevel and SE siding from 1"	1,100	1,000
Bevel and SE siding from 1¼"	1,400	1,300

FINISH

1 x 2" to 1 x 10" S1S or S2S 25/32"	2,600	2,500
1 x 12" S1S or S2S 25/32"	2,700	2,600
1 x 2" to 1 x 10" S3S or S4S 25/32"	2,600	2,400
1 x 12" S3S or S4S 25/32"	2,800	2,500
1¼" x 2" to 2 x 10" S1S or S2S	2,900	2,800
1¼" x 12" to 2 x 12" S1S or S2S	3,000	2,900
1¼" x 2" to 2 x 10" S3S or S4S	2,800	2,700
1¼" x 12" to 2 x 12" S3S or S4S	2,900	2,800
1" finish dressed to 13/16" add	100	100
2" finish dressed to 1¾" add	200	200
1 x 2" to 2 x 10" rough	3,400	3,200
1 x 12" to 2 x 12" rough	3,600	3,300

CASING—BASE—JAMBS

Moulded casing, all widths	2,100	2,000
Moulded base, all widths	2,100	2,000
Jambs—1"	2,100	2,100
Jambs—1¼ to 2"	2,300	2,200

STRIP AND BOARDS (1 INCH)

1 x 2" to 1 x 10", S1S or S2S 25/32"	2,700	2,500
1 x 12" S1S or S2S 25/32"	2,800	2,600
1 x 2" to 1 x 10" S3S or S4S 25/32"	2,600	2,400
1 x 12" S3S or S4S 25/32"	2,700	2,500
1 x 2" to 1 x 4" D&M	2,100	1,900
1 x 6" D&M or shiplap	2,400	2,200
1 x 8" to 1 x 10" D&M or shiplap	2,500	2,300
1 x 12" D&M or shiplap	2,600	2,400
1 x 2" to 1 x 10" rough	3,400	3,200
1 x 12" rough	3,500	3,300
For ¾" dressed boards, deduct	100	100
For 5/8" boards, all workings, deduct	500	500
For 11/16" boards, all workings, deduct	300	300
For 13/16" boards, all workings, add	100	100
For resawing, deduct for each cut.	200	200
For ripping, no deduction.		
For 1¼" and 1½", add	300	300

2" DIMENSION, FACTORY FLOORING AND ROOF DECKING

2 x 2" to 2 x 8" rough	3,400	3,200
2 x 10" and 2 x 12" rough	3,500	3,400
2 x 2" to 2 x 8" dressed to 1⅝"	2,700	2,600
2 x 10" and 2 x 12" dressed to 1⅝"	2,800	2,600
For 1¾", add	400	400
For D&M; SL & Gr. for splines, deduct	200	200
2 x 4" to 2 x 12" rough green	4,600	4,500
2 x 4" to 2 x 12" green, dressed 1⅝"	3,800	3,800

2" PLANK AND JOISTS

2", 2 x 2 to 2 x 12 inclusive use 2" dimension weights as shown above.
2 x 14 and wider use timber weights as shown below.

HEAVY JOISTS, TIMBERS, ETC. (OVER 2" THICK)

Rough, green	4,600	4,600
S4S ¼" scant, green	4,200	4,200
S4S ⅜" scant, green	4,000	4,000
S4S ½" scant, green	3,800	3,800
T & G, SL & Gr. for splines, deduct	300	300
Dry, 3 x 3 to 4 x 4, deduct from corresponding green weight	800	800
Dry, 4 x 5 and larger, deduct from corresponding green weight	500	500

CAR SIDING, LINING AND ROOFING

	Longleaf (pounds)	Shortleaf (pounds)
1 x 4" and 1 x 6" T&G 13/16"	2,200	2,200
1 x 4" and 1 x 6" S2S 13/16"	2,000	2,000
For 25/32", deduct	100	100

LONGITUDINAL SHEATHING AND STOCK CAR SLATS

2 x 4" T&G 1¾"	2,400	2,400
2 x 4" T&G 1⅝"	2,300	2,300
2 x 4" T&G 1½"	2,100	2,100
2 x 4" S2S to 1¾"	2,000	2,000
2 x 4" S2S to 1⅝"	2,700	2,700
2 x 4" S2S to 1½"	2,500	2,500
2 x 6" T&G to 1¾"	2,500	2,500
2 x 6" T&G to 1⅝"	2,400	2,400
2 x 6" T&G to 1½"	2,300	2,300
2 x 6" S2S to 1¾"	2,800	2,800
2 x 6" S2S to 1⅝"	2,700	2,700
2 x 6" S2S to 1½"	2,600	2,600

CAR DECKING

2 x 6" and 2 x 8" S2S and T & G 1¾", dry	2,800	2,600
2½" x 6" to 3" x 8" S2S and T & G, dry	2,900	2,700
2 x 6" to 3 x 8" S2S and T & G, green	3,500	3,300
2 x 6" to 3 x 8" S2S, dry	3,200	3,000
2 x 6" to 3 x 8" S2S, green	4,200	4,200
2 x 6" to 3 x 8" S1S ⅜" scant, dry	3,400	3,200
2 x 6" to 3 x 8" rough, dry	3,600	3,400
2 x 6" to 3 x 8" rough, dry	4,500	4,500

MISCELLANEOUS

Plastering lath, 48" K. D.	500	500
Plastering lath, 48" green	1,000	1,000
Plastering lath, 32" K. D.	240	240
Fence lath, ½" x 1½"—48" K. D.	800	800
Bed slats, 1 x 3"—4' 6", per set of 8	20	20
Bed slats, 1 x 3"—3' 3", per set of 8	15	15
Byrkit lath, 4" or 6"	1,800	1,800
O. G. batts, use same weights as 9/16" ceiling. (For hollow back deduct 100 lbs.)	--------	--------

(b) Any producer of Long Leaf Yellow Pine in the State of Florida whose lumber is consistently heavier than the weights in the above table, may submit to the Lumber Branch of the Office of Price Administration, Washington, D. C., for approval a list of the estimated weights used by him during the first eight months of 1941 together with a statement that he believes them to be the nearest possible estimate to the present average actual weights. After an order has been published in the Federal Register, listing the producer's name, any seller of the producer's lumber may use the approved estimated weights in computing transportation charges.

The following producers have qualified under this provision up to the day of issuance of this revised regulation. The permitted estimated weights are on file with the Federal Register and may there be examined by any interested person:

Brooks-Scanlon Corporation, Foley, Fla.
Dowling and Camp, Inc., Slater, Fla.
Peavy-Wilson Lumber Co., Holopaw, Fla.

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

Effective date. The regulation shall become effective February 4, 1944, except that:

(a) If lumber has been received before February 4, 1944, by a carrier other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this second revised regulation. It remains subject to the terms of the earlier regulation, Revised Maximum Price Regulation No. 19.

(b) If this regulation lowers any maximum price below that fixed in the earlier regulation, contracts that were in existence prior to the issuance of this second revised regulation at lawful prices may be completed according to their terms with respect to deliveries made on or before March 1, 1944.

(NOTE: The mere fact that this second revised regulation increases some maximum prices does not of itself allow any seller to apply the higher prices to existing uncompleted contracts without the consent of the buyer. The regulation permits the making of certain adjustable pricing agreements to cover such situations. Apart from that increasing prices in existing uncompleted contracts to the level of increased maximum prices in the regulation is purely a matter of agreement between buyer and seller.)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1482; Filed, January 29, 1944; 11:14 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 96]

MILEAGE RATIONING—GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. Section 1394.7851 (b) (8) is added to read as follows:

(8) For use with a passenger automobile or motorcycle to provide mileage for non-occupational purposes for which no other special ration is provided under the provisions of Ration Order No. 5C if, in the discretion of the Board, a denial of the ration would cause undue hardship. The allowance and issuance of any ration under this subparagraph shall be subject to the following provisions:

(i) The Office of Price Administration, Washington, D. C., may from time to time set and allocate quotas fixing the maximum number of gallons of gasoline available for the issuance of rations under this subparagraph and may administer, adjust and revoke such quotas. No Board shall issue a ration under this subparagraph in excess of its quota.

(ii) No appeal shall be permitted from any decision of a Board in regard to an application for a ration made pursuant to this subparagraph.

2. Section 1394.7851 (c) (4) is amended to read as follows:

(4) If application is made pursuant to paragraph (b) (1) (i) or (iii) or paragraph (b) (2) (i), (ii), (iii), or (vi) or paragraph (b) (8) or for use with a motorboat pursuant to paragraph (b) (5) (i) or (ii) of this section, the alternative means of transportation, which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose.

3. In § 1394.8252 the first sentence is amended to read as follows: "Any person may appeal from an adverse decision of a Board, except a decision pursuant to § 1394.7851 (b) (8) relating to an application for a discretionary special ration in a case of undue hardship."

This amendment shall become effective February 1, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719).

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1478; Filed, January 29, 1944; 11:12 a. m.]

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

[1] 8 F.R. 15937, 15937, 16250, 16420, 16845, 16846, 17327, 17484, 17297; 9 F.R. 286, 90.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 98]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. Section 1394.8153 (c) (1) (iii) is added to read as follows:

(iii) When any transfer of gasoline is made to an establishment which is one of a group of twenty-five (25) or more served by a single ration bank account maintained by a bulk consumer pursuant to § 1394.8206a (e), the transferor may, in his discretion, permit a ration check to be forwarded within such time, not to exceed thirty (30) days after delivery, as may be agreed upon by the parties. Every person who makes a transfer of gasoline in this manner shall maintain a record or a copy of an invoice for each such transaction which shall show the name of the transferee, the date and place of delivery, the quantity of gasoline transferred, the name of the transferee's agent or employee, if any, who accepted the transfer and a notation indicating that a ration check is to be forwarded upon a delayed basis. Upon receipt of a ration check the transferor shall make an entry upon such record or invoice indicating that ration evidences have been received and the date upon which they were received. Every person who accepts a transfer of gasoline in this manner shall maintain a record or a copy of an invoice for each such transaction which shall show the name of the transferor, the date and place of delivery, the quantity of gasoline transferred and a notation indicating that a ration check is to be forwarded upon a delayed basis. Upon forwarding a ration check the transferee shall make an entry upon such record or invoice indicating that ration evidences have been submitted and the date upon which they were forwarded.

2. Section 1394.8217 (a) (1) is amended by substituting the reference "§ 1394.8153 (c) (1) (i), (ii) and (iii)" for the reference "§ 1394.8153 (c) (1) (i) and (ii)".

3. Section 1394.8218 (d) (1) is amended by substituting the reference "§ 1394.8153 (c) (1) (i), (ii) and (iii)" for the reference "§ 1394.8153 (c) (1) (i) and (ii)".

This amendment shall become effective February 3, 1944.

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

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1480; Filed, January 29, 1944; 11:12 a. m.]

[1] 8 F.R. 15937, 16250, 16420, 16845, 16846, 17327, 17484, 17297; 9 F.R. 286, 90.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 112]

SUGAR RATIONING REGULATIONS

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

Section 1407.72 is added to read as follows:

§ 1407.72 *Consumers may use Sugar Stamp No. 40 to get sugar for home processing and preserving for use.* Sugar Stamp No. 40 in War Ration Book Four authorizes a consumer to obtain 5 pounds of sugar, before March 1, 1945, to be used solely for the purpose of producing processed foods from fresh fruits for use, in accordance with sections 26.2, 26.5, and 26.6 of Revised Ration Order 13 (or for making the gifts permitted by those sections).

This amendment shall become effective February 1, 1944.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1477; Filed, January 29, 1944; 11:12 a. m.]

[1] 8 F.R. 14820, 15368, 15489, 15524.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 95]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order No. 5C is amended in the following respects:

1. In § 1394.7851 (b) (3) (iv) the period at the end of the last sentence is deleted, and the phrase "unless the ration may be allowed pursuant to the provisions of § 1394.7851 (b) (7)" is added.

2. Section 1394.7851 (b) (7) is added to read as follows:

(7) For use with a new commercial motor vehicle:

(i) To move a new commercial motor vehicle from a place of manufacture to a distributing outlet or between such outlets when such movement may be lawfully accomplished without a Certificate of War Necessity.

A new commercial motor vehicle means any commercial motor vehicle which was manufactured after July 31, 1941, and which, irrespective of the mileage driven, has not been transferred except to a sales agency for the purpose of resale.

3. Section 1394.8183 (b) (4) is added to read as follows:

(4) Any movement of a new commercial motor vehicle (as defined in § 1394.7851 (b) (7)) from the place of its manufacture to a distributing outlet or between such outlets.

This amendment shall become effective February 3, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F. R. 562, 9121, E.O. 9125, 7 F.R. 2719)

NOTE: The 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.

Issued this 29th day of January, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1495; Filed, January 29, 1944; 3:34 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 97]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. In § 1394.8007 the headnote is amended to read as follows:

Restoration of coupon books, coupons or folders: Replenishment of gasoline by bulk consumer.

