



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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

1946 SUPPLEMENT

to the CODE OF FEDERAL REGULATIONS

The following books are now available:

Book 1: Titles 1 through 8, including, in Title 3, Presidential documents in full text with appropriate reference tables and index.

Book 2: Titles 9 through 20.

These books may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at \$3.50 per copy.

A limited sales stock of the 1945 Supplement (4 books) is still available at \$3 a book.

CONTENTS—Continued

Federal Power Commission—Continued	Page
Notices—Continued	
Hearings, etc.—Continued	
Panhandle Eastern Pipe Line Co. et al.	5351
Forest Service	
Rules and regulations:	
Ottawa National Forest, Michigan (Corr.)	5342
Internal Revenue Bureau	
Proposed rule making:	
Federal estate tax; deduction of attorneys' fees	5343

CONTENTS—Continued

Internal Revenue Bureau—Continued	Page
Rules and regulations:	
Taxes, employment:	
Employees' and employers'	5325
Excise tax on employers	5325
Employers' employees' and employee representatives'	5325
Interstate Commerce Commission	
Notices:	
Cars of scrap lead, light-weighting at Staten Island, N. Y.	5351
Labor Department	
See also Wage and Hour Division.	
Rules and regulations:	
General; authority and functions of Secretary (Corr.)	5335
Land Management, Bureau of	
Notices:	
Missouri; filing of plat of survey	5350
Materials Distribution, Office of	
Rules and regulations:	
Tin	5337
Navy Department	
Rules and regulations:	
Palmyra Island Naval Airspace Reservation and Palmyra Island Naval Defensive Sea Area	5342
Securities and Exchange Commission	
Notices:	
Hearings, etc.	
Central and South West Corp. et al.	5352
Cliffs Corp.	5352
Tobey Royalties, Co., Inc.	5352
Wage and Hour Division	
Notices:	
Puerto Rico; acceptance of resignation from and appointment to special industry committee	5351
Rules and regulations:	
Puerto Rico; home workers in industries other than needlework industries	5335

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

Title 3—The President	Page
Chapter II—Executive Orders:	
8682 ¹	5325
9830 ²	5325
9881	5325
Title 5—Administrative Personnel	
Chapter I—Civil Service Commission:	
Part 6—Exceptions from the competitive service	5325
¹ E. O. 9881.	
² See § 6.4 of Title 5, <i>infra</i> .	

CODIFICATION GUIDE—Con.

Title 5—Administrative Personnel—Continued	Page
Chapter I—Civil Service Commission—Continued	
Part 24—Formal education requirements for appointment to certain scientific, technical, and professional positions	5325
Part 30—Annual and sick leave regulations	5325
Title 7—Agriculture	
Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)	
Part 162—Regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (proposed)	5343
Title 26—Internal Revenue	
Chapter I—Bureau of Internal Revenue:	
Part 81—Regulations relating to estate tax (proposed)	5343
Part 402—Employees' tax and employers' tax under the Federal Insurance Contributions Act	5325
Part 403—Excise tax on employers under the Federal Unemployment Tax Act	5325
Part 410—Employers' tax, employees' tax, employee representatives' tax under the Carriers Taxing Act of 1937 and Subchapter B of Chapter 9 of the Internal Revenue Code	5325
Title 29—Labor	
Subtitle A—Office of the Secretary of Labor:	
Part 2—General regulations of the Department of Labor	5335
Chapter V—Wage and Hour Division:	
Part 681—Regulations relating to home workers in industries in Puerto Rico other than the needlework industries	5335
Title 32—National Defense	
Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce:	
Part 1001—Tin	5337
Title 34—Navy	
Chapter I—Department of the Navy:	
Part 9—Executive orders, Proclamations, and public land orders applicable to the Navy	5342
Title 36—Parks and Forests	
Chapter II—Forest Service, Department of Agriculture:	
Part 201—National forests	5342
Title 46—Shipping	
Chapter I—Coast Guard: Inspection and navigation:	
Appendix A—Waivers of navigation and vessel inspection laws and regulations	5342
Title 47—Telecommunication	
Chapter I—Federal Communications Commission:	
Part 13—Commercial radio operators (proposed)	5346

Treasury Decision 4885, Regulations 106, and Regulations 107, amended to conform to certain provisions of the act approved July 31, 1946 (Pub. Law 572, 79th Cong.)

On April 17, 1947, notice of proposed rule making, regarding amendments to the employment tax regulations under subchapters A, B, and C of chapter 9 of the Internal Revenue Code, made necessary by certain provisions of the act approved July 31, 1946 (Public Law 572, 79th Congress) was published in the FEDERAL REGISTER (12 F. R. 2479) After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the amendments set forth below are hereby adopted. The amendments are made in order to conform Regulations 100 (26 CFR Part 410) only as made applicable to the Internal Revenue Code by Treasury Decision 4885 (26 CFR, Cum. Supp., p. 5876) relating to the employers' tax, employees' tax, and employee representatives' tax under subchapter B of chapter 9 of the Internal Revenue Code, Regulations 106 (26 CFR Part 402) relating to the employees' tax and employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code), and Regulations 107 (26 CFR Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (subchapter C, chapter 9, Internal Revenue Code) to sections 1, 2, 3, 401, and 402 of the Act approved July 31, 1946 (Public Law 572, 79th Congress) Such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 410.1 (Article 1), the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

* * * section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "if" where it first appears therein insert "(1)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (1) he renders such service for compensation" * * * Said subsections are further amended by inserting at the end of the first proviso the following: " and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation"

SECTION 3 (e) AND (f) OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (1) he was on that date on leave of absence from

his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protected, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipples, or the loading of coal at the tipples.

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

tioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) and (f) shall be effective only with respect to services rendered after December 31, 1946. * * *

SECTION 3 (g) OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

(g) Subchapter B of Chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section: SEC. 1538. TITLE OF SUBCHAPTER. This subchapter may be cited as the "Railroad Retirement Tax Act"

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

Except as otherwise provided in this act, the provisions thereof shall become effective upon approval.

PAR. 2. Section 410.1 (Article 1) is amended as follows:

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

§ 410.1 *Definitions of miscellaneous terms; applicability of provisions of Internal Revenue Code.*

(B) By inserting at the end of § 410.1 the following:

(m) "Railroad Retirement Tax Act" means Subchapter B of Chapter 9 of the Internal Revenue Code, as amended.

(n) "Internal Revenue Code" means the act approved February 10, 1939 (53 Stat., Part 1) entitled "An Act To Consolidate and Codify the Internal Revenue Laws of the United States", as amended.

Subchapter B of Chapter 9 of the Internal Revenue Code corresponds to and, effective April 1, 1939, superseded the Carriers Taxing Act of 1937. Such subchapter comprises certain sections numbered from 1500 to 1538, both inclusive. All provisions of, or references to, the Carriers Taxing Act of 1937 or other laws of the United States which have been codified in the Internal Revenue Code, but which remain in the regulations in this part as made applicable to the Code, shall be deemed to be, and shall be read as if they were, the corresponding provisions of the Internal Revenue Code or references thereto.

PAR. 3. Section 410.2 (f) (Article 2 (f)) is amended to read as follows:

(f) Any subordinate unit of a national railway-labor-organization employer, that is, any State or National legislative committee, general committee, insurance department, or local lodge or division, of an employer as defined in paragraph (e) of this section, established pursuant to the constitution and bylaws of such employer.