2. § 1394.8007 (c) is added to read as follows:

(c) *Replenishment of gasoline by bulk consumers.* Any bulk consumer who loses from storage facilities gasoline which was acquired by means of a ration issued pursuant to the provisions of Ration Order No. 5C may apply for replenishment of such gasoline. Application shall be made either to the Board having jurisdiction over the area in which such storage facilities are located or the Board which issued the ration which authorized the acquisition of the gasoline which has been lost. Such application shall contain the name and address of the applicant, a statement of circumstances causing the loss and the purpose for which the replenishment ration is required. If application is made to a Board other than the Board which issued the ration, the application shall also contain the address of the issuing Board, and a description of the class and quantity of the ration and the purpose for which it was issued. If the Board finds that the applicant has incurred the loss claimed, that the loss occurred through fire, theft, accident or some extraordinary circumstance beyond the consumer's control, and that the replenishment is required for use for a purpose for which the ration for the lost gasoline could have been issued, it shall issue appropriate ration evidences, or a gasoline deposit certificate if the applicant maintains a ration bank account pursuant to the provisions of § 1394.8206a (e), representing the class of ration and quantity of gasoline lost by the consumer but only to the extent that replenishment is required. If the replenishment is issued by a Board other than the Board which issued the ration, it shall forward the application, with a notation of its action, to the Board which issued the ration.

This amendment shall become effective February 3, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1494; Filed, January 29, 1944; 3:34 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 2 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (a) is amended to read as follows:

(a) Processed foods shall have the point values set forth in the Official Table of Point Values (No. 12) which is made a part hereof.

This amendment shall become effective at 12:01 a. m., January 30, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9289, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1492; Filed, January 29, 1944; 3:33 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 10 to Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by Ration Order 16 shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 11) (OPA Forms R-1313 and 1611) which are made a part hereof.

This amendment shall become effective at 12:01 a. m., January 30, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9289, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1493; Filed, January 29, 1944; 3:34 p. m.]

PART 1340—FUEL

[MPR 120,[2] Amdt. 82]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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 No. 120 is amended in the following respect:

Section 1340.210 (a) (14) is added to read as follows:

(14) A producer may receive a direction from the Solid Fuels Administration for War requiring him to rescreen his mine's "resultant coals" to increase

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

[1] 8 F.R. 15937, 15937, 16250, 16420, 16845, 16846, 17327, 17484, 17297, 9 F.R. 286, 90.

[1] 9 F.R. 173, 803.

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

[1] 8 F.R. 16334, 16333, 17273, 17303, 17372, 9 F.R. 105, 184, 731.

[2] 8 F.R. 14560, 15253, 15455.

production of double screened coals. "Resultant coals", as used in this subparagraph (14), refers to coals which were given the same price classification and permitted to be sold at the same minimum price as mine run coals under the minimum price schedules for the respective producing Districts Nos. 1 and 3 through 8, except that, as to high volatile coals produced in District Nos. 7 and 8, the term refers also to coals in Size Group No. 17. The rescreening of "resultant coals" will result in an increase in the tonnage of screenings in excess of that normally produced by him at the mine involved in the direction. This subparagraph (14) provides a formula for pricing such excess production of screenings for such mines if in any of District Nos. 1 and 3 through 8; it is not applicable to screenings normally produced; or to any increased production of screenings resulting from causes other than compliance with the direction, or to a mine in any other District.

If the producer complies with the direction in whole or in part and if compliance requires a change in his screening practices from those in effect at the mine prior to such compliance, the increase in production of screenings may be sold at no more than the applicable maximum price plus an amount necessary to return to the mine the total realization which the mine would have obtained on sale at maximum prices of the original "resultant coals"; except, that where the maximum price for the double screened size is less than the maximum price for the "resultant coals", the latter price shall be the maximum price for both the double-screened coals and the screenings: *Provided*, That the producer shall have reported the following information to the Solid Fuels Price Branch, Office of Price Administration, Washington 25, D. C. before selling screenings at maximum prices computed under this subparagraph (14):

First. The number of the direction of the Solid Fuels Administration for War;

Second. The tonnages of double screened sizes and screenings, if any, shipped from each mine involved in the direction during each of the three calendar months immediately preceding the month in which the direction was received;

Third. The tonnages of double screened coals, apart from the direction, which the producer has committed himself to ship from each mine involved in the direction during the period in which the direction will be effective;

Fourth. An estimated percentage yield of double-screened coals obtainable from the mine's original "resultant coals", along with the top size of such "resultant coals";

Fifth. The maximum price applicable to the mine's "resultant coals," and to its double screened coals and screenings computed without the benefit of this subparagraph (14);

and,

Provided, however, That the producer shall report within 20 days after the end of the effective period of the direction the total tonnages of double-screened coals and the excess tonnage of screenings produced in compliance with the direction, and the amount by which the maximum prices of the latter were increased, and

Provided, further, That the producer, when computing a price for screenings or double screened sizes or both under this paragraph, shall state that he has computed his maximum price for the coals involved under § 1340.210 (a) (14) of Maximum Price Regulation No. 120.

This amendment shall become effective when the first direction to increase production of double-screened coals is issued by Solid Fuels Administration for War but not later than February 5, 1944 nor before January 30, 1944.

NOTE: The 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.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1491; Filed, January 29, 1944; 3:33 p. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 1—GENERAL REGULATIONS AFFECTING THE PUBLIC

NAVY, COAST GUARD AND MARINE OFFICERS AUTHORIZED TO ACT AS NOTARIES PUBLIC

Authorization of certain officers of the Navy, Marine Corps, and Coast Guard to act as notaries public during the existence of war or a national emergency and six months thereafter.

§ 1.3008 *Authorization of certain officers of the Navy, Marine Corps, and Coast Guard to act as notaries public during the existence of war or a national emergency and six months thereafter.* (a) The Act of Congress approved April 9, 1943, (Pub. Law 24—78th Congress), provides as follows:

That during the existence of a war in which the United States is engaged or of a national emergency declared by the President, and for six months after the termination of such war or national emergency, such officers of the Navy, Marine Corps, and Coast Guard, as the Secretary of the Navy may designate, shall have the general powers of a notary public in the administration of oaths; the execution, acknowledgment, and attestation of instruments and papers; and the performance of all other notarial acts: *Provided*, That no fee of any character shall be paid to any officer for the performance of any notarial act herein authorized: *Provided further*, That whenever the Coast Guard shall be under the jurisdiction of the Secretary of the Treasury during a national emergency, the Secretary of the Treasury shall have and may exercise as to the Coast Guard the authority of the Secretary of the Navy under this Act: *And provided further*, That the signature without seal of any officer of the Navy, notary public shall be prima facie evidence Marine Corps or Coast Guard acting as such of his authority.

(b) Pursuant to the provisions of the law quoted in paragraph (a) of this section all officers of the Navy, Marine Corps and Coast Guard, including retired and reserve officers on active duty, of the ranks of Lieutenant, junior grade, and First Lieutenant and above, are hereby designated to have the general powers of notaries public in the administration of oaths; the execution, acknowledgement, and attestation of instruments and papers; and the performance of all other notarial acts.

(c) The authority granted in this section should be exercised only for persons in the naval service or for civilians connected with the naval service in some capacity. On any instrument in connection with which notarial service is rendered the signature of the officer should be followed by his rank and branch of service and the words "Authority Act of Congress of April 9, 1943." In all cases where the place of execution of an instrument may not be divulged for military reasons, such place shall be designated as "With the Armed Forces of the United States."

[ALnav 152, Dec. 13, 1941; ALnav 75, Apr. 11, 1942; R-967, May 10, 1943] (Pub. Law 24, 78th Cong.)

RALPH A. BARD,
Acting Secretary of the Navy.

[F. R. Doc. 44-1488; Filed, January 29, 1944; 12:12 p. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Rev. Gen. Order 38]

PART 287—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

Regulations under section 511 of the Merchant Marine Act, 1936, as amended, prescribed jointly on January 27, 1944 by the United States Maritime Commission and the Treasury Department, appear in this issue under Title 26—Internal Revenue, Chapter I—Bureau of Internal Revenue, Part 32—Establishment of Construction Reserve Funds.

Chapter III—War Shipping Administration

[G. O. 21, Supp. 5]

PART 306—GENERAL AGENTS AND AGENTS

§ 306.48a *Part II to Service Agreement Warshipoil-TCA.* Tank vessels of which the United States of America, by and through its governmental agencies or departments other than the War Shipping Administration, is owner or owner pro hac vice, are from time to time released to the War Shipping Administration so that the latter may conduct the business of booking, loading and discharging cargo. As a part of the reciprocal aid arrangements between the British Ministry of War Transport and the War Shipping Administration, tank vessels under the control of the British Ministry of War Transport will from time to time be made available to the War Shipping Administration so that the latter may

conduct the business of booking, loading and discharging cargo. Such vessels will be assigned to Agents under Service Agreement Warshipoil-TCA, as modified by "Part II" to said agreement, which shall be in the following form:

PART II TO SERVICE AGREEMENT FOR TANK VESSELS TIME CHARTERED FROM OTHERS BY THE WAR SHIPPING ADMINISTRATION

(Provisions Relating to (a) Tank Vessels Made Available to the War Shipping Administration By Other Departments Of The United States Government, and (b) British Tank Vessels Made Available To The War Shipping Administration As Reciprocal Aid)

Whereas the United States of America (herein called the "United States") acting by and through the Administrator, War Shipping Administration, and _____ _____ (herein called the "Agent") entered into an Agreement (Contract WSA _____) dated _____ (herein called the "Service Agreement") whereby the United States appointed the Agent as its agent to conduct the business of tank vessels time chartered by the United States and assigned to it by the United States from time to time, and

Whereas the Army, the Navy, and other departments and agencies of the United States release to the War Shipping Administration, from time to time, tank vessels of which the United States (through such departments or agencies) is the owner or owner pro hac vice under an arrangement whereby the War Shipping Administration is responsible for the booking, loading, or discharging activities in connection with such vessels for certain voyages; and

Whereas the British Ministry of War Transport, as a part of the reciprocal aid program, release to the War Shipping Administration, from time to time, British tank vessels under an arrangement whereby the War Shipping Administration is responsible for the booking, loading, or discharging activities in connection with such vessels for certain voyages; and

Whereas it is desirable to have the tank vessels which are released to the War Shipping Administration by other departments or agencies of the United States and by the British Ministry of War Transport, and tank vessels which are time chartered to the War Shipping Administration subject to the uniform provisions of one agreement;

Now, therefore:

In consideration of the reciprocal covenants and agreements contained in the Service Agreement, it being understood that nothing herein contained shall alter the terms of the Service Agreement (Warshipoil-TCA 5-11-42) in respect of tank vessels time chartered from others by the War Shipping Administration, it is hereby agreed that, as to vessels heretofore or hereafter released by (a) the Army, the Navy or some other agency or department of the United States Government and (b) by the British Ministry of War Transport to the War Shipping Administration and, in turn, assigned to the Agent under the Service Agreement, the parties hereto shall be governed by the provisions of the said Service Agreement modified as follows:

Section 1. Article 1 of the Service Agreement shall be considered altered and amended to read as follows:

"The United States appoints the Agent as its agent and not as an independent contractor, to conduct the business of tank vessels made available by (a) the Army, the Navy or some other Agency or department of the United States Government or (b) by the British Ministry of War Transport to the War Shipping Administration and, in turn allocated or assigned to the Agent under the terms of this Service Agreement."

Section 2. Article 3 (a) of the Service Agreement shall be considered altered and amended to read as follows:

"Perform all of the customary duties of an agent for the booking of cargo and all loading and discharging activities in connection with the vessels subject to this Agreement, subject to the orders of the United States as to voyages, cargoes, priorities of cargoes, charters, rates of freight and other charges and as to all matters connected with the use of the vessels; or in the absence of such orders, the Agent shall follow reasonable commercial practice;"

Section 3. Article 3 (c) of the Service Agreement shall be considered altered and amended as follows:

In the first line the words "fuel, fresh water" shall be deleted. In the sixth line the words "time charterer of" shall be deleted and the words "carrier of the cargo in" shall be inserted in place of the deletion.

Section 4. Article 3 (d) shall be considered altered and amended so as to read as follows:

"Issue or cause to be issued to shippers customary freight contracts and bills of lading and voyage charters in the form prescribed by the United States, and prepare manifests and other cargo documents."

Section 5. Article 10 of the Service Agreement shall be considered altered and amended as follows:

The last sentence shall be deleted.

Section 6. Article 11 of the Service Agreement shall be considered altered and amended so as to read as follows:

"The negotiation and settlement of all salvage claims for services rendered by vessels released by the Army, the Navy or some other agency or department of the United States Government to the War Shipping Administration shall be controlled by the United States. The negotiation and settlement of all salvage claims for services rendered by vessels released by the British Ministry of War Transport to the War Shipping Administration shall be controlled by the British Ministry of War Transport. The Agent shall furnish the United States with full reports and information on all salvage services rendered."