PAR. 4. Immediately following the provisions of law under the caption "Sections 3 and 4 of the Act approved August 13, 1940 (Public, No. 764, 76th Cong., 3d Sess.)" added by Treasury Decision 5017, approved October 24, 1940, preceding § 410.3 (Article 3), the following is inserted:

SECTION 3 (e) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided*, That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tippie, or the loading of coal at the tippie.

PAR. 5. Immediately preceding the caption "Section 1 (h) and (i) of the act" which precedes § 410.3 (article 3), the following is inserted:

SECTION 14 OF THE ACT APPROVED APRIL 8, 1942 (PUB. LAW 520, 77TH CONG.)

The first proviso in subsection (d) of section 1532 of the Internal Revenue Code, approved February 10, 1939 (53 Stat. 1), is

hereby amended to read as follows: "*Provided, however*, That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable."

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Internal Revenue Code when that code was enacted on February 10, 1939 * * *

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "if" where it first appears therein insert "(1)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" * * * Said subsections are further amended by inserting at the end of the first proviso the following: "and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation"

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) * * * shall be effective only with respect to services rendered after December 31, 1946. * * *

PAR. 6. Section 410.3 (Article 3) as amended by Treasury Decision 5017 and by Treasury Decision 5161, approved July 6, 1942, is further amended as follows:

(A) By striking out the last sentence of the first paragraph and the whole of

the second paragraph of § 410.3 (a) and inserting in lieu thereof the following:

* * * An individual performing services as an independent contractor is not subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services.

An individual rendering professional or technical services or other personal services prior to January 1, 1947, to an employer for compensation is in the service of the employer if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. The fact that an individual rendering professional or technical services prior to January 1, 1947, is integrated into the staff of an employer is an important factor indicating that such individual is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. With respect to other personal services rendered prior to January 1, 1947, the fact that such services are rendered on the property used in the employer's operations and that the rendition of such services is integrated into the employer's operations are important factors indicating that the individual rendering such services is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. However, with respect to professional or technical services or other personal services rendered after December 31, 1946, the aforementioned factors are not merely indicia of the continuing authority of the employer to supervise and direct the manner of rendition of such services but instead constitute independent tests for determining whether the individual rendering such services is in the service of the employer with respect to the rendition of such services. Thus, an individual rendering professional or technical services to an employer for compensation is in the service of the employer with respect to such services rendered after December 31, 1946, if he is integrated into the staff of the employer. Likewise, an individual rendering other personal services to an employer for compensation is in the service of the employer with respect to such services rendered after December 31, 1946, if the services are rendered on the property used in the employer's operations and the rendition of such services is integrated into the employer's operations. Under the two tests last mentioned, an individual rendering professional or technical services or other personal services after December 31, 1946, as an independent contractor may be, as to such services, in the service of an employer.

(B) By striking out the parenthetical cross-reference at the end of subparagraph (1) of § 410.3 (b)

(C) By striking out subparagraph (2) of § 410.3 (b) and inserting in lieu thereof the following:

(2) An individual in the service of a local lodge or division is not an employee within the meaning of the law and the regulations in this part unless he was, on or after August 29, 1935, in the service

of a carrier (see paragraph (a) of this section) or he was, on August 29, 1935, in the "employment relation" to a carrier.

With respect to services rendered prior to January 1, 1947, an individual was in the employment relation to a carrier on August 29, 1935, if on that date he was, in accordance with the established rules and practices in effect on the carrier, on furlough subject to call for service within or without the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability. However, an individual shall not be deemed to have been in the employment relation to a carrier on August 29, 1935, unless during the last pay-roll period before August 29, 1935, in which he rendered service to it, he was, with respect to that service, in the service of an employer (see paragraph (a) of this section)

With respect to services rendered after December 31, 1946, an individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (a) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (b) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (c) if he was so called he was solely for such reason unable to render service in six calendar months as provided in subdivision (ii) of this subparagraph; or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights. However, an individual shall not be deemed to have been in the employment relation to a carrier on August 29, 1935, if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not, with respect to any service in such pay-roll period, in the service of an em-

ployer (see paragraph (a) of this section)

(For definition of carrier, see § 410.2 (a).)

(D) By inserting at the end of subparagraph (3) of § 410.3 (c) the following: "However, no part of his remuneration for such service rendered after December 31, 1946, shall be regarded as compensation if the application of such mileage formula, or such other formula as the Railroad Retirement Board may have prescribed, would result in his compensation for the service being less than 10 percent of his remuneration for such service."

(E) By striking out the parenthetical cross-reference at the end of § 410.3 (c)

PAR. 7. Immediately following the provisions of law under the caption "Section 27 of the act approved October 10, 1940 (Public, No. 833, 76th Cong., 3d Sess.)," added by Treasury Decision 5029, approved December 27, 1940, preceding § 410.5 (Article 5), the following is inserted:

SECTION 3 (f) OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

The amendments to section 1532 of the Internal Revenue Code made by sections * * * 3 * * * (f) shall be effective only with respect to services rendered after December 31, 1946.

PAR. 8. Section 410.5 (Article 5), as amended by Treasury Decisions 5029 and 5161, is further amended to read as follows:

§ 410.5 *Definition of "compensation."* The term "compensation" means all remuneration in money, or in something which may be used in lieu of money (for example, scrip and merchandise orders), which is earned by an individual for services rendered as an employee to one or more employers, or as an employee representative. A payment for services rendered after December 31, 1946, which is made by an employer to an individual through the employer's pay roll shall be

presumed, in the absence of evidence to the contrary, to be compensation for services rendered by such individual as an employee of the employer. Likewise, a payment for services rendered after December 31, 1946, which is made by an employee organization (that is, a railway labor organization which is not included as an employer under the act) to an employee representative through the organization's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by the employee representative as such.

The term "compensation" is not confined to amounts earned or paid for active service, but includes amounts earned or paid for an identifiable period during which the employee is absent from the active service of the employer and, in the case of an employee representative, amounts earned or paid for an identifiable period during which the employee representative is absent from the active service of the employee organization. Amounts paid to an employee for an identifiable period of absence from the active service of the employer on account of personal injury are included within the term "compensation" Like payments made to an employee representative on account of personal injury also constitute compensation. If a payment is made to an employee or employee representative with respect to a personal injury and includes pay for an identifiable period of absence from active service, the total payment shall be deemed to be paid for such period of absence from active service unless, at the time of payment, a part of such payment is specifically apportioned to factors other than absence from active service, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for such period of absence from active service. The presumption set forth in the preceding sentence is applicable only with respect to an identifiable period of absence from active service after December 31, 1946. Amounts paid to an employee or employee representative for loss of earnings during an identifiable period as the result of the displacement of the employee or employee representative to a less remunerative position or occupation shall be deemed to be paid for absence from active service during such period. Such amounts are also included within the term "compensation"

The term "compensation" does not include tips, or the voluntary payment by an employer of the employees' tax, without the deduction of such tax from the remuneration of the employee.

(See § 410.7, relating to when compensation is earned. See also §§ 410.201, 410.301, and 410.401, relating to the amount of compensation included for the purpose of determining the employees' tax, the employers' tax, and the employee representatives' tax, respectively. For special provisions relating to the compensation of certain general chairmen or assistant general chairmen of a general committee of a railway-labor-organization employer, see § 410.3 (c).)