In witness whereof, the parties hereto have executed this Part II to the Service Agreement in triplicate this _____ day of _____ _____, 19__.

UNITED STATES OF AMERICA,
By E. S. LAND, *Administrator,*
War Shipping Administration.
By _____
For the Administrator.
By _____
[CORPORATE SEAL]
Attest:
_____
Secretary.
Approved as to form:
_____
Assistant General Counsel,
War Shipping Administration.

(E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

JANUARY 29, 1944.

[F. R. Doc. 44-1500; Filed, January 31, 1944; 10:19 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 165, Amdt. 3]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CANNED GOODS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of January, A. D. 1944.

Upon further consideration of Service Order No. 165 (8 F.R. 16172) of November 23, 1943, as amended (8 F.R. 17428-29; 9 F.R. 542) and good cause appearing therefor:

It is ordered, That:

Service Order No. 165 (8 F.R. 16172) of November 23, 1943, as amended (8 F.R. 17428-29; 9 F.R. 542) be, and it is hereby, further amended by substituting the following paragraphs for paragraphs (a) (1), (a) (2), (b), and (c) in § 95.324 *Use of refrigerator cars for canned goods* as amended.

§ 95.324 *Definition.* (a) The term "canned goods" as used in this section means canned or preserved foodstuffs (not cold pack) and other articles, as described under that caption in the Consolidated Freight Classification No. 14.

(b) *Use of refrigerator cars for canned goods.* No common carrier by railroad subject to the Interstate Commerce Act shall transport in a standard or giant type refrigerator car or cars canned goods to, from, or between points in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia and the District of Columbia without a permit issued by the agent of the Interstate Commerce Commission named in paragraph (g) of this section.

(c) *Exemptions.* (1) Shipments of canned goods originating at or destined to points in states north of those named in paragraph (b) of this section. (2) Shipments of canned goods originating at and destined to points in states embraced in Service Order No. 104 (8 F.R. 1036) as amended (8 F.R. 5270; 8 F.R. 11852; 8 F.R. 12100-01; 8 F.R. 17423; 9 F.R. 947).

(d) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Suspension of Service Order No. 93.* The operation of Service Order No. 93 (7 F.R. 8903) as amended (8 F.R. 13752-53; 8 F.R. 13925-26) insofar as it conflicts with the provisions of this order is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chap-

ter) announcing the suspension of any of the provisions therein.

(g) *Special and general permits.* The provisions of this order shall be subject to any special or general permits to be issued by Charles W. Taylor, Manager, Refrigerator Car Section, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago, Illinois, as Agent of the Interstate Commerce Commission; and Charles W. Taylor is hereby appointed as Agent of the Interstate Commerce Commission, and authorized to issue permits for the movement of canned or preserved foodstuffs and related articles in refrigerator cars under exceptional circumstances or when weather conditions require the use of refrigerator cars. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 29, 1944; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-1513; Filed, January 31, 1944; 11:12 a. m.]

[S. O. 178, Amdt. 1]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of January, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 178 (9 F.R. 542) of January 11, 1944, and good cause appearing therefor:

It is ordered, That Service Order No. 178 (9 F.R. 542) of January 11, 1944, be, and it is hereby, amended by substituting the following paragraph (a) in lieu of paragraph (a) of § 95.328, *Use of refrigerator cars for certain commodities prohibited:*

(a) No common carrier by railroad subject to the Interstate Commerce Act shall furnish or supply a refrigerator car or cars for loading with, or transport or move a refrigerator car or cars loaded with lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, animal tallow, dried fish, dried or powdered skim milk, concentrated citrus juice, empty beer containers, dried or evaporated fruits, fig paste, fig powder, or fig pulp, processed cheese in glass or metal containers, and paraffine wax. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 902; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 28, 1944; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-1514; Filed, January 31, 1944; 11:12 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 14]

PART 503—ADMINISTRATION

SPECIAL PERMITS: PROPERTY CARRYING MOTOR VEHICLES

General outline. This order prescribes the procedure to be followed upon applying for a special permit granting relief from compliance with a provision of an order of the Office of Defense Transportation relating to the operation of property carrying motor vehicles.

The order specifies the information to be submitted by the applicant and the place of filing the application. The district manager is authorized to grant the application in whole or in part and to issue a special permit under prescribed circumstances.

The applicant may have the district manager's decision reviewed by a regional director and by the Director of the Office of Defense Transportation.

Provision is made for the issuance of an emergency special permit to avoid irreparable injury or distress, pending the filing and disposition of a written application.

The procedure to be followed upon application for renewal or extension of a special permit is set forth in the order. The method of surrendering a permit upon its termination or expiration is also prescribed.

This general outline shall not be construed to alter the meaning of any provision of this order.

The text of Administrative Order ODT 14 follows:

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directive 21, and in order to regulate application for and issuance of special permits granting relief from compliance with provisions of orders of the Office of Defense Transportation relating to the operation of property carrying motor vehicles, it is hereby ordered that:

Sec.
503.310 Application for special permit; property carrying motor vehicles.
503.311 Place of filing.
503.312 Proof required; investigation by district manager.
503.313 Approval by district manager.
503.314 Disapproval by district manager; order.
503.315 Emergency special permit.
503.316 Review of district manager's order.
503.317 Review of regional director's order.
503.318 Application for renewal; extension.
503.319 Termination; expiration; surrender.
503.320 Applicability.
503.321 Definitions.

AUTHORITY: §§ 503.310 through 503.321 issued under the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. 176, 50 U. S. Code §§ 631 through 645a; E.O. 8989, 6 F.R. 6725, and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directive 21, 8 FR. 5834.

§ 503.310 *Application for special permit; property carrying motor vehicles.* (a) Application for a special permit relieving any person from compliance with a provision of an order of the Office of Defense Transportation relating to the operation of property carrying motor vehicles, shall be in writing and shall show:

(1) The correct name, address, and principal place of business, of the applicant;

(2) The serial number of the Certificate of War Necessity, if any, held by the applicant;

(3) The specific provision of the order of the Office of Defense Transportation from which the applicant requests relief;

(4) The specific relief requested by the applicant;

(5) The facts upon which the applicant bases the request for such relief; and

(6) A description of any existing motor vehicle operating authority granted to the applicant by any federal or state regulatory body and relating to the motor vehicle operations to be conducted under the special permit for which the application is being made.

(b) The application shall be signed by the applicant or by any lawfully authorized agent or representative of the applicant who is familiar with the facts stated therein.

§ 503.311 *Place of filing.* The application and two clear copies thereof shall be filed in the district office of the district in which operations under the special permit are to be conducted: *Provided,* That

(a) If such operations are to be conducted in more than one district, the application and two clear copies thereof, together with an additional copy for each district in excess of one, shall be filed in the district office of the district in which the major portion of such operations are to be conducted.

(b) If the application relates to the operation of tank trucks engaged in delivery of petroleum products to a railroad, the application may be filed in the district office of the district in which the headquarters of the railroad are located.

§ 503.312 *Proof required; investigation by district manager.* The district

manager may require the applicant to submit reasonable proof of statements made in support of the application, and may make such investigation as may be reasonably necessary for proper disposition of the application; and the district manager shall not be required to make disposition thereof unless and until such reasonable proof has been submitted: *Provided*, That disposition by the district manager of any such application shall not be delayed for more than 30 days from the date of filing thereof for the purpose of completing any such investigation.

§ 503.313 *Approval by district manager.* (a) The district manager may grant the application in whole or in part when:

(1) The provisions of the order of the Office of Defense Transportation from which the applicant requests relief are subject to a special permit; and

(2) The applicant has established facts warranting the issuance of a special permit, as specified in such order.

(b) Upon granting an application in whole or in part, the district manager shall issue a special permit, and may limit the scope and period of effectiveness thereof, as the facts may warrant.

§ 503.314 *Disapproval by district manager; order.* Upon denying an application in whole or in part, the district manager shall make his findings and enter an order thereon, and forthwith shall serve a copy thereof upon the applicant by registered mail, at the address shown in the application.

§ 503.315 *Emergency special permit.* In an emergency, and to avoid irreparable injury or distress, and pending the filing and disposition of a written application in accordance with this order, the district manager may issue an emergency special permit and renewals or extensions thereof, to be effective for a period aggregating not more than 7 days, upon request and demonstration of the need therefor by the applicant.

§ 503.316 *Review of district manager's order.* (a) Within 10 days after the date of mailing of a district manager's order denying an application in whole or in part, the applicant may file with the district manager a request for review by the regional director. Such request shall be in writing, and shall contain statements showing the reasons why the district manager's findings and order should be amended, modified, or reversed. Upon the filing of such request within the time specified herein, the district manager shall transmit the request, and all papers in his possession relating to the application, to the regional director of the region in which the district is located.

(b) The regional director promptly shall review the application and all papers transmitted to him in connection therewith and shall make his findings and enter an order affirming, amending, modifying, or reversing the district manager's order, as the facts may warrant, and forthwith shall serve a copy thereof upon the applicant by registered mail, at the address shown in the application, unless the applicant shall have designated, in writing, a different address, and notice thereof shall be given to the district manager who promptly shall effectuate the regional director's order.

§ 503.317 *Review of regional director's order.* (a) Within 10 days after the date of mailing of a regional director's order in accordance with § 503.316 of this order, the applicant may file with the regional director a request for review by the Director of the Office of Defense Transportation, Washington, D. C. Such request shall be in writing and shall contain statements showing the reasons why the regional director's findings and order should be amended, modified, or reversed. Upon the filing of such request within the time specified herein, the regional director shall transmit the request, and the record relating to the application, to the Director of the Office of Defense Transportation.

(b) Upon consideration of the application and the record transmitted to him therewith, the Director will enter an order affirming, amending, modifying or reversing the regional director's order. A copy of the Director's order will be served upon the applicant by registered mail, at the address shown in the application, unless the applicant shall have designated, in writing, a different address, and notice thereof will be given to the regional director and to the district manager, who promptly shall effectuate the Director's order.

§ 503.318 *Application for renewal; extension.* The district manager by his order may renew or extend the period of effectiveness of any special permit issued by him in accordance with § 503.313 of this order, upon written application therefor showing the facts claimed by the permit holder to justify such renewal or extension. The application shall be signed by the permit holder or by any lawfully authorized agent or representative of the permit holder who is familiar with the facts stated therein, and the same number of copies thereof shall be filed as upon the original application for the special permit. The provisions of §§ 503.316 and 503.317 of this order shall be applicable to any order made by a district manager pursuant to this § 503.318.

§ 503.319 *Termination; expiration; surrender.* (a) The district manager may terminate the validity of any special permit or emergency special permit at any time after the issuance thereof, when it appears from information in his possession that the facts upon which such permit was issued were misrepresented, or that the conditions warranting the issuance thereof no longer exist. Notice of such termination shall be given to the permit holder by registered mail, and upon receipt thereof the permit holder shall surrender such permit by delivering or mailing it to the district manager. A review of any order of a district manager made under this paragraph (a) may be had within the time and in the manner provided in §§ 503.316 and 503.317 of this order.

(b) The period of effectiveness of a special permit or emergency special permit shall expire and such permit shall become void, upon the issuance by the Office of Defense Transportation of any order, or any amendment or modification of an existing order, which increases in any respect the specific requirements of the order from which the permit holder has been relieved. Upon such expiration, the permit holder shall surrender the permit, by delivering or mailing it to the district manager by whom it was issued.

(c) The district manager shall not be required to make disposition of any application for a special permit or emergency special permit, or for renewal or extension of any such permit, filed by an applicant who has failed to surrender a permit in accordance with the provisions of paragraphs (a) or (b) of this § 503.319.

§ 503.320 *Applicability.* (a) The provisions of this order shall be applicable only in the continental United States.

(b) The provisions of this order shall not be applicable to special permits issuable under any order of the Office of Defense Transportation in which provision is made for the issuance of such special permits by any specified representative of the Office of Defense Transportation other than a district manager.

§ 503.321 *Definitions.* As used in this order, and unless otherwise indicated by the context, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Property carrying motor vehicle" means either: (1) a straight truck; or (2) a combination truck-tractor and semi-trailer; or (3) a full trailer; or (4) any combination thereof; or (5) any other rubber-tired vehicle propelled or drawn by mechanical power or animals when used in the transportation of property, other than a vehicle engaged primarily in the transportation of persons.

(c) "Application" means an application for a special permit.

(d) "Applicant" means a person who files an application.

(e) "Permit holder" means a person to whom a special permit or emergency special permit has been issued.

(f) "District" and "region" mean, respectively, a district and region of the Division of Motor Transport of the Office of Defense Transportation as described in Administrative Order ODT 6 (8 F.R. 13194).