PAR. 9. Section 410.6 (Article 6) is amended by inserting at the end thereof the following: "For provisions relating to payments for personal injury or for loss of earnings resulting from displacement to a less remunerative position or occupation, see § 410.5."

PAR. 10. Section 410.7 (Article 7) is amended by striking out the parenthetical cross-reference at the end of such section and inserting in lieu thereof the following: "A payment made by an employer or employee organization (that is, a railway labor organization which is not included as an employer under the act) to an individual through the pay roll of the employer or employee organization for a period commencing after December 31, 1946, shall be presumed, in the absence of evidence to the contrary, to be for services rendered by such individual in the period covered by the pay roll and, thus, to have been earned in such period. (See §§ 410.5 and 410.6)"

PAR. 11. Immediately preceding the caption "Section 27 of the Act approved October 10, 1940 (Public, No. 833, 76th Cong., 3d Sess.)" added by Treasury Decision 5029, which precedes § 410.201 (Article 201), the following is inserted:

SECTION 3 (a) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(a) Section 1500 of the Internal Revenue Code is amended to read as follows:

SEC. 1500. RATE OF TAX. In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee a tax equal to the following percentages of so much of the compensation, paid to such employee after December 31, 1946, for services rendered by him after such date, as is not in excess of \$300 for any calendar month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¼ per centum;
2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;
3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *
 * * * * * The amendments made by section 3 (a) * * * shall take effect January 1, 1947. Sections 1500 * * * of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this Act are not applicable.

PAR. 12. Section 410.201 (Article 201) as amended by Treasury Decision 5029, is further amended as follows:

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

(a) *General rule*—(1) *Compensation earned or paid prior to January 1, 1947* Except as provided in paragraph (b) of this section:

(i) The employees' tax with respect to compensation earned prior to January 1, 1947, is measured by the amount of compensation earned prior to such date by an individual as an employee for services rendered to one or more employers after March 31, 1939, excluding, however, the amount of such compensa-

tion in excess of \$300 which is earned by the employee for services rendered during any one calendar month;

(ii) The employees' tax with respect to compensation paid prior to January 1, 1947, for services rendered after December 31, 1946, is measured by the amount of compensation paid prior to January 1, 1947, to an individual for services rendered as an employee to one or more employers after December 31, 1946, excluding, however, the amount of such compensation in excess of \$300 which is paid prior to January 1, 1947, to the employee for services rendered during any one calendar month after 1946.

(For the purposes of the regulations in §§ 410.201 to 410.203, inclusive, see §§ 410.5, 410.6, 410.7, and 410.8, relating to compensation.)

(2) *Compensation paid after December 31, 1946, for services rendered after such date.* Except as provided in paragraph (b) of this section, the employees' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is measured by the amount of compensation paid after December 31, 1946, to an individual for services rendered as an employee to one or more employers after such date, excluding, however, the amount of such compensation in excess of \$300 which is paid after December 31, 1946, to the employee for services rendered during any one calendar month after 1946.

(B) By striking out the designation "(b)" and inserting in lieu thereof the following:

(b) *Exception, employee of local lodge or division of railway-labor-organization employer*

PAR. 13. Section 410.202 (Article 202) is amended to read as follows:

§ 410.202 *Rates and computation of employees' tax*—(a) *Compensation earned or paid prior to January 1, 1947* The rates of employees' tax applicable for the respective calendar years with respect to compensation either earned or paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939.....	2¼
Compensation earned during the calendar years 1940, 1941, 1942.....	3
Compensation earned during the calendar years 1943, 1944, 1945.....	3½
Compensation earned during the calendar years 1946, 1947, 1948.....	3½
Compensation earned during the calendar year 1949 and subsequent calendar years.....	3¾

The employees' tax with respect to compensation either earned or paid prior to January 1, 1947, is computed by applying to the amount of the employee's compensation with respect to which the employees' tax is imposed the rate for the calendar year in which the compensation is earned:

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The rates of employees' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, for services rendered after such date are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948.....	5¾
Compensation paid during the calendar years 1949, 1950, 1951.....	6
Compensation paid during the calendar year 1952 and subsequent calendar years.....	6¼

The employees' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is computed by applying to the amount of the employee's compensation with respect to which the employees' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 14. Immediately preceding the caption "Section 607 of the Revenue Act of 1934, made applicable by section 7 (c) of the Act" which precedes § 410.203 (Article 203) the following is inserted:

SECTION 3 (b) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(b) The second sentence of section 1501 (a) of the Internal Revenue Code is amended to read as follows: "If an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1946 and the aggregate of such compensation is in excess of \$300, the tax to be deducted by each employer other than a subordinate unit of a national railway-labor-organization employer from the compensation paid by him to the employee with respect to such month shall be that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than \$300, each subordinate unit of a national railway-labor-organization employer shall deduct such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month."

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *
 * * * * * The amendments made by section 3 * * * (b) * * * shall take effect January 1, 1947. * * * * *

PAR. 15. Section 410.203 (Article 203) is amended as follows:

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

(a) *Collection; general rule.* The employer shall collect from each of his employees the employees' tax imposed with respect to the compensation of the employee by deducting or causing to be deducted the amount of such tax from the compensation subject to the tax as and when such compensation is paid. (As to the measure of the employees' tax, see § 410.201.)

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

(b) *Collection, aggregate monthly compensation in excess of \$300 paid by two or more employers*—(1) *Compensation earned or paid prior to January 1,*

1947. If during any one calendar month before 1947 an employee earns compensation from two or more employers and if the aggregate of such compensation paid is in excess of \$300, each employer shall deduct, from the compensation as and when paid by him to the employee, the employees' tax with respect to that proportion of \$300 of compensation which the compensation paid by such employer to the employee for the month bears to the total compensation paid to such employee by all employers for that month. If an employee is paid compensation prior to January 1, 1947, by two or more employers for services rendered during any one calendar month after 1946, and if the aggregate compensation paid to such employee prior to January 1, 1947, by all employers for services rendered during such month is in excess of \$300, each employer shall deduct, from the compensation as and when paid by him to the employee, the employees' tax with respect to that proportion of \$300 of compensation which the compensation paid by such employer prior to January 1, 1947, to the employee for the month bears to the total compensation paid prior to January 1, 1947, to such employee by all employers for that month. (See § 410.201 (b) which provides that for the purpose of determining the employees' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

(2) *Compensation paid after December 31, 1946, for services rendered after such date.* If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after 1946, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of \$300, the employees' tax to be deducted by each employer from the compensation as and when paid by him to the employee shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 410.2 (f)) each employer shall deduct the employees' tax with respect to that proportion of \$300 of compensation which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers for that month (see Example 1, below)

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, each subordinate unit shall deduct the employees' tax with respect to that proportion of \$300 of compensation which the compensation paid after December 31, 1946, by such subordinate unit to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month;

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after December 31, 1946, to the employee by the employer other than a subordinate unit equals or exceeds \$300 for the month, then no employees' tax shall be deducted by any such subordinate unit from the compensation paid by it after December 31, 1946, to such employee for that month, and the employer other than a subordinate unit shall deduct the employees' tax with respect to \$300 of compensation paid by him after December 31, 1946, to such employee for that month (see Example 2, below)

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by the employers other than a subordinate unit equals or exceeds \$300 for the month, then no employees' tax shall be deducted by any such subordinate unit from the compensation paid by it after December 31, 1946, to such employee for that month, and each employer other than a subordinate unit shall deduct the employees' tax with respect to that proportion of \$300 of compensation which the compensation paid after December 31, 1946, by such employer to the employees for the month bears to the total compensation paid after December 31, 1946, to such employee by all such employers other than a subordinate unit for that month (see Example 3, below),

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate unit is less than \$300 for the month, then each employer other than the subordinate unit shall deduct the employees' tax with respect to the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the subordinate unit of a national railway-labor-organization employer shall deduct the employees' tax with respect to the remainder of \$300 of compensation less the total compensation paid after December 31, 1946, to such employee for that month by all other employers (see Example 4, below), or

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate units is less than \$300 for the month, then each employer other than the subordinate units shall deduct the employees' tax with respect to the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and each subordinate unit of a

national railway-labor-organization employer shall deduct the employees' tax with respect to that proportion of the remainder of \$300 of compensation less the total compensation paid after December 31, 1946, to such employee for the month by all employers other than the subordinate units which the compensation paid after December 31, 1946, by such subordinate unit to the employee for that month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month (see Example 5, below):

(See § 410.201 (b) which provides that for the purpose of determining the employees' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

The application of certain of the foregoing principles may be illustrated by the following examples:

Example 1. A, an employee, renders services during January 1947, for employers X, Y, and Z, none of whom is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of \$100 by X, \$100 by Y, and \$200 by Z, or an aggregate of \$400 for the month. In such case X pays one-fourth of A's aggregate compensation for the month, Y pays one-fourth, and Z pays one-half. X and Y, therefore, are each required to deduct the employees' tax with respect to one-fourth of \$300, or \$75, and Z is required to deduct the employees' tax with respect to one-half of \$300, or \$150.

Example 2. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of \$300 by X, \$50 by Y, and \$25 by Z. Since the compensation paid A for the month by X equals \$300, neither Y nor Z is required to deduct any employees' tax from the compensation paid by them to A for the month; and X is required to deduct the employees' tax with respect to the full \$300 paid by him to A for the month.

Example 3. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of \$200 by W and \$200 by X, or an aggregate of \$400 for the month, and compensation of \$50 by Y and \$50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of \$300, neither Y nor Z is required to deduct any employees' tax from the compensation paid by them to A for the month. Of the aggregate compensation of \$400 paid A for the month by W and X, W pays one-half and X pays one-half. W and X, therefore, are each required to deduct the employees' tax with respect to one-half of \$300, or \$150.

Example 4. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of \$250 by X and \$100 by Y. In such case X is required to deduct the employees' tax with respect to

the full \$250 paid by him to A for the month; and Y is required to deduct the employees' tax only with respect to \$50 (\$300 minus \$250 paid by X.)

Example 5. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of \$140 by W, \$100 by X, \$50 by Y, and \$100 by Z. In such case W and X are each required to deduct the employees' tax with respect to the full amount paid by them to A for the month, that is, W with respect to \$140 and X with respect to \$100; and Y and Z are each required to deduct the employees' tax with respect to their proportionate share of \$60 (\$300 minus \$240 paid by W and X). Of the aggregate compensation of \$150 paid by Y and Z, \$50, or one-third, was paid by Y, and \$100, or two-thirds, was paid by Z. In such case Y is required to deduct the employees' tax with respect to one-third of \$60, or \$20, and Z is required to deduct the employees' tax with respect to two-thirds of \$60, or \$40.

(3) *Undercollections or overcollections.* Any undercollection or overcollection of employees' tax resulting from the employer's inability to determine, at the time compensation is paid, the correct amount of compensation with respect to which the deduction should be made shall be corrected in accordance with the provisions of §§ 410.601 to 410.603, inclusive, relating to an adjustment of employees' tax and employers' tax, and §§ 410.701 to 410.707, inclusive, relating to credits and refunds.

(C) By striking out the designation "(c)" and inserting in lieu thereof the following:

(c) *When fractional part of cent may be disregarded.*

(D) By striking out the designation "(d)" and inserting in lieu thereof the following:

(d) *Employer's liability.*

PAR. 16. Immediately preceding the caption "Section 27 of the Act approved October 10, 1940 (Public, No. 833, 76th Cong., 3d Sess.," which precedes § 410.301 (Article 301) the following is inserted:

SECTION 3 (d) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(d) Section 1520 of the Internal Revenue Code is amended to read as follows:

SEC. 1520. RATE OF TAX. In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of so much of the compensation, paid by such employer after December 31, 1946, for services rendered to him after December 31, 1936, as is, with respect to any employee for any calendar month, not in excess of \$300: *Provided, however,* That if an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1936, the tax imposed by this section shall apply to not more than \$300 of the aggregate compensation paid to such employee by all such employers after December 31, 1946, for services rendered during such month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such

compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than \$300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¼ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * The amendments made by section 3 * * * (d) shall take effect January 1, 1947. Sections * * * 1520 of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this Act are not applicable.

PAR. 17. Section 410.301 (Article 301) as amended by Treasury Decision 5029, is further amended to read as follows:

§ 410.301 *Measure of employers' tax—*

(a) *General rule—*(1) *Compensation paid prior to January 1, 1947* Except as provided in paragraphs (b) (1) and (c) of this section, the employers' tax with respect to compensation paid prior to January 1, 1947, is measured by the amount of compensation paid prior to such date by an employer to his employees for services rendered after December 31, 1936, excluding, however, the amount of compensation in excess of \$300 which is paid prior to January 1, 1947, by the employer to any employee for services rendered during any one calendar month. (For the purposes of §§ 410.301 and 410.302, see §§ 410.5, 410.6, and 410.7, relating to compensation, and particularly § 410.8, relating to the time when compensation is deemed to be paid.)

(2) *Compensation paid after December 31, 1946.* Except as provided in paragraphs (b) (2) and (c) of this section, the employers' tax with respect to compensation paid after December 31, 1946, is measured by the amount of compensation paid after such date by an employer to his employees for services rendered after December 31, 1936, excluding, however, the amount of compensation in excess of \$300 which is paid after December 31, 1946, by the employer to any employee for services rendered during any one calendar month.

(b) *Aggregate monthly compensation in excess of \$300 paid by two or more employers—*(1) *Compensation paid prior to January 1, 1947* If an employee is paid

compensation prior to January 1, 1947, by two or more employers for services rendered during any one calendar month after 1936, and if the aggregate compensation paid to such employee prior to January 1, 1947, by all employers for services rendered during such month is in excess of \$300, then there is included in the measure of the employers' tax of each employer with respect to the compensation paid by him prior to January 1, 1947, to the employee for the month only that proportion of \$300 which the compensation paid to the employee prior to January 1, 1947, by such employer for the month bears to the total compensation paid prior to January 1, 1947, to such employee by all employers for that month. (See paragraph (c) of this section, which provides that for the purpose of determining the employers' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

(2) *Compensation paid after December 31, 1946.* If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after 1936, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of \$300, the measure of the employers' tax of each employer with respect to the compensation paid by him after December 31, 1946, to the employee for the month shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 410.2 (f)) the measure of the employers' tax of each employer shall be that proportion of \$300 which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers for that month (see Example 1, below),

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, the measure of the employers' tax of each subordinate unit shall be that proportion of \$300 which the compensation paid after December 31, 1946, by such subordinate unit to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month;