(g) "Continental United States" means the 48 states and the District of Columbia.

This order shall become effective on February 15, 1944.

NOTE: The recording and reporting requirements of this order have been approved by

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

Issued at Washington, D. C., this 31st day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1511; Filed, January 31, 1944; 11:07 a. m.]

[Administrative Order ODT 15]

PART 503—ADMINISTRATION

EXTENSION AND INAUGURATION OF SERVICE: PROPERTY CARRYING MOTOR VEHICLES

General outline. This order prescribes the method of applying for approval of an extension or inauguration of transportation service over a route or within a territory not being served by the applicant as a motor carrier of property on October 25, 1943.

The order specifies the information to be submitted by the applicant and the place of filing the application. The district manager is authorized to grant the application in whole or in part under prescribed circumstances.

The applicant may have the district manager's decision reviewed by a regional director and by the Director of the Office of Defense Transportation.

Provision is made for the issuance of an emergency order of approval to avoid irreparable injury or distress, pending the filing and disposition of a written application.

The order also provides for the renewal or extension of an order of approval, and for surrender thereof upon its termination or expiration.

This general outline shall not be construed to alter the meaning of any provision of this order.

The text of Administrative Order ODT 15 follows:

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directive 21, and in order to regulate application for and issuance of orders approving the extension or inauguration of transportation service by motor carriers of property, it is hereby ordered that:

Sec.
503.330 Application for approval; property carrying motor vehicles.
503.331 Proof required; investigation by district manager.
503.332 Approval by district manager.
503.333 District manager's order.
503.334 Emergency order of approval.
503.335 Review of district manager's order.
503.336 Review of regional director's order.
503.337 Application for renewal; extension.
503.338 Rescission; surrender.
503.339 Applicability.
503.340 Definitions.

AUTHORITY: §§ 503.330 through 503.340 issued under the Act of May 31, 1941, as amended, by the Second War Powers Act, 1942, 56 Stat. 176, 50 U.S. Code §§ 631 through 645a; E.O. 8989, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directive 21, 8 F.R. 5834.

§ 503.330 *Application for approval; property carrying motor vehicles.* (a) Application for approval of an extension or inauguration of transportation service over a route or within a territory not being served by the applicant as a motor carrier of property on October 25, 1943, shall be in writing, and shall contain the information requested in Form No. NEO-1 reproduced in Appendix 1 hereto.

(b) The application shall be signed by the applicant or by any lawfully authorized agent or representative of the applicant who is familiar with the facts stated therein.

(c) The application and two clear copies thereof shall be filed in the district office of the district in which the applicant's operating headquarters are located.

§ 503.331 *Proof required; investigation by district manager.* The district manager may require the applicant to submit reasonable proof of statements made in support of the application, and may make such investigation as may be reasonably necessary for proper disposition of the application; and the district manager shall not be required to make disposition thereof unless and until such reasonable proof has been submitted: *Provided,* That disposition by the district manager of any such application shall not be delayed for more than 30 days from the date of filing thereof for the purpose of completing any such investigation.

§ 503.332 *Approval by district manager.* The district manager may approve the application in whole or in part when:

(a) The proposed service is necessary to the war effort or the maintenance of essential civilian economy;

(b) The service proposed cannot be performed at all by any existing means of transportation; or, if it can be so performed, the service thus afforded will not be so convenient or expeditious as the new service proposed and a positive need directly related to the war effort is shown for such greater convenience or expedition; or, if it can be so performed and such superiority in convenience or expetition is not shown for the service proposed, the latter will result in conservation of existing transportation facilities to a degree which outweighs in importance the added use of the new transportation facilities proposed; and

(c) The service proposed will not merely add to the pleasure or convenience of civilians but will contribute directly and in important degree to the war effort or is needed to sustain the health and welfare of civilians; and

(d) The service proposed can be furnished, if shortages of critical materials or manpower exist, without a measure of detriment caused by the additional demand on such materials or manpower which will outweigh any public benefit which will be derived from the new service.

§ 503.333 *District manager's order.* (a) Upon approving or disapproving an application in whole or in part, the district manager shall make and enter his findings and issue an order thereon, and forthwith shall serve a copy thereof upon the applicant by registered mail, at the address shown in the application.

(b) The district manager may limit the scope and period of effectiveness of such order, as the facts may warrant.

(c) The issuance of such order shall not be construed to authorize the performance of any transportation service for which operating authority is required to be obtained from any state or federal regulatory body; and operations under such order shall not be conducted unless such operating authority shall theretofore have been obtained.

§ 503.334 *Emergency order of approval.* In an emergency, and to avoid irreparable injury or distress, and pending the filing and disposition of a written application in accordance with this order, the district manager may issue an emergency order of approval and renewals or extensions thereof, to be effective for a period aggregating not more than 7 days, upon request and demonstration of the need therefor by the applicant.

§ 503.335 *Review of district manager's order.* (a) Within 10 days after the date of mailing of a district manager's order disapproving an application in whole or in part, the applicant may file with the district manager a request for review by the regional director. Such request shall be in writing, and shall contain statements showing the reasons why the district manager's findings and order should be amended, modified, or reversed. Upon the filing of such request within the time specified herein, the district manager shall transmit the request, and all papers in his possession relating to the application, to the regional director of the region in which the district is located.

(b) The regional director promptly shall review the application and all papers transmitted to him in connection therewith and shall make his findings and enter an order affirming, amending, modifying, or reversing the district manager's order, as the facts may warrant, and forthwith shall serve a copy thereof upon the applicant by registered mail, at the address shown in the application, unless the applicant shall have designated, in writing, a different address, and notice thereof shall be given to the district manager who promptly shall effectuate the regional director's order.

§ 503.336 *Review of regional director's order.* (a) Within 10 days after the date of mailing of a regional director's order in accordance with § 503.335 of this order, the applicant may file with the regional director a request for review by the Director of the Office of Defense Transportation, Washington, D. C. Such request shall be in writing and shall contain statements showing the reasons why the regional director's findings and order should be amended, modified, or reversed. Upon the filing of such request within the time specified herein, the regional director shall transmit the request, and the record relating to the ap-

plication, to the Director of the Office of Defense Transportation.

(b) Upon consideration of the application and the record transmitted to him therewith, the Director will enter an order affirming, amending, modifying, or reversing the regional director's order. A copy of the Director's order will be served upon the applicant by registered mail, at the address shown in the application, unless the applicant shall have designated, in writing, a different address, and notice thereof will be given to the regional director and to the district manager, who promptly shall effectuate the Director's order.

§ 503.337 *Application for renewal; extension.* The district manager by his order may renew or extend the period of effectiveness of any order of approval issued by him in accordance with § 503.333 of this order, upon written application therefor showing the facts claimed to justify such renewal or extension. The application shall be signed by the carrier named in the order or by any lawfully authorized agent or representative of the carrier who is familiar with the facts stated therein, and the same number of copies thereof shall be filed as upon the original application for the order of approval. The provisions of §§ 503.335 and 503.336 of this order shall be applicable to any order made by a district manager pursuant to this § 503.337.

§ 503.338 *Rescission; surrender.* The district manager may rescind any order of approval or emergency order of approval at any time after the issuance thereof, when it appears from information in his possession that the facts upon which such order was issued were misrepresented, or that the conditions warranting the issuance thereof no longer exist. Notice of such rescission shall be given to the affected carrier by registered mail, and upon receipt thereof the carrier shall surrender the copy of the order, together with any renewals or extensions thereof theretofore received from the district manager, by delivering or mailing it to the district manager. A review of any order of a district manager made under this paragraph (a) may be had within the time and in the manner provided in §§ 503.335 and 503.336 of this order.

(b) The district manager shall not be required to make disposition of any application for an order of approval or emergency order of approval, or for renewal or extension of any such order, filed by an applicant who has failed to surrender any copy of such order and all renewals and extensions thereof theretofore received from a district manager, in accordance with the provisions of paragraph (a) of this § 503.338.

§ 503.339 *Applicability.* The provisions of this order shall be applicable only in the continental United States.

§ 503.340 *Definitions.* As used in this order, and unless otherwise indicated by the context, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Carrier" and "motor carrier of property" means a person who operates either: (1) a straight truck; or (2) a combination truck-tractor and semi-trailer; or (3) a full trailer; or (4) any combination thereof; or (5) any other rubber-tired vehicle propelled or drawn by mechanical power or animals when used in the transportation of property, other than a vehicle engaged primarily in the transportation of persons; and includes common, contract, and private carriers.

(c) "Application" means an application for an order of approval.

(d) "Applicant" means a person who files an application.

(e) "District" and "region" mean, respectively, a district and region of the Division of Motor Transport of the Office of Defense Transportation, as described in Administrative Order ODT 6 (8 F.R. 13194).

(f) "Continental United States" means the 48 states and the District of Columbia.

This order shall become effective on February 1, 1944.

NOTE: The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 31st day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

Form No. NEO-1

Appendix 1

OFFICE OF DEFENSE TRANSPORTATION

Division of Motor Transport

APPLICATION TO EXTEND OR INAUGURATE SERVICE AS A CARRIER OF PROPERTY BY COMMERCIAL MOTOR VEHICLE

Applicant _____
(Name)

Address _____

Principal Place of Business _____

Operating Headquarters _____

1. Applicant requests approval to extend or inaugurate service pursuant to Section _____ of General Order ODT _____ as a _____ carrier of property by commercial motor vehicle over the route or routes or within the territory not previously served by applicant and described as follows:

_____

_____

_____

2. The method and manner in which the proposed service is to be performed is as follows:

_____

_____

_____

(Give number of vehicles to be employed, schedules, etc.)

3. Similar service to that proposed herein is performed at this time by the following:

_____

_____

(Name any motor, rail, or water carriers now performing similar service)

4. Authority to operate the proposed service has been granted by the Interstate Commerce Commission or the appropriate State regulatory body or bodies as follows: (Furnish docket numbers, if available) _____

_____

_____

_____

(If authorization be not required, so state)

5. The proposed service is necessary to the war effort or to the maintenance of essential civilian economy for the following reasons:

_____

_____

_____

_____

_____

_____

6. The following numbered Certificate(s) of War Necessity is (are) involved in the proposed service:

_____

_____

_____

Date: _____ _____
(Applicant)

By: _____

Title: _____

[F. R. Doc. 44-1512; Filed, January 31, 1944; 11:07 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter K—Alaska Wildlife Protection

PART 91—ALASKA GAME REGULATIONS

GAME ANIMALS, FUR ANIMALS, GAME BIRDS, NONGAME BIRDS, AND GAME FISHES IN ALASKA

Pursuant to the authority and direction contained in section 9 of the Alaska Game Law of January 13, 1925 (43 Stat. 739), as amended July 1, 1943, Pub. No. 106, 78th Congress, I, Oscar L. Chapman, Assistant Secretary of the Interior, upon consultation with and recommendation from the Alaska Game Commission, have determined when, to what extent, and by what means game animals, fur animals, game birds, nongame birds, and game fishes may be taken, possessed, transported, bought, or sold in Alaska, and in accordance with such determinations do hereby adopt the following, effective January 1, 1944, as suitable amendments of regulations (8 F.R. 9341) permitting and governing the taking of such animals, birds, and game fishes in Alaska:

Section 91.13 is amended as follows:

Subtitles "Muskrat" and "Beaver" under "Fur District 1" are amended to read:

Muskrat—Taku Inlet watershed, April 1 to April 30; in rest of district, no open season.

Beaver—Taku Inlet watershed, April 1 to April 30; in rest of district, no open season.

Subtitle "Beaver" under "Fur District 2" is amended to read:

Beaver—February 1 to March 31, except there shall be no open season on Kenai Peninsula south of Kenai River, Kenai Lake and Skilak Lake. Limit—10 a season.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of the Interior to be affixed in the City of Washington, this 30th day of December 1943.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 44-1505; Filed, January 31, 1944; 10:32 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

GLASSELL-TAYLOR AND ROBINSON

ORDER DETERMINING VIOLATIONS AND IMPOSING CONDITIONS FOR SUSPENSION OF REVOCATION

In the matter of licensee Glassell-Taylor & Robinson. Proceedings for revocation of license.

To: Ashton Glassell, Jay W. Taylor and J. B. Robinson and to all partnerships in which any of them are members, including Glassell-Taylor Company and Glassell-Taylor and Robinson, 1417 Dalzell Street, P. O. Box 1622, Shreveport, La.

Based upon the records in this matter, I make the following findings of fact:

1. A Specification of charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto, of which you were accused was mailed to you on October 4, 1943, giving you notice to mail an answer within 15 days from that date answering the charges against you and requesting an oral hearing if you wished.