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after December 31, 1946, to the employee by the employer other than a subordinate unit equals or exceeds \$300 for the month, then no subordinate unit shall be liable for any employers' tax with respect to the compensation paid by it after December 31, 1946, to such employee for that month, and the measure of the employers' tax of the employer

other than a subordinate unit with respect to the compensation paid by him after December 31, 1946, to such employee for that month shall be \$300 (see Example 2, below)

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by the employers other than a subordinate unit equals or exceeds \$300 for the month, then no subordinate unit shall be liable for any employers' tax with respect to the compensation paid by it after December 31, 1946, to such employee for that month, and the measure of the employers' tax of each employer other than a subordinate unit shall be that proportion of \$300 which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such employers other than a subordinate unit for that month (see Example 3, below)

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate unit is less than \$300 for the month, then the measure of the employers' tax of each employer other than the subordinate unit shall be the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the measure of the employers' tax of the subordinate unit of a national railway-labor-organization employer shall be the remainder of \$300 less the total compensation paid after December 31, 1946, to such employee for that month by all other employers (see Example 4, below) or

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate units is less than \$300 for the month, then the measure of the employers' tax of each employer other than the subordinate units shall be the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the measure of the employers' tax of each subordinate unit of a national railway-labor-organization employer shall be that proportion of the remainder of \$300 less the total compensation paid after December 31, 1946, to such employee for the month by all employers other than the subordinate units which the compensation paid after December 31, 1946, by such subordinate unit to the employee for that month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month (see Example 5, below)

(See paragraph (c) of this section, which provides that for the purpose of determining the employers' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

The application of certain of the foregoing principles may be illustrated by the following examples:

Example 1. A, an employee, renders services during January 1947, for employers X and Y, neither of whom is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of \$200 by X and \$300 by Y, or an aggregate of \$500 for the month. In such case X pays two-fifths of A's aggregate compensation for the month, and Y pays three-fifths. X, therefore, is liable for the employers' tax with respect to two-fifths of \$300, or \$120, and Y is liable for the employers' tax with respect to three-fifths of \$300, or \$180.

Example 2. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of \$350 by X and \$50 by Y. Since the compensation paid A for the month by X exceeds \$300, Y is not liable for any employers' tax with respect to the compensation paid A for the month; and X is liable for the employers' tax with respect to \$300 of the compensation paid by him to A for the month.

Example 3. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of \$150 by W and \$300 by X, or an aggregate of \$450 for the month, and compensation of \$100 by Y and \$50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of \$300, neither Y nor Z is liable for any employers' tax with respect to the compensation paid by them to A for the month. Of the aggregate compensation of \$450 paid A for the month by W and X, W pays one-third and X pays two-thirds. W, therefore, is liable for the employers' tax with respect to one-third of \$300, or \$100, and X is liable for the employers' tax with respect to two-thirds of \$300, or \$200.

Example 4. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of \$250 by X and \$100 by Y. In such case X is liable for the employers' tax with respect to the full \$250 paid by him to A for the month; and Y is liable for the employers' tax with respect to \$50 (\$300 minus \$250 paid by X).

Example 5. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of \$140 by W, \$100 by X, \$50 by Y, and \$100 by Z. In such case W and X are each liable for the employers' tax with respect to the full amount paid by them to A for the month, that is, W with respect to \$140 and X with respect to \$100; and Y and Z are each liable

for the employers' tax with respect to their proportionate share of \$39 (\$300 minus \$240 paid by W and X). Of the aggregate compensation of \$150 paid by Y and Z, \$50, or one-third, was paid by Y, and \$100, or two-thirds, was paid by Z. In such case Y is liable for the employers' tax with respect to one-third of \$50, or \$20, and Z is liable for the employers' tax with respect to two-thirds of \$50, or \$40.

(c) *Nominal monthly compensation earned by employee of local lodge or division of railway-labor-organization employer.* If the amount of compensation earned in any calendar month by an individual as an employee in the service of a local lodge or division of a railway-labor-organization employer is less than \$3, such amount shall be disregarded for the purpose of determining the employers' tax, *Provided:*

- (1) Such compensation is earned before April 1, 1940, and the taxes thereon are not paid to the collector before July 1, 1940, or
- (2) Such compensation is earned after March 31, 1940.

(d) *Underpayments or overpayments.* Any underpayment or overpayment of employers' tax resulting from the employer's inability to determine, at the time such tax is paid, the correct amount of compensation with respect to which the tax should be paid shall be corrected in accordance with the provisions of § 410.603, relating to adjustment of employers' tax, and §§ 410.701 to 410.707, inclusive, relating to credits and refunds.

PAR. 18. Section 410.302 (Article 302) is amended to read as follows:

§ 410.302 *Rates and computation of employers' tax*—(a) *Compensation paid prior to January 1, 1947.* The rates of employers' tax applicable for the respective calendar years with respect to compensation paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939.....	2%
Compensation earned during the calendar years 1940, 1941, 1942.....	3
Compensation earned during the calendar years 1943, 1944, 1945.....	3½
Compensation earned during the calendar years 1946, 1947, 1948.....	3½
Compensation earned during the calendar year 1949 and subsequent calendar years.....	3¾

The employers' tax with respect to compensation paid prior to January 1, 1947, is computed by applying to the amount of compensation with respect to which the employers' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946.* The rates of employers' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948.....	5¾
Compensation paid during the calendar years 1949, 1950, 1951.....	6
Compensation paid during the calendar year 1952 and subsequent calendar years.....	6¾

The employers' tax with respect to compensation paid after December 31,

1946, is computed by applying to the amount of compensation with respect to which the employers' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 19. Immediately preceding § 410.401 (Article 401) the following is inserted:

SECTION 3 (c) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(c) Section 1510 of the Internal Revenue Code is amended to read as follows:

SEC. 1510. RATE OF TAX. In addition to other taxes, there shall be levied, collected, and paid upon the income of each employee representative a tax equal to the following percentages of so much of the compensation, paid to such employee representative after December 31, 1946, for services rendered by him after such date, as is not in excess of \$300 for any calendar month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 11½ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 12 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 12½ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * The amendments made by section 3 * * * (c) * * * shall take effect January 1, 1947. Sections * * * 1510 * * * of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this Act are not applicable.

PAR. 20. Section 410.401 (Article 401) is amended to read as follows:

§ 410.401 *Measure of employee representatives' tax*—(a) *Compensation earned or paid prior to January 1, 1947* The employee representatives' tax with respect to compensation earned prior to January 1, 1947, is measured by so much of the compensation earned prior to such date by an individual for services rendered after March 31, 1939; as an employee representative, as does not exceed \$300 for any one calendar month. The employee representatives' tax with respect to compensation paid prior to January 1, 1947, to an individual for services rendered after December 31, 1946, as an employee representative, as does not exceed \$300 for any one calendar month. (For the purposes of §§ 410.401 and 410.402, see §§ 410.5, 410.6, 410.7, and 410.8, relating to compensation.)

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The employee representatives' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is measured by so much of the compensation paid after December 31, 1946, to an individual for services rendered after such date, as an employee representative, as does not exceed \$300 for any one calendar month.

PAR. 21. Section 410.402 (Article 402) is amended to read as follows:

§ 410.402 *Rates and computation of employee representatives' tax*—(a) *Compensation earned or paid prior to January 1, 1947* The rates of employee representatives' tax applicable for the respective calendar years with respect to compensation either earned or paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939.....	5½
Compensation earned during the calendar years 1940, 1941, 1942.....	6
Compensation earned during the calendar years 1943, 1944, 1945.....	6½
Compensation earned during the calendar years 1946, 1947, 1948.....	7
Compensation earned during the calendar year 1949 and subsequent calendar years.....	7½

The employee representatives' tax with respect to compensation either earned or paid prior to January 1, 1947, is computed by applying to the amount of compensation with respect to which the employee representatives' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The rates of employee representatives' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, for services rendered after such date are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948.....	11½
Compensation paid during the calendar years 1949, 1950, 1951.....	12
Compensation paid during the calendar year 1952 and subsequent calendar years.....	12½

The employee representatives' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is computed by applying to the amount of compensation with respect to which the employee representatives' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 22. Section 410.806 (c) (Article 806 (c)) is amended by inserting at the end thereof the following: "With respect to services rendered after December 31, 1946, the records of each individual liable for employee representatives' tax shall show, in lieu of the information required by paragraph (2) above, the amount and date of each payment of compensation (including any sum withheld therefrom) earned as an employee representative and as an employee and the period of services covered by such payment."

PAR. 23. Immediately preceding § 402.216, the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word, "if" where it first appears therein insert "(1)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the

employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (11) he renders such service for compensation" * * * Said subsections are further amended by inserting at the end of the first proviso the following: " and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation.

SECTION 3 (e) AND (f) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of

coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tippie, or the loading of coal at the tippie.

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) and (f) shall be effective only with respect to services rendered after December 31, 1946.

SECTION 3 (g) OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

Subchapter B of Chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 1538. *Title of subchapter.* This subchapter may be cited as the "Railroad Retirement Tax Act."

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

Except as otherwise provided in this Act, the provisions thereof shall become effective upon approval.

PAR. 24. Immediately preceding § 403.216, the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

* * * section 1 (e) of the Railroad Unemployment Insurance Act * * * are each amended as follows: After the word "if" where it first appears therein insert "(1)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (1) he renders such service for compensation" * * * Said subsections are further amended by inserting at the end of the first proviso the following: "and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation"

SECTION 2 OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

* * * section 1 (1) of the Railroad Unemployment Insurance Act is amended by substituting for the word "payable" the word "paid" and by inserting * * * at the

end of said section 1 (1) of the Railroad Unemployment Insurance Act, the following: "A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, 'for time lost' the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employer establishes, subject to the provisions of section 8, the period during which such compensation will have been earned."

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (Pub. Law 572, 79TH CONG.)

Except as otherwise provided in this Act, the provisions thereof shall become effective upon approval.

(Secs. 1429, 1535, 1609, 53 Stat. 178, 183, 188, secs. 1, 2, 3, 401, 402, Pub. Law 572, 79th Cong., 26 U. S. C. 1429, 1535, 1609)

This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[SEAL] GEORGE SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 31, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7367; Filed, Aug. 5, 1947;
9:17 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS OF THE DEPARTMENT OF LABOR

AUTHORITY AND FUNCTIONS OF SECRETARY
Correction

In Federal Register Document 47-7048, appearing on page 5011 of the issue for Tuesday, July 29, 1947, subdivision (xiii) should be designated subdivision (xiv).

Chapter V—Wage and Hour Division,
Department of Labor

PART 681—HOME WORKERS IN INDUSTRIES
IN PUERTO RICO OTHER THAN NEEDLE-
WORK INDUSTRIES

These regulations are issued pursuant to section 6 (a) (5) of the Fair Labor

Standards Act, which section provides for the minimum wages to be paid home workers in Puerto Rico or the Virgin Islands. Generally speaking, section 6 (a) (5) requires that such home workers must be paid not less than the minimum piece rate prescribed by regulation or order; or, if no such minimum piece rate is in effect, any piece rate adopted by the employer which will yield, to the proportion or class of employees prescribed by regulation or order, not less than the applicable minimum hourly wage rate. The Administrator is authorized to make such regulations as are necessary or appropriate to carry out these provisions, including the power to define any operation which is performed by such homework employees; to prescribe standards for employer piece rates, including the proportion or class of employees who shall receive not less than the minimum hourly wage rate; to define the term "home worker" and to prescribe the conditions under which employers, agents, contractors, and subcontractors shall cause goods to be produced by home workers.

At the present time, persons engaged in activities relating to home workers in the Needlework Industries in Puerto Rico are covered by Part 545 of this chapter, however, there are no regulations relating to home workers in industries in Puerto Rico other than the Needlework Industries. These regulations are designed to apply to homework activities in such other industries.

On June 19, 1947, a notice of the proposed issuance of these regulations was published in the FEDERAL REGISTER and interested persons were given 30 days within which to submit any data, views, or arguments pertaining thereto. The 30-day period has expired, and no objections to the regulations or any of its provisions have been received.

Accordingly, the following regulations are hereby issued. These regulations shall become effective upon publication thereof in the FEDERAL REGISTER, and shall continue in full force and effect until hereafter repealed, superseded or modified.

- Sec.
- 681.1 Applicability.
- 681.2 Definitions.
- 681.3 Filing and notification requirements.
- 681.4 Ticket to be affixed to each lot of goods.
- 681.5 Delivery and collection of goods.
- 681.6 Payment for work.
- 681.7 Records to be kept.
- 681.8 Maintenance of records.
- 681.9 Minimum piece rates prescribed by the Administrator.
- 681.10 Piece rates adopted by employers.
- 681.11 Penalties.
- 681.12 Petition for amendment of regulations.

AUTHORITY: §§ 681.1 to 681.12, inclusive, issued under sec. 3 (f), 54 Stat. 616, sec. 11 (c), 52 Stat. 1066; 29 U. S. C. 206 (a) (5), 211 (c).

§ 681.1 *Applicability.* The provisions of this part shall apply to persons engaged in activities relating to home work-

ers in industries in Puerto Rico other than the Needlework Industries.²

§ 681.2 *Definitions.* The following words, terms, and phrases as used in this part shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning: *Provided, however,* That the following definitions shall not be construed in any way to restrict the meaning of such words, terms, or phrases as are defined in section 3 of the act.

(a) "Employer" includes any natural or artificial person who, for his own account or benefit, or on behalf of any person residing outside the Island of Puerto Rico, directly or indirectly, or through an employee, agent, subcontractor, or any other person;

(1) Delivers, or causes to be delivered, any goods to be processed or fabricated in a home and thereafter to be returned or thereafter to be disposed of or distributed in accordance with his directions; or

(2) Sells any goods for the purpose of having such goods processed or fabricated in a home and then rebuys such goods after such processing or fabricating either himself or through some other person.

(b) "Subcontractor" includes any person, who, for the account or benefit of an employer, delivers to a home worker goods to be processed or fabricated in a home and thereafter to be returned in accordance with the direction of such employer.

(c) "Employ" includes to suffer or permit to work.

(d) "Home" includes any room, house, apartment, or other premises used regularly in whole or in part as a dwelling place.

(e) "Home worker" includes any employee performing in a home any operation on goods produced for commerce; *Provided,* That such work is not performed under either actively or personally regulated or supervised conditions.

(f) "Operation" means any work or any process other than the distribution of goods to or collection of goods from home workers.