2. You answered the charges by a letter dated October 12, 1943, which admitted that all of the charges were true and which alleged that since August 25, 1943, you "have conformed with every rule and regulation." You have not requested an oral hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations pursuant thereto, I hereby determine that you and each of you have violated the Federal Explosives Act and the regulations pursuant thereto, and I hereby order:

1. That, pursuant to sections 5 and 10 of the Federal Explosives Act and section 14 (d) of the regulations thereunder, Ashton Glassell, Jay W. Taylor and J. B. Robinson and all partnerships in which any of them are members, including Glassell-Taylor Company and Glassell-Taylor and Robinson, shall, on or before the 10th day of February, 1944, furnish to me sworn copies of their records of transactions and operations involving explosives, wherever located, during the entire period of time from the opening of business on August 25, 1943, through the close of business on January 31, 1944, and shall, on or before the 10th day of each and every month thereafter, from the 10th day of March, 1944, until the termination of the war or until otherwise ordered by me, furnish to me sworn copies of their records of transactions and operations involving explosives, wherever located, during the preceding month. All records required to be furnished shall be prepared in strict compliance with the requirements of section 14 (d) of the regulations. When two or more of you keep a single record, only one copy of such record need be furnished.

2. That the entry of an order revoking all licenses issued to Ashton Glassell, Jay W. Taylor and J. B. Robinson and all partnerships in which any of them are members will be suspended as long as they (a) continue to furnish me with sworn copies of records as required by this order, and (b) scrupulously obey the Federal Explosives Act and the regulations pursuant thereto in all respects.

Dated at Washington, D. C., this 26th day of January 1944.

R. R. SAYERS,
Director.

[F. R. Doc. 44-1504; Filed, January 31, 1944; 10:32 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

ALABAMA AND OKLAHOMA

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in counties in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION V—ALABAMA

Cullman County

Locality I: Consisting of the precincts of Antioch, Arkadelphia, Brushy Pond, Cold Springs, Crane Hill, Country, Garden City, and Stouts Mountain, $1,356.

Locality II: Consisting of the precincts of Adams, Baileyton, Berlin, Bremen, Center Hill, Cullman, Ebenezer, Fairview, Good Hope, Grand View, Hanceville, Holly Pond, Jones Chapel, Joppa (Findley), Kelly, Kings, Logan, Simcoe, Trimble, Vinemont, Walter, Weltie, White City, and Willow Spring, $2,033.

REGION VIII—OKLAHOMA

Creek County

Locality I: Consisting of the townships of Bristow, Creek, Kellyville, Mannford, Mounds, Sapulpa, and Tiger; cities of Bristow, Drumright, Oilton, and Sapulpa; towns of Kellyville, Kiefer, Mannford, Markham, and Mounds, $2,516.

Locality II: Consisting of the townships of Hazlip, Olive, and Shannon; town of Shamrock, $1,754.

Locality III: Consisting of the townships of Depew, Lakeside, and Sunny Slope; town of Depew, $1,933.

Locality IV: Consisting of the townships of Euchee and Newby; town of Slick, $1,878.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: January 18, 1944.

R. W. HUDGENS,
Acting Administrator.

[F. R. Doc. 44-1438; Filed, January 28, 1944; 3:21 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Benrose Manufacturing Company, 208 Center Avenue, N. W., Roanoke, Virginia,

wash dresses; 25 learners (E); effective January 27, 1944, expiring July 26, 1944.

H. Bomze & Brother, Laurel, Delaware; ladies' and misses' dresses; 10 percent (T); effective January 25, 1944, expiring January 24, 1945.

Co-Ed Frocks, Inc., Nokomis, Illinois; women's washable clothing; 75 learners (E); effective January 29, 1944, expiring July 28, 1944.

Dale Sportswear, Inc., Folley Building, Alto Pass, Illinois; women's apparel; 45 learners (E); effective January 26, 1944, expiring July 25, 1944.

Forest City Dress Company, 354 Main Street, Forest City, Pennsylvania; dress; 10 learners (T); effective January 29, 1944, expiring January 28, 1945.

Jefferson Manufacturing Company, 255 State Street, Watertown, New York; dresses; 10 percent (T); effective January 29, 1944, expiring January 28, 1945.

Liotta Sportwear, 128 N. White Street, Shenandoah, Pennsylvania; dresses; 25 learners (E); effective January 26, 1944, expiring July 25, 1944.

National Sportswear Company, 139 Main Street, Reedsburg, Wisconsin; women's sportswear; 10 learners (T); effective January 28, 1944, expiring January 27, 1945.

The Powers Manufacturing Company, 1340 Sycamore Street, Waterloo, Iowa; Army jackets, Army and school athletic uniforms, horse collars and archery targets; 10 percent (T); effective January 26, 1944, expiring January 25, 1945.

Salant & Salant, Inc., South First Street, Union City, Tennessee; shirts; 10 percent (T); effective February 7, 1944, expiring June 30, 1944.

Southeastern Shirt Company, Indiana Avenue, LaFollette, Tennessee; government and civilian shirts; 10 percent (T); effective January 24, 1944, expiring January 23, 1945.

Woods Manufacturing Company, 200 Garrison Avenue, Fort Smith, Arkansas; trousers; 25 percent (AT); effective January 29, 1944, expiring July 28, 1944.

GLOVE INDUSTRY

Alexette Glove Corporation, 178 East Main Street, Amsterdam, New York; leather dress gloves; 5 learners (T); effective January 28, 1944, expiring January 27, 1945.

The Boss Manufacturing Company, Tiffin, Ohio; work gloves; 100 learners (E); effective February 1, 1944, expiring July 31, 1944.

The Boss Manufacturing Company, Cisco, Texas; work gloves; 100 learners (E); effective February 1, 1944, expiring July 31, 1944.

James Churchill Glove Company, 113 West Maple Street, Centralia, Washington; work gloves; 5 learners (T); effective January 29, 1944, expiring January 28, 1945.

Wells Lamont Corporation, Clarksville, Missouri; work gloves; 25 learners (E); effective January 27, 1944, expiring July 26, 1944.

HOSIERY INDUSTRY

Acme Hosiery Dye Works, Inc., Pulaski Virginia; full-fashioned hosiery; 10 learners (AT); effective January 26, 1944, expiring July 25, 1944.

Grayson Full Fashioned Hosiery Mills, Independence, Virginia; full-fashioned hosiery; 5 percent (T); effective January 29, 1944, expiring January 28, 1945.

Halifax County Hosiery Mills, Scotland Neck, North Carolina; seamless hosiery; 5 percent (T); effective January 29, 1944, expiring January 28, 1945.

Harriman Hosiery Mills, Harriman, Tennessee; seamless hosiery; 200 learners (AT); effective January 27, 1944, expiring July 26, 1944.

Quality Hosiery Mills, Smithville, Tennessee; seamless hosiery; 25 learners (E); effective February 1, 1944, expiring July 31, 1944.

S and F Hosiery Mills, Inc., Dayton, Tennessee; full-fashioned hosiery; 20 percent (AT); effective January 28, 1944, expiring July 27, 1944.

Tower Hosiery Mills, Inc., Broad Street, Burlington, North Carolina; full-fashioned hosiery; 5 percent (T); effective January 28, 1944, expiring January 27, 1945.

Virginia Maid Hosiery Mills, Inc., Pulaski, Virginia; full-fashioned hosiery; 20 learners (AT); effective January 26, 1944, expiring July 25, 1944.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia; full-fashioned hosiery; 20 learners (AT); effective January 26, 1944, expiring July 25, 1944.

York United Hosiery, Inc., East Street and P. R. R., York, Pennsylvania; full-fashioned hosiery; 5 learners (T); effective January 29, 1944, expiring January 28, 1945.

TELEPHONE INDUSTRY

Rhinelander Telephone Company, 45 N. Stevens Street, Rhinelander, Wisconsin; to employ learners as commercial switchboard operators at its Rhinelander exchange, located at Rhinelander, Wisconsin; effective January 29, 1944, expiring January 28, 1945.

TEXTILE INDUSTRY

Canisteo Corporation, 8-10 Russell Street, Canisteo, New York; rayon; 3 learners (T); effective January 29, 1944, expiring January 28, 1945.

Signed at New York, N. Y., this 29th day of January 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-1506; Filed, January 31, 1944; 10:51 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Harper Brush Works, 404 North Second Street, Fairfield, Iowa; brushes; 11 learners (T); brush making for a learning period of 160 hours at 30 cents per hour; effective January 31, 1944, expiring July 31, 1944.

Hughes Bule Company, Inc., 404 N. El Paso St., El Paso, Texas; printing; 1 learner (T); press feeder for a learning period of 240 hours at 30 cents per hour; effective January 31, 1944, expiring July 31, 1944.

Larkotex Company, 1002 Olive & Mill at W. 7th, Texarkana, Texas; crutches, canes and orthopedic appliances; 4 learners (T); power sewing machine operator and cutter, crutch and cane maker for a learning perid of 320 hours at 30 cents per hour; effective January 31, 1944, expiring July 31, 1944.

Signed at New York, New York, this 29th day of January 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-1507; Filed, January 31, 1944; 10:51 a. m.]

CIVIL AERONAUTICS BOARD.

CIVIL AIR REGULATIONS

NOTICE OF POSTPONEMENT OF HEARING

Civil Air Regulations, §§ 04.71 and 61.713.

The Civil Aeronautics Board announced today that the public hearing which had been previously scheduled for February 8, 1944, at 10:00 a. m., in the Commerce Building, Washington, D. C., on proposed amendments to the Civil Air Regulations governing maximum operating weights of scheduled air carrier aircraft has been postponed to March 15, 1944, at the same time and place.

Dated at Washington, D. C., January 26, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMES,
Secretary.

[F. R. Doc. 44-1593; Filed, January 31, 1944; 10:35 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-51]

COMMON CARRIERS

COORDINATED OPERATIONS IN DESIGNATED AREAS IN IOWA

Coordinated Operations between Washington, Iowa and Middletown and Fort Madison, Iowa.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Bee Line Transit, Inc., Cedar Rapids, Iowa and Sullivan Bus Lines, Cedar Rapids, Iowa, pursuant to § 501.49 of General Order ODT No. 11, as amended, (7 F.R. 4339, 11099; 8 F.R. 12028), and in order to assure maximum utilization of the facilities, services and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material and supplies, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Bee Line Transit, Inc., Cedar Rapids, Iowa and H. J. Hampton and Fred Monroe, partners, doing business as Sullivan Bus Lines, Cedar Rapids, Iowa (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Washington, Iowa and Middletown and Fort Madison, Iowa, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Wherever practicable, eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. Sullivan Bus Lines shall suspend service to Mount Pleasant, Iowa and shall restrict its service between Washington, Iowa, and Middletown, Iowa to three round-trip schedules daily.

3. Bee Line Transit, Inc. shall operate buses between Washington, Iowa and Fort Madison, Iowa via Mount Pleasant, Iowa.

4. Bee Line Transit, Inc. shall restrict its service between Ainsworth Junction, Iowa, and Fort Madison, Iowa, to two round-trip schedules daily except that an additional trip in the morning and an additional trip in the evening shall be operated between West Point, Iowa and Fort Madison, Iowa, to accommodate war plant workers.

5. The provisions of this order shall not be so construed or applied as to require either carrier to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any passenger. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier, such carrier shall apply forthwith to the appropriate regulatory body or bodies, for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers shall file a copy of this order forthwith with the appropriate regulatory body or bodies, having jurisdiction over any operations affected by this order, and shall likewise file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

7. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT No. B-51."

This order shall become effective February 7, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 31st day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1508; Filed, January 31, 1944; 11:07 a. m.]

[Special Order ODT B-52]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN DESIGNATED AREAS IN OHIO

Coordinated Operation between Cleveland, Ohio, and Ravenna, Ohio, and between Salem, Ohio, and East Liverpool, Ohio.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Penn-Ohio Coach Lines Company, Youngstown, Ohio, and Pennsylvania Greyhound Lines, Inc., Cleveland, Ohio, pursuant to § 501.49 of General Order ODT No. 11, as amended (7 F.R. 4389, 11099; 8 F.R. 12028), and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material and supplies, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Penn-Ohio Coach Lines Company, Youngstown, Ohio and Pennsylvania Greyhound Lines, Inc., Cleveland, Ohio (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Cleveland, Ohio and Ravenna, Ohio, and between Salem, Ohio and East Liverpool, Ohio, as common carriers by motor vehicle, shall:

(a) Except as otherwise specified herein, honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. Penn-Ohio Coach Lines Company shall suspend service between Cleveland, Ohio and Ravenna, Ohio, and all intermediate points.

3. Pennsylvania Greyhound Lines, Inc. shall provide passenger service for passengers moving between Cleveland, Ohio and Ravenna, Ohio and to, from or between all intermediate points, who hold tickets issued by Penn-Ohio Coach Lines Company.

4. Pennsylvania Greyhound Lines, Inc. shall provide passenger service for passengers moving between Salem, Ohio and East Liverpool, Ohio, and to, from or between all intermediate points, who hold tickets issued by Penn-Ohio Coach Lines Company.

5. The provisions of this order shall not be so construed or applied as to require either carrier to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any passenger. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier, such carrier shall apply forthwith to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers shall file a copy of this order forthwith with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and shall likewise file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

7. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT No. B-52."

This order shall become effective February 7, 1944, and shall remain in full

force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 31st day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1509; Filed, January 31, 1944; 11:07 a. m.]

[Supp. Order ODT 3, Rev. 156]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI, KANSAS AND OKLAHOMA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Brashear Freight Lines, Inc., a corporation of St. Louis, Missouri, Benjamin Cain, Eva Cain, Richard A. Jacobson, Martin S. Jacobson, Ann Jacobson, A. B. Hardy, R. J. Reed, and Lena Newman, a partnership, doing business as Cain's Truck Lines, of Oklahoma City, Oklahoma, and The Chief Freight Lines Company, a corporation, of Kansas City, Missouri to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-156," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 4, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 31st day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1510; Filed, January 31, 1944; 11:07 a. m.]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE

AMENDED RECOMMENDATION FOR JOINT ACTION PLANS

In order to assure maximum utilization of the facilities, services, and equipment of common carriers by motor vehicle for the preferential transportation of materials of war and to prevent shortages in motor vehicle equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to conserve and providently utilize vital equipment, materials, and supplies; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the Office of Defense Transportation, by General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694, 8 F.R. 4660, 14582, 9 F.R. 947), authorizes common carriers of property by motor vehicle to formulate and submit for consideration plans for joint action by and between such carriers designed to accomplish any of the above-stated purposes by one or more of the following methods:

(a) Alternate, stagger, or coordinate, schedules between two or more points;

(b) Suspend service in respect of shipments in less-than-truckload lots between two or more points;

(c) Reciprocally exchange shipments of property between two or more points;

(d) Pool traffic, revenues, or both, between two or more points;

(e) Jointly load for transportation or operate a motor truck or trucks between two or more points;

(f) Divert traffic, operate joint terminals or joint pick-up or delivery vehicles;

(g) Establish arrangements with other carriers for the interchange of equipment;

(h) Appoint one of their own number or any other carrier to act as its or their individual, common or joint agent, to concentrate, receive, load, forward, unload, distribute, and deliver property; receive, account for, and distribute gross or net revenues therefrom, or otherwise handle or conduct the carrier's business as common carriers of property upon just and reasonable terms and conditions: *Provided,* That General Order ODT 3, Revised, as amended, shall not be construed to authorize any common carrier or carriers to operate in any of the methods described above unless directed so to do by the Office of Defense Transportation or unless pursuant to a contract, agreement or combination approved by the Interstate Commerce Commission or a State regulatory body.

If the Office of Defense Transportation determines that any such plan will contribute substantially to the accomplishment of the purposes above-stated, the Office of Defense Transportation orders common carriers by motor vehicle submitting any such joint action plan to place the plan in operation. The order is confined to one or more of the specific methods above enumerated, and expressly provides that all contractual arrangements made by the carriers to effectuate the joint plan shall not extend beyond the effective period of the order.

It is recommended that the Chairman of the War Production Board find and certify under section 12, Public Law No. 603, 77th Congress (56 Stat. L. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with any such or-

[1] Filed as part of the original document.

der is requisite to the prosecution of the war.

Issued at Washington, D. C., this 26th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1542; Filed, January 31, 1944; 11:22 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 11 Under 19a, Amdt. 1]

CORN STARCH AND DEXTRINE PRODUCTS

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 11 under § 1499.19a of the General Maximum Price Regulation. Corn starch and dextrine products.

Order No. 11 under § 1499.19a of the General Maximum Price Regulation is amended to read as follows:

Requests for a change in manufacturers' maximum prices for sales of corn starch and dextrine products made by the wet corn milling process are now pending before the Office of Price Administration and will require extended consideration. Maximum prices for sales by manufacturers are now determined under the provisions of the General Maximum Price Regulation, § 1499.19a of which provides for the issuance of the order in appropriate circumstances permitting deliveries under prices to be adjusted upward after delivery.

Corn starch and dextrine products made by the wet corn milling process have a great variety of uses as a necessary raw material in such highly technical processes as production of iron, steel, textiles, and paper products. However, manufacturers are contending that their operation is not profitable because of substantial increases in the price of their basic ingredient, namely corn, and the continued production and distribution of corn starch and dextrine products are threatened.

The Price Administrator has found that authority to use adjustable pricing for bulk sales of corn starch and dextrine products made by the wet corn milling process, pending final action on the requests for change in the maximum prices, is necessary to promote the production and distribution of these essential products. He has found further that such authorization would not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. Therefore, in accordance with § 1499.19a of the General Maximum Price Regulation, *It is ordered,* That:

(a) All sellers of corn starch and dextrine products made by the wet corn milling process may make sales and deliveries thereof in containers of more than ten pounds' capacity, and purchasers may buy and receive such products at prices to be adjusted upward after delivery to amounts not in excess of maximum prices established by final action upon the pending requests for change in prices, such action to be by denial of the requests or by the issuance of a price regulation or amendment granting increases in maximum prices for those products. Prior to such final action no payment for sales of corn starch or dextrine products made by the wet corn milling process shall be made or received in excess of maximum prices prevailing at the date of delivery.

(b) This order shall be automatically revoked upon the effective date of a price regulation or amendment issued by the Office of Price Administration increasing maximum prices for sales in bulk of corn starch and dextrine products made by the wet corn milling process or upon denial of the pending requests for change in those prices. It may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective as of January 24, 1944.

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1469; Filed, January 28, 1944; 4:18 p. m.]

Regional and District Office Orders.

[Region VII Order G-6 Under SR 15]

CONTRACT COAL HAULERS IN GOODING, IDAHO, AREA

Order No. G-6 under § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation. Adjustment of maximum prices of contract coal haulers in the Gooding, Idaho, Area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this order is issued.

(a) *What this order does.* This order adjusts the maximum prices of contract coal haulers in the Gooding, Idaho, Area who, pursuant to contract with dealer or dealers, deliver coal from the dealer's yard or place of business to the dealer's customer.

(b) *Specific maximum prices.* On and after the effective date of this order, the maximum prices to be charged by contract coal haulers in the Gooding, Idaho, Area for delivering coal from a dealer's yard or place of business to the dealer's customer shall be as follows:

(1) For delivering a lot of one-half ton or less, 7½¢ per cwt., with a minimum charge of 25¢;

(2) For delivering trucklots of one ton or more, $1.00 per ton;

(3) For delivering carlots from car to buyer's customary receiving point, 75¢ per ton.

(c) "Gooding, Idaho, Area" means all of the area contained within the corporate limits of the municipality of Gooding, Idaho, and areas adjacent thereto in which coal dealers have heretofore customarily made free delivery.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(e) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

(f) *Effective date.* This order shall become effective on January 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1470; Filed, January 28, 1944; 4:24 p. m.]

[Region V Order G-2 Under RMPR 122]

SOLID FUELS IN KANSAS CITY, MO., AND KANSAS CITY, KANS., AREA

Order No. G-2 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels sold in the cities of Kansas City, Missouri, Kansas City, Kansas; and parts of the counties adjacent to these cities.

Pursuant to the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels covered by Revised Maximum Price Regulation No. 122 in the greater Kansas City, Missouri, and Kansas City, Kansas metropolitan area. These are the highest prices that any dealer may charge when he sells or delivers any of such fuels at or to a point within the following described boundary line:

Beginning at the north end of the Fairfax Bridge across the Missouri River, thence north and east along U. S. Highway 69 to Claycomo, then south along an unnumbered road to the Missouri River, thence straight south across the Missouri River and along the south bank thereof to and including Cement City, thence southwest along County Road 7E to Sugar Creek Road (4N), thence east along Sugar Creek Road (4N) to a common junction thereof with U. S. Highway 24 and an unnumbered highway, thence southeast over such unnumbered highway to its junctions with Jones Road and south thereon and on Necessary Road to Holko Road; thence west thereon to Kiger Road; thence south thereon to Evans & Sheley Lane; thence west thereon to Noland Road (U. S. Highway 71 By-Pass); thence south thereon to junction with U. S. Highway 40; thence west along U. S. Highway 40 and Alternate U. S. Highway 40 to Norfleet Road; thence south thereon to Smith Road (or an unnumbered highway representing an extension thereof); thence generally west thereon to Woodson Road; thence south on Woodson Road to junction with County Road (8E); thence

west to Raytown South Road; thence south on Raytown South Road (5E) to Bannister Road; thence west on Bannister Road to Blue Ridge Boulevard Extension (County Road 4E); thence south on Blue Ridge Boulevard Extension to junction with Red Bridge Road, east of Hickman Mills; thence west through Hickman Mills on Red Bridge Road (County Road 10S) to Missouri-Kansas State line; thence north on Missouri-Kansas State Line to 93rd Street; thence west on 93rd Street to Mission Road; thence north on Mission Road to 83rd Street; thence west on 83rd Street through and including Overland Park to State Highway 58 and southwest thereon to the Mission Township line; thence north on Mission Township line to U. S. Highway 50; thence west on U. S. Highway 50 and State Highway 10 to Cemetery Road; thence north on Cemetery Road to Fisher Lane; thence east thereon to O'Hara Road; thence north to Hester Road; thence west thereon to Holliday Road; thence southwest along Holliday Road to a point directly South of Morris; thence north through Morris to Muncie; thence northeast from Muncie on State Highway 32 to its junction with Francis Road; thence generally north along Francis Road to its junction with U. S. Highway 40; thence east on U. S. Highway 40 to its junction with Brenner Heights Road; thence generally north on Brenner Heights Road to Parallel Avenue; thence west thereon to Mahan Road and north thereon to its junction with Dickenson Road; thence east on Dickenson Road to Nearman; thence north to the Missouri River and thence east and south along the south bank of the Missouri River to Fairfax Bridge; thence across the bridge to point of beginning (including all points and places within the limits of all points described as on said boundary). The boundary line so described shall be construed as following the center of the public highways named.

(1) The territorial limits as outlined above are the boundary lines of the Kansas City, Missouri, and Kansas City, Kansas, trade areas as suggested by the retail coal dealers of that area.

(b) *Solid fuels not covered by this order.* There are a few kinds and sizes of solid fuels covered by Revised Maximum Price Regulation No. 122 sold and delivered in the area covered by this order which are not included in and for which prices are not established in this order. The maximum prices of such solid fuels when sold by any person covered by this order shall continue to be the maximum prices for such fuels established by Revised Maximum Price Regulation No. 122, as amended. Such sales shall in all respects be governed by the provisions of Revised Maximum Price Regulation No. 122, as amended.

(c) *What this order prohibits.* Regardless of any obligation no person shall:

(1) Sell, or in the course of trade or business buy, solid fuels at prices higher than the maximum prices set by this Order No. G-2; but less than the maximum prices may at any time be charged, paid or offered.

(2) Obtain higher than maximum prices by:

(i) Charging for a service unless such service is expressly requested by the buyer and unless specifically authorized to do so by this order;

(ii) Charging a price higher than the schedule price for a service;

(iii) Making a charge higher than the schedule charge authorized for the extension of credit;

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him; or

(v) Using any other device by which a higher than maximum price is obtained directly or indirectly.

(d) *Price schedule.* (1) Below and a part of this paragraph is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds, and quantities of solid fuels.