§ 681.3 *Filing and notification requirements.* Every employer prior to the distribution of work to any home worker shall file with the Wage and Hour Division in Puerto Rico:

(a) A design, pattern, diagram, photograph, or sample of the product, together with such other description or illustration of the product as he, upon inquiry at the Wage and Hour Division in Puerto Rico, may be requested to submit; and

(b) A description in writing of each operation to be performed by any home worker, together with the full piece rate schedule designation, if any, prescribed in accordance with § 681.9, the corresponding piece rates to be paid for each such operation, and the style numbers, if any, of the goods upon which the operations are to be performed.

¹Persons engaged in activities relating to home workers in the Needlework Industries in Puerto Rico are subject to Part 545 of this chapter.

§ 681.4 *Tickets to be affixed to each lot of goods.* Every employer shall make up the goods to be delivered to a subcontractor into a bundle or lot, each lot to comprise goods on which the same operations are to be performed. Every employer shall affix to each such lot of goods a ticket which shall be numbered serially and contain the name of such employer. The serial numbers of such tickets shall run from the number one and be prefixed by the number of the permit issued to such employer by the Department of Labor of Puerto Rico.² The subcontractor shall return the ticket with the lot to the employer. All goods specified on the ticket shall be returned to the employer at one time except when special permission is obtained from the Wage and Hour Division for subcontractors to return part of the goods. In each such case, a partial delivery ticket shall be made out and later filed with the original lot ticket when the remaining goods specified thereon are returned.

§ 681.5 *Delivery and collection of goods.* All goods for production in a home shall be personally distributed to and collected from the home worker who is to work on the goods, either directly at the factory or by employees expressly employed by an employer or subcontractor to distribute and collect such goods outside the factory.

§ 681.6 *Payment for work.* When an employer receives goods on which work has been completed, he shall pay immediately the home worker or subcontractor, as the case may be, for such work *Provided,* That in cases where payment is made to a subcontractor, the home worker shall be paid within seven days after such subcontractor has collected the goods from such home worker. Payment shall be made to each home worker at rates not less than those required under §§ 681.9 and 681.10, and in accordance with the requirements of sections 6 and 7 of the act.

§ 681.7 *Records to be kept.* (a) Every employer shall make and have available at his principal Puerto Rican office, a record of the following information:³

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from whom the goods in each lot for delivery to a home worker were received.

(2) The monthly total of goods received and shipped by him with a description thereof and the total cost of labor performed thereon by home workers with a description of the operations performed in connection therewith.

(3) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to home workers, together with the number of the permit issued to such subcontractor by the Department of Labor of Puerto Rico.

²Thus, if the permit is 56, the serial numbers on the ticket would run, 56-1, 56-2, etc.

³Although responsibility for keeping the record is placed upon the employer, the actual work of making the record may, of course, be delegated to supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

(4) The dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

(5) The ticket number of the ticket affixed to each lot of goods.

(6) The dates upon which the goods in each lot were delivered to and collected from each home worker.

(7) The name and address of each home worker, and the date of birth of each home worker under 19, to whom the goods in each lot were delivered.

(8) The style number, if any, description of, and amount of goods in each lot, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid each home worker for the operations performed upon such goods.

(9) The date or dates upon which each home worker was paid for operations performed on the goods in each lot.

(b) At the time work is given out to or received from a home worker, as the case may be, every employer shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each home worker) which shall be kept by the home worker:

(1) The dates upon which the goods in each lot were delivered to and collected from the home worker.

(2) The style number, if any, description of, and amount of goods in each lot, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid the home worker for the operations performed upon such goods.

(3) The date or dates upon which the home worker was paid for operations performed on the goods in each lot.

(4) The signature of the person acting in behalf of the employer.

(c) No employer shall employ any home worker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such employer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such home worker a record of the following information:

(1) The hours worked by the home worker on the goods in each lot of work returned;

(2) The total hours worked each week;

(3) The wages paid the home worker each week at regular piece rates; and

(4) The extra amount paid to the home worker for hours worked in excess of 40 in each week.

§ 681.8 *Maintenance of records.* Every employer shall keep and preserve for a period of not less than two years at his place of business the records required by § 681.7. All such records shall be open at any time to inspection and tran-

⁴Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

scription by the Administrator or his authorized representative.

§ 681.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which a minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid not less than such prescribed rate, in lieu of the applicable hourly rate established by any wage order.

§ 681.10 *Piece rates adopted by employers.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to home workers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order. No employer shall adopt such a piece rate until he has first notified the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such an employer piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for such operation.

§ 681.11 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided by section 16 and section 17 of the act.

§ 681.12 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of this part is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

Signed this 29th day of July 1947, at Washington, D. C.

Wm. R. McComb,
Administrator

[F. R. Doc. 47-7332; Filed, Aug. 5, 1947; 8:48 a. m.]

⁵ Such piece rates are subject to Part 531 of this chapter.

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Materials Distribution,¹ Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 1001—TIN

[Conservation Order M-43, as Amended Aug. 5, 1947]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense and to effectuate the policies set forth in the Second Decontrol Act of 1947:

- INDEX**
- (a) What this order does.
 - Deliveries of Pig Tin*
 - (b) Restriction on deliveries of pig tin.
 - (c) Allocations of pig tin.
 - (d) Reports on use, disposition and inventories of pig tin.
 - Use of Tin in Manufacture*
 - (e) General restrictions on the use of pig tin, secondary tin, tin plate, terne plate, solder, babbitt and other tin-bearing alloys.
 - (f) [Deleted February 6, 1947.]
 - (g) Special restrictions on the use of metals to which pig tin has been added.
 - (h) [Deleted February 6, 1947.]
 - Implements of War*
 - (i) Exemptions for implements of war.
 - Use and Sale of Articles Containing Tin*
 - (j) General restrictions on the use and sale of tin-bearing products.
 - (k) Special restrictions on purchases and sales of certain articles containing tin.
 - Inventories*
 - (l) Limitation on inventories.
 - Imports*
 - (m) Import restrictions.
 - Exports*
 - (n) Export certificates.
 - Miscellaneous*
 - (o) Appeals and communications.
 - (p) Violations.

Schedules of Permitted Uses

- Schedule I—Miscellaneous.
- Schedule II—Solders.
- Schedule III—Babbitt.
- Schedule IV—Brass and bronze.
 - A. Cast alloys.
 - B. Wrought alloys.
- Schedule V—Use of tin to repair gas motors (superseded by item (b) (7) of Schedule II).
- Schedule VI—Tin plate, terne plate, and terne metal.

§ 1001.1 *Conservation Order M-43—*

(a) *What this order does.* This order prohibits deliveries of pig tin except under certain conditions and provides for allocation of pig tin by the Office of Materials Distribution. It also restricts the use of pig tin, secondary tin, certain tin-bearing products and tinplate in manufacture. The order also restricts sales and deliveries of jewelry and certain other articles containing tin. Al-

¹ Formerly Office of Temporary Controls, Civilian Production Administration.

though paragraph (h) of the order which contained special restrictions on the use of tin in jewelry and certain other articles has now been deleted, all other provisions of the order still apply to these articles, including the restrictions of paragraphs (e) and (g) on use of tin, and the special sales restrictions of paragraph (k). The order also limits inventories of tin. Further restrictions on the use of tin in making tin cans are contained in Order M-81.

In addition to the above restrictions, this order now contains restrictions on the import of tin similar to the restrictions formerly in Order M-63.