MAXIMUM PRICE SCHEDULE

Description of fuel	*Maximum price per ton*
I. High volatile bituminous coal from District 10 (Illinois):	
(A) Southern Illinois—subdistrict (price groups 1 and 2): (1) Furnace (top size 6"—bottom 3")	$9.65
(B) Central Illinois — subdistrict (price groups 12 and 20):	
(1) Furnace (top size 6"—bottom 3")	8.00
(2) Nut (top size 3"—bottom 1¼")	7.65
II. Low volatile bituminous coal from District 14 (Arkansas and Oklahoma):	
(A) *Production group 1.* The following maximum prices are for specified sizes of "Arkansas Anthracite" coal produced at mines in Pope County and in the Spadra field of Johnson County, Arkansas:	
(1) Grate (double screened coal—bottom size of 2½")	$12.30
(2) Egg (top size 4"—bottom 1½")	12.55
(3) Base burner (top size 2½"—bottom 1½")	12.65
(B) *Production groups 2 and 3.* The following maximum prices are for specified sizes of low volatile coal produced at mines in the Denning-Coal Hill and Altus fields of Franklin and Johnson Counties, mines in the Philpott field of Johnson and Franklin Counties, mines in the Paris field of Logan County, and mines in Franklin County located in the Paris Basin, all in the State of Arkansas:	
(1) Lump, machine cut (bottom size 2½" or larger)	$12.40
(2) HH Stoker (top size 1½"-bottom ⅜")	8.60
(C) *Production groups 4, 5, 6, 7, 8, and 9.* The following maximum prices are for specified sizes of low volatile coal produced at mines in the Panama, Bokoshe, Milton, Poteau, Wister, and Howe-Heavener fields in Leflore County, Oklahoma; the McCurtin field of Haskell County and all mines in Sequoyah County, Oklahoma; mines in the Bates field in Scott County, Arkansas, mines in the Charleston field of Franklin County, Arkansas; and mines in Sebastian County, Arkansas, except for those mines located in the Excelsior field:	
(1) Lump, machine cut (bottom size 2½" or larger)	$11.80
(2) Lump, solid shot (bottom size 2½" or larger)	11.40
(3) Nut (top size 2½"-bottom 1¼")	11.05
(4) Screenings (2½" x 0)	7.75
(5) Mine Run	9.80
The following maximum prices are for specified sizes of low volatile coal produced at mines in the Excelsior field of Sebastian County, Arkansas:	
(6) Lump, machine cut (bottom size 2½" or larger)	$12.00
(7) Screenings (2½" x 0)	7.75
III. High volatile bituminous coal from District 15 (Missouri, Kansas, and Oklahoma):	
(A) *Production group 1.* The following maximum prices are for specified sizes of bituminous coal produced at mines in Cherokee, Crawford, Bourbon, Neosho, Labette and Wilson Counties, Kansas; and Barton, Jasper, Dade, Cedar, and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri:	
(1) Lump (bottom size 2" or larger)	$7.75
(2) Nut (top size 3"-bottom 1¼")	7.25
(3) HH Stoker (top 1¼"-bottom 5/16")	6.30
(4) Mill (1¼" x 0)	5.65
(B) *Production groups 2 and 3.* The following maximum prices are for specified sizes of bituminous coal produced at mines in Linn County, Kansas; Bates, Henry, St. Clair, Miller, Morgan, Pettis and Johnson Counties, and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri, and at mines in Boone, Callaway, Audrain, Randolph, Clark, Macon, Monitcau, Linn, Grundy, Harrison, Adair, Chariton, Schuyler, Putnam, Cole, Howard, Monroe, Warren, Lincoln, Sullivan and Ralls Counties, Missouri, with the exception of the Novinger field in Adair County, Missouri, set forth below under (5) and (6):	
(1) Lump (bottom size 2" or larger)	$7.10
(2) Nut (top size 3"—bottom 1¼")	6.65
(3) HH stoker (top size 1¼"—bottom 5/16")	6.05
(4) Mill (1¼" x 0)	5.40
The following maximum prices are for specified sizes of bituminous coal produced at mines in the Novinger field of Adair County, Missouri:	
(5) Lump, (bottom size 2" or larger)	$7.75
(6) Nut, (top size 3"—bottom 1¼")	7.30
(C) *Production groups 4 and 5.* The following maximum price is for the specified size of bituminous coal produced at mines in Ray, Clay, Caldwell, Daviess, Clinton, Carroll, Lafayette and Saline Counties, Missouri, with the exception of mines included in Ray County and Lafayette County, Missouri, as set forth under (2) below:	
(1) Lump, (bottom size 2" or larger)	$7.00
The following maximum price is for the specified size of bituminous coal produced in Ray County by the Elmira Coal Company, Mine Index No. 48, and in Lafayette County by Mine Number 7, Farmers Coal Mining Company, Mine Index No. 49:	
(2) Lump, (bottom size 2" or larger)	$8.00
(D) *Production group 10.* The following maximum price is for the specified size of bituminous coal produced at mines in Okmulgee County, Oklahoma:	
(1) HH stoker (top size 1¼"—bottom 5/16")	$7.45
(E) *Production group 11.* The following maximum prices are for specified sizes of bituminous coal produced at mines in Craig, Rogers, Tulsa, and Wagoner Counties, Oklahoma, and of that part of Muskogee County, Oklahoma, north of a line drawn straight east and west across Muskogee County, along the southern limits of the town of Porum, Oklahoma.	
(1) Lump (bottom size 2" or larger)	$8.65
(2) HH stoker (top 1¼"—bottom 5/16")	7.20
IV. Briquettes:	
(1) Produced in Kansas City, Missouri, consisting of 70% Arkansas anthracite and 30% semi anthracite from District 14	$11.25
(2) Above briquettes sacked (25 lbs.)	13.25
(3) Above briquettes sacked (25 lbs.) F. O. B. yard per sack	.20

(2) The prices set forth in the foregoing schedule are on a per net ton cash basis (2000 pounds to the ton). Schedule prices are subject to the discounts and extra charges set forth below.

(i) "Cash" means payment on or before delivery. On sales involving the extension of credit no dealer in the area covered by this order, except in the area lying east of the city limits of Kansas City, Missouri and north of U. S. Highway 40, which area includes Independence, Sugar Creek, Maywood, Fairmont, Englewood, and Fairland Heights, may charge more than 25¢ per ton in addition to the schedule prices. Dealers in the above excepted area may charge an additional amount for the extension of credit not to exceed 5% of the net per ton cash price.

(ii) The prices set forth in the foregoing schedule are for raw coal, i. e., coal which has not been treated. On all sales of treated coal, whether oil, paraffin, or calcium chloride treatment and regardless of whether such treatment was applied at the mine or by the dealer, the dealer may charge an amount not to exceed 10¢ per ton in addition to the schedule price.

(iii) In sales involving quantities of one ton or more where the buyer loads the coal on to his conveyance at the dealer's yard or siding, the dealer shall apply a discount to the per net ton cash price of not less than $1.00 per ton.

(iv) On steam deliveries, as defined below, the dealer shall apply a discount of not less than 50¢ to the per net ton cash price of all high volatile bituminous coals from District 15, Production Groups 1, 2, and 3, except Stoker. "Steam deliveries" refer to all deliveries to store buildings where one or more storerooms are heated by a central plant, apartments, hotels, schools, churches, lodge buildings, green houses, cleaning plants, garages, office buildings, industrial buildings, and duplexes using a central heating plant. (This is the meaning of the term in the greater Kansas City area as defined in an agreement between the retail coal dealers of Greater Kansas City and the Ice and Coal Handlers Local Union No. 953 affiliated with the American Federation of Labor).

(3) The maximum price on all sales by the basket or sack or in quantities of less than a ton put into the buyer's car or other conveyance shall be 50¢ per hundredweight for high volatile fuel and 60¢ per hundredweight for low volatile fuel. In sales of this kind the buyer may be required to furnish the basket or sack. If the buyer does not possess a basket or a sack the dealer may require a deposit charge equivalent to the replacement cost when such basket or sack is furnished by the dealer.

(4) On delivered sales involving quantities of less than one ton the dealer may add an amount not to exceed 25¢ to the fractional per net ton cash price set out in the foregoing schedule for each such delivery.

(e) *Service charges.* (1) Below and as a part of this paragraph (e) is a schedule that sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (d). These charges may be made only if the buyer requests such services of the dealer and only when the dealer renders the service. The prices for such services shall be separately stated in the dealer's invoice or bill of sale.

(i) "Pull back" is the service of heaving, tossing, or lifting solid fuel by shovel in order to provide room for more fuel in a coal bin or place of storage. The maximum charge for the pull back service shall not exceed 50¢ per ton.

(ii) "Carry in" is the service of carrying in solid fuel from the curb or point nearest and most accessible to the buyer's bin or storage space to the buyer's fuel bin window; it does not include the carrying of the fuel up or down stairs. No dealer subject to this order shall charge more than $1.00 per ton for the service of carrying in solid fuel. When additional carrying in is involved no dealer shall charge more for such service than he charged during December, 1941.

(iii) A storage service charge not to exceed 75¢ per ton may be charged by the dealer and added to the per net ton cash price when a buyer who has purchased solid fuel leaves it or stores it in the dealer's yard.

(f) *Ex Parte 148 freight rate increase; transportation tax; Missouri and Kansas State sales tax*—(1) *The freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealers' freight rates are the same as those of December, 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set out by this order provided the dealer states it separately from the price of the fuel and lists it separately on any sales slip or receipt given to the buyer. This tax need not be stated separately on sales to the United States or any agency thereof. (See Amendment No. 12 to Revised Maximum Price Regulation No. 122). No part of this tax may be collected in addition to maximum prices on sales of ¼ ton or lesser quantities.

(3) *The Missouri and Kansas State sales tax.* The seller may add to the prices listed in the schedule in paragraph (d) the sales tax required to be collected by the laws of the States of Missouri and Kansas. This tax shall be separately stated in the dealer's invoice, sales slip or receipt.

(g) *Addition of increase in supplier's prices prohibited.* (1) The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Power to amend or revoke.* (1) The Price Administrator or the Regional Administrator of Region V may amend, revoke, or rescind this order, or any provision thereof, at any time.

(i) *Petitions for amendments.* (1) Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(j) *License.* (1) Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(k) *Records and reports.* (1) Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the price charged and the kind and size of fuel sold. The fuel shall be identified in the manner in which the fuel is described in this order. The record shall also state separately each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all of the maximum prices set by it for all types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) In the case of all sales covered by this order every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. In any case if a buyer requests a receipt, the seller shall furnish the buyer with a receipt showing the name and address of the seller, the kind, sizes, and quantity of the solid fuel sold to the buyer and the price or prices charged.

(m) *Enforcement.* (1) Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Kansas City, Missouri or Wichita, Kansas District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to

do any of the foregoing. The terms "sale," "selling," "sold," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers for distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but if this is unfeasible, because of the absence of a regular driveway free from all foreign matter which might damage trucks and tires, then direct delivery means discharging the solid fuel from the seller's truck directly at the street curb or at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Production group" and "production groups", as used in this order, refer to the production groups established by the former Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937, as amended, and as in effect at midnight, August 23, 1943.

(6) "Price groups" and "size groups", as used in this order refer to the price groups and size groups established by the former Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937, as amended, and as in effect at midnight, August 23, 1943.

(7) "District no." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight, August 23, 1943.

(8) "High volatile bituminous coal" means coal produced in the high volatile sections of the producing districts specified herein.

(9) "Low volatile bituminous coal" means coal produced in the low volatile sections of the producing districts specified in this order.

(10) "Solid fuel" (or "solid fuels") means all solid fuel except wood and wood products, including all kinds of anthracite and semi-anthracite; bituminous and semi-bituminous and cannel coal; lignite; all coke, including low temperature coke (except by-product foundry and blast furnace coke, and beehive oven furnace coke produced in the State of Pennsylvania); briquettes made from coke or coal; and sea coal used for foundry facings.

(11) "Egg, stove, nut," etc., sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, and in effect (or established) as of midnight, August 23, 1943.

Where the minimum price schedules do not make specific mention of any size designated in this order, such size designations shall refer to the sizes of bituminous coal sold as such in the area subject to this order during December, 1941.

(12) Except as otherwise specifically provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein.

(o) *Effect of this order on Revised Maximum Price Regulation No. 122.* (1) To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

(2) This Order No. G-2 shall become effective the 24th day of January, 1944.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this the 18th day of January 1944.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-1471; Filed, January 23, 1944; 4:24 p. m.]

[Region I Supp. Order 3 Under RMPR 122]

COKE IN BOSTON, MASS., REGION

Supplementary Order No. 3 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Permitted increases in maximum prices for coke.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered,* That:

(a) Dealers making sales of coke subject to the Region I orders under Revised Maximum Price Regulation No. 122 listed in paragraph (b) of this order, may increase the specific maximum prices for all sizes of coke which are specifically priced in said orders by the following amounts:

	Cents
Per net ton	50
Per ½ ton	25
Per ¼ ton	15
Units smaller than ¼ ton	No increase

(b) *Orders affected.*

Order Number and Area

G-9, Metropolitan Boston Area.
G-11, Lawrence, Massachusetts, Area.
G-12, Haverhill, Massachusetts, Area.
G-13, Lynn-Salem Area.
G-14, Lowell, Massachusetts, Area.
G-15, Manchester, New Hampshire, Area.
G-16, Brockton, Massachusetts, Area.
G-17, Taunton, Massachusetts, Area.
G-18, New London, Connecticut, Area.
G-19, Concord, New Hampshire, Area.
G-21, Nashua, New Hampshire, Area.
G-22, Worcester, Massachusetts, Area.
G-23, Stoughton, Massachusetts, Area.
G-24, Bridgeport, Connecticut, Area.
G-25, Portland, Maine, Area.
G-26, Portsmouth-Kittery Area.
G-28, Bangor, Maine, Area.
G-29, Lewiston-Auburn Area.
G-30, Augusta, Maine, Area.
G-31, Brunswick, Maine, Area.
G-32, Rockland, Maine, Area.
G-33, Biddeford-Saco Area.
G-34, Bath, Maine, Area.
G-35, Hampton-Seabrook Area.
G-36, Dover-Exeter Area.
G-37, Stamford-Norwalk Area.
G-38, Milford and Hopedale, Massachusetts.
G-39, Providence, Rhode Island, Area.
G-40, Rutland, Vermont, Area.

(c) This Supplementary Order No. 3 may be revoked, amended or corrected at any time.

This Supplementary Order No. 3 shall become effective January 22, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 2st day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-1486; Filed, January 29, 1944; 11:45 a. m.]

[Region III Order G-16 Under MPR 329, Corr.]

FLUID MILK IN DESIGNATED COUNTIES IN MICHIGAN

Correction of Order No. G-16 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

Under the authority vested in the Regional Administrator of Region III by § 1351.408 (b) of Maximum Price Regulation No. 329, *It is hereby ordered,* That the effective date of Order No. G-16 under Maximum Price Regulation No. 329, inadvertently designated as January 10, 1944, be corrected to read:

This order shall be effective as of November 1, 1943.

This correction will compensate for the customary time lag in payment for milk purchased from producers, and will effectuate the purposes of the original order.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 18, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-1487; Filed, January 29, 1944; 11:45 a. m.]

COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 28, 1944.

REGION III

Cincinnati, Order No. 1-F, Amendment No. 9, filed 12:10 p. m.
Cincinnati, Order No. 1-F, Amendment No. 13, filed 11:59 a. m.
Cincinnati, Order No. 2-F, Amendment No. 6, filed 11:59 a. m.
Columbus, Order No. 7-F, Amendment No. 1, filed 11:58 a. m.

REGION IV

Birmingham, Order No. 1-F, Amendment No. 1, filed 12:11 p. m.
Jackson, Order No. 1-F, Amendment No. 20, filed 12:11 p. m.
Jacksonville, Order No. 2-F, Amendment No. 7, filed, 12:03 p. m.
Montgomery, Order No. 1-F, Amendment No. 3, filed 12:11 p. m.
Montgomery, Order No. 1-F, Amendment No. 4, filed 12:05 p. m.
Montgomery, Order No. 3-F, Amendment No. 4, filed 12:05 p. m.
Montgomery, Order No. 4-F, Amendment No. 2, filed 12:11 p. m.

REGION V

Arkansas, Order No. 2-F, Amendment No. 1, filed 12:08 p. m.
Arkansas, Order No. 4-F, Amendment No. 1, filed 12:08 p. m.
Arkansas, Order No. 5-F, Amendment No. 1, filed 12:08 p. m.
Arkansas, Order No. 6-F, Amendment No. 1, filed 12:08 p. m.
Oklahoma City, Order No. 1-F, Revocation, filed 12:05 p. m.
Oklahoma City, Order No. 2-F, Amendment No. 1, filed 12:05 p. m.
Oklahoma City, Order No. 3-F, Amendment No. 1, filed 12:05 p. m.
San Antonio, Order No. 1-F, filed 12:05 p. m.
San Antonio, Order No. 2-F, filed 12:06 p. m.

REGION VI

Omaha, Order No. 1-F, filed 11:59 a. m
Springfield, Order No. 17, Amendment No. 2, filed 12:10 p. m.
Springfield, Order No. 18, Amendment No. 2, filed 12:10 p. m.
Springfield, Order No. 19, Amendment No. 2, filed 12:10 p. m.
Springfield, Order No. 20, Amendment No. 2, filed 12:10 p. m.
Springfield, Order No. 21, Amendment No. 2, filed 12:10 p. m.
Springfield, Order No. 22, Amendment No. 2, filed 12:10 p. m.

REGION VII

Utah, Order No. F-2, filed 12:02 p. m.

REGION VIII

Los Angeles, Los Angeles-5, Amendment No. 5, filed 12:01 p. m.
Los Angeles, Los Angeles-6, Amendment No. 5, filed 11:59 a. m.
Los Angeles, Los Angeles-7, Amendment No. 5, filed 12:01 p. m.
Los Angeles, Los Angeles-8, Amendment No. 5, filed 12:01 p. m.
Phoenix, Order No. 1-P, Amendment No. 2, filed 12:06 p. m.
Phoenix, Order No. 11, filed 12:01 p. m.
Phoenix, Order No. 11, Amendment No. 1, filed 12:08 p. m.
San Francisco, Order No. G-8, Amendment No. 2, filed 12:09 p. m.
San Francisco, Order No. G-9, Amendment No. 2, filed 12:09 p. m.
San Francisco, Order No. G-10, Amendment No. 2, filed 12:09 p. m.
San Francisco, Order No. G-11, Amendment No. 2, filed 12:10 p. m.
San Francisco, Order No. G-12, Amendment No. 2, filed 12:10 p. m.
Seattle, Order No. 2-F, filed 12:09 p .m.
Seattle, Order No. 4-F, filed 12:09 p. m.
Seattle, Order No. 5-F, filed 12:09 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-1496; Filed, January 29, 1944; 3:33 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

PATRICK A. TRAPP

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of January, A. D. 1944.

The Commission having instituted a proceeding under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Patrick A. Trapp, 423 Rialto Block, Butte, Montana, as a broker and dealer should be revoked;

A hearing having been held after appropriate notice, the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, and pursuant to section 15 (b) of said act,

It is ordered, That the registration of Patrick A. Trapp as a broker and dealer be and it hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1483; Filed, January 29, 1944; 11:23 a. m.]

[File No. 70-851]

PUBLIC SERVICE CORP. OF NEW JERSEY AND PUBLIC SERVICE COORDINATED TRANSPORT

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of January 1944.

Notice is hereby given that a joint declaration or application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Corporation of New Jersey (Public Service), a subsidiary of The United Corporation, a registered holding company, and by Public Service Coordinated Transport (Transport), a subsidiary of Public Service.

All interested persons are referred to said joint declaration or application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Transport proposes to purchase from Public Service the following direct and assumed obligations of Transport at principal amount or cost to Public Service, whichever is lower, plus accrued interest to date of delivery:

Principal Amount, Bonds, and Lower of Cost or Principal Amount

$3,000; Elizabeth, Plainfield and Central Jersey Railway Company 50-Year 5% Mortgage Gold Bonds, due 1950; $2,497.50.

$1,000; Elizabeth and Raritan River Street Railway Company Fifty Year Five Per Sent General Mortgage Gold Bonds, due 1954; $857.50.

$226,000; Jersey City, Hoboken and Paterson Street Railway Company Fifty Year Four Per Cent First Mortgage Gold Bonds, due 1949; $165,287.50.

$2,000; Middlesex and Somerset Traction Company First Mortgage Gold Bonds, Five Per Cent, due 1950; $1,682.50.

$135,000; New Jersey and Hudson River Railway and Ferry Company First Mortgage Four Per Cent Fifty-Year Gold Bonds, due 1950; $98,253.75.

$77,700; Public Service Coordinated Transport First and Refunding Mortgage Bonds 5% Series due 1990; $77,700.00.

$5,200 Public Service Coordinated Transport First and Refunding Mortgage Bonds 5¾% Series due 1990; $3,715.23.

$5,200; Public Service Coordinated Transport First and Refunding Mortgage Bonds 6% Series due 1990; $3,876.77.

Transport also proposes to purchase from public holders or from Public Service, as hereinafter specified, up to $4,000,000 of its First and Refunding Mortgage Bonds 4% Series due 1990 at a price not in excess of 100% of the principal amount thereof plus accrued interest to date of delivery. Prior to such purchase Transport will give published notice, requesting tenders of such bonds at a price not in excess of 100% of the principal amount thereof plus accrued interest on or before a date to be fixed not less than five days after the first date of such publication. In case the amount of such tenders shall exceed the principal amount of the bonds authorized to be purchased, then Transport proposes to accept such tenders in the order of receipt, giving first preference, however, to tenders of bonds at prices lower than 100% of the principal amount thereof. If sufficient tenders are not received, Transport proposes to purchase from Public Service the balance of bonds required to exhaust the sum of $4,000,000 at principal amount plus accrued interest.

Upon acquisition of the foregoing bonds, Transport proposes to cancel its direct obligations and will deposit its assumed obligations with the Trustee under its first and refunding mortgage.

Public Service proposes to add the proceeds from the sale of the securities owned by it to its general cash funds for use for general corporate purposes.

The companies consider sections 12 (c) and 12 (f) of the act and Rules U-42 and U-43 thereunder as applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said matters, and that said joint declaration shall not become effective nor said joint application be granted except pursuant to further order of this Commission,

It is ordered, That a hearing on such matters under the applicable provisions of said act, and Rules of the Commission thereunder, be held on February 15, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318. At such hearing, cause shall be shown why such joint declaration or application shall become effective or shall be granted.

Notice is hereby given of said hearing to the above named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration or application otherwise to be considered in this proceeding, particular attention will be paid at the hearing to the following matters and considerations:

(1) Whether the manner of the selection of the bonds to be purchased by Transport is appropriate and the consideration to be paid therefor is reasonable;

(2) Whether the proposed transactions are detrimental to the financial integrity of Transport or the proper functioning of the holding company system of which Transport is a part or otherwise detrimental to the public interest or the interests of investors or consumers or will tend to circumvent the provisions of the act or the rules, regulations or orders thereunder;

(3) Whether the imposition of terms and conditions is necessary in the public interest or for the protection of investors and consumers or is necessary to insure compliance with the act and the rules, regulations or orders promulgated thereunder and, if so, what those terms and conditions should be.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1501; Filed, January 31, 1944; 10:32 a. m.]

[File No. 1-1716]

ASSOCIATED INSURANCE FUND, INC.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of January, A. D. 1944.

The San Francisco Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, $10 par value, of Associated Insurance Fund, Inc.;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, February 21, 1944, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1502; Filed, January 31, 1944; 10:32 a. m.]

SELECTIVE SERVICE SYSTEM.

[Camp Order 131]

CHEROKEE STATE HOSPITAL PROJECT, IOWA

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Cherokee State Hospital Project is designated as work of national importance, to be known as Civilian Public Service Camp No. 131. Said project, located at Cherokee, Cherokee County, Iowa, will be the base of operations for work at the Cherokee State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

2. That the men assigned to said Cherokee State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Cherokee State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Cherokee State Hospital. Administrative and directive control shall be under the Office of the Assistant Director of Selective Service in charge of Camp Operations.

LEWIS B. HERSHEY, *Director.*

JANUARY 26, 1944.

[F. R. Doc. 44-1436; Filed, January 28, 1944; 1:45 p. m.]

WAR FOOD ADMINISTRATION.

AGRICULTURAL WORKERS' HEALTH ASSOCIATIONS

TRANSFER OF ADMINISTRATION AND SUPERVISION TO DIRECTOR OF LABOR

Transfer of responsibility for administration and supervision of agricultural workers' health associations to the Director of Labor.

1. Effective immediately the responsibility for the administration and supervision of the affairs of the agricultural workers' health associations heretofore vested in the Administrator of the Farm Security Administration is hereby transferred to the Director of Labor, Office of Labor of the War Food Administration, insofar as such administration and supervision relate to the furnishing and supplying of health and medical services to agricultural workers and their families eligible therefor, pursuant to Public Law 45 (78th Congress), as amended, and any similar authorization subsequently enacted by the Congress. The associations are as follows:

Atlantic Seaboard Agricultural Workers Health Association, Inc.

Migratory Labor Health Association.

Midwestern Agricultural Workers' Health Association, Inc.

Texas Farm Laborers Health Association.

Great Plains Agricultural Workers' Health Association.

Agricultural Workers Health and Medical Association.

Agricultural Workers' Health Association.

2. The Director of Labor is hereby authorized to administer and supervise the affairs of the agricultural workers' health associations and to utilize these associations for the furnishing and supplying of health and medical services to agricultural workers and their families eligible therefor, pursuant to Public Law 45 (78th Congress), as amended, and any similar authorization subsequently enacted by the Congress.

3. The physical facilities and equipment belonging to the Government presently available to these associations either on loan or lease, for purposes of carrying out the health program, are hereby transferred to the Office of Labor for its use in conducting the agricultural workers health program indicated in paragraph 1 hereof. The Director of Labor is authorized to lend or lease such equipment to the associations as may be required for the purposes set forth above.

4. The Director of Labor may make such delegations of the authority and responsibilities contained herein as he may deem necessary.

Issued this 29th day of January 1944.

WILSON COWEN, *Assistant War Food Administrator.*

[F. R. Doc. 44-1483; Filed, January 29, 1944; 3:17 p. m.]

WAR PRODUCTION BOARD.

[Certificate 51,[1] Amdt. 1]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith an amended recommendation of the Director of the Office of Defense Transportation concerning the formulation of certain joint action plans by common carriers of property by motor vehicle.[2]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the recommendation as amended; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such amended recommendation or any order issued pursuant thereto requiring any of the joint actions specified therein is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JANUARY 26, 1944.

[F. R. Doc. 44-1541; Filed, January 31, 1944; 11:22 a. m.]

[1] 8 F.R. 4815.

[2] *Supra.*