Deliveries of Pig Tin

(b) *Restriction on deliveries of pig tin.* No person shall deliver or accept delivery of pig tin without a specific allocation in writing by the Office of Materials Distribution, except under the conditions set forth in paragraphs (b) (1) and (b) (2) below. "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing.

(1) Pig tin may be delivered without specific allocation to the Office of Metals Reserve, Reconstruction Finance Corporation, or its agent.

(2) Pig tin may be delivered without specific allocation by a distributor in lots not larger than 2,000 pounds each to any person who does not receive from all sources more than 4,000 pounds of pig tin in the calendar month the distributor makes the delivery and who gives to the distributor at the time he places his purchase order, a certificate in substantially the form below, signed manually or as provided in Allocations Regulation 1 by an official duly authorized for that purpose:

I certify, subject to the penalties of section 35 (A) of the United States Criminal Code, that I will use this pig tin for _____ (specify end use) in accordance with Order M-43 or will resell it only in accordance with that order. I will not receive more than 4,000 pounds of pig tin from all sources in _____ (specify month of delivery) including the amount covered by this order.

(Name of purchaser)
By _____
(Duly authorized official)

See paragraph (n) below regarding certificate for export.

(c) *Allocations of pig tin.* The Office of Materials Distribution will allocate the supply of pig tin, including all pig tin released by the Reconstruction Finance Corporation, and will issue specific directions as to the source, destination and amount of pig tin to be delivered or acquired. Applications for allocations of pig tin should be made to the Office of Materials Distribution not later than the 20th day of the month before the month in which delivery is requested, and should be made on Form OMD-412. Except in unusual circumstances, the Office of Materials Distribu-

tion will not allocate to a person for a calendar quarter an amount greater than 110% of the quantity he legally melted and put into process during the second quarter, 1946, plus the quantity which he sold during that quarter. Applications from persons who did not use pig tin during the base period (including persons who were not in business at that time) will be considered on an equitable basis. Tin requested for resale must be disposed of only by resale. The Office of Materials Distribution may specifically direct the purposes and end products for which a person may convert, process or fabricate pig tin allocated to him.

(d) *Reports on use, disposition and inventories of pig tin.* (1) On or before the 10th of each calendar month, each distributor of pig tin must report to the Office of Materials Distribution on Form OMD-412 or by letter in triplicate all of his transactions in pig tin during the previous month.

(2) Any person who, on the first day of a calendar month, has in his possession or under his control 2,000 pounds or more of pig tin must report to the Office of Materials Distribution on Form OMD-412 by the 20th of that month.

(3) Any person who uses 1,000 pounds or more of pig tin in any calendar month must report to the Office of Materials Distribution on Form OMD-412 on or before the 20th of the following month.

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

Use of Tin in Manufacture

(e) *General restrictions on the use of pig tin, secondary tin, tin plate, terne plate, solder, babbitt and other tin-bearing materials.* No person may use any pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base alloys or other alloys containing 1.5% or more tin, or any other materials containing 1.5% or more tin, or any britannia metal pewter metal or other similar tin-bearing alloys to make or treat any item or product, or in any process, not set forth in one of the schedules attached to this order. In making or treating these items, or performing these processes, pig tin may not be used where the schedule permits secondary tin only, and the tin content of an item may not exceed the amount indicated in the schedule.

"Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars, and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing. "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

(f) [Deleted February 6, 1947.]

(g) *Special restrictions on the use of metals to which pig tin has been added.* No person may use metal to which pig tin has been added to produce any product or perform any process for which pig tin is not permitted by one of the schedules attached to this order.

(h) [Deleted February 6, 1947.]

Implements of War

(i) *Exemptions for implements of war.* (1) The restrictions of paragraphs (e) and (g) and of the schedules do not apply to the manufacture of "Implements of war" produced for the Army or Navy of the United States, or the U. S. Maritime Commission where the use of tin contrary to these restrictions is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the "Implements of war" are being produced.

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

Use and Sale of Articles Containing Tin

(j) *General restrictions on the use and sale of tin-bearing products.* (1) In some cases the schedules attached to this order permit the use of pig tin or secondary tin in making a product only if the product is to be used for a particular purpose. No person shall use any of these products for any purpose other than the purpose permitted by the schedule.

(2) No person giving a certificate under this order or its schedules may receive, use or dispose of the materials obtained with the certificate contrary to its terms.

(3) Notwithstanding the authorization by the Office of Materials Distribution of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or subassemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe the statement is false, and such a statement shall constitute, on the part of the person making it, a representation to the Office of Materials Distribution within the meaning of section 35 (A) of the United States Criminal Code, 18 U. S. C. sec. 80.

(k) *Special restrictions on purchases and sales of certain articles containing tin.* No person, for the purpose of resale, shall receive from a manufacturer any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II) or brass or bronze (to the extent permitted by Schedule IV) No person shall sell or deliver any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II),

or brass or bronze (to the extent permitted by Schedule IV) unless he has an authorization in writing from the Office of Materials Distribution for the sale or delivery. A person who wishes to get such an authorization should apply to the Office of Materials Distribution by letter in triplicate, giving a report of his inventory of all of the items listed below containing tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II) or brass or bronze (to the extent permitted by Schedule IV), showing the quantity of each item in his possession on March 1, 1945, the names and addresses of the sellers from whom he bought the items, and the dates the purchases were made. Authorizations will ordinarily be given, except where it appears that the purchases were in violation of Order M-43. "New article" means one which has not been used by an ultimate consumer. A purchaser for resale of articles of the kinds listed below may rely on a written certification by his supplier that they contain no tin in any form except tin plate waste waste or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV), unless he knows or has reason to believe the statement is false.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal or other similar tin-bearing alloy.
4. Buckles.
5. Buttons.
6. Emblems and insignia.
7. Jewelry.
8. Novelties, souvenirs and trophies.
9. Ornaments and ornamental fittings.
10. Toys and games.

Inventories

(l) *Limitation on inventories.* No person who uses any material listed in Column 1 below shall accept delivery of any of that material if his inventory of it is, or will by virtue of such acceptance become, more than the amount which he will be required by his current practices to put into use, during the next succeeding period of the length specified in Column 2 below, in order to carry out his current operations for permitted uses:

Material (1)	Maximum Days' Supply (2)
a. Pig tin-----	90 days (for manufacture of tin plate) 45 days (for any other permitted use)
b. Solder (as defined in Schedule II to M-43)	30 days
c. Babbitt (as defined in Schedule III to M-43)	30 days
d. Copper base alloys (containing 1.5% or more of tin)	45 days
Material (1)	Maximum Days' Supply (2)
e. Other alloys containing 1.5% or more tin (except solder, babbitt, and copper base alloys)	30 days

Imports

(m) *Import restrictions.* The provisions of this paragraph (m) replace those in General Imports Order M-63, insofar as that order has applied to materials subject to this paragraph. However, authorizations for the importation of such materials issued under Order M-63 shall continue to have the same force and effect as if issued under this Order M-43.

(1) *Definitions.* For the purposes of this paragraph (m)

(i) "Tin subject to import control under this order" means any of the following:

Tin alloys, chief value tin n. s. p. f. (including alloy scrap)-----	6551.900
Tin bars, blocks, pigs, grain or granulated-----	6551.300

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (Issue of January 1, 1943).

(ii) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(iii) "Consignee" means the person to whom a material is consigned at the time of importation.

(iv) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation.

It does not include shipments in transit in bond through the continental United States without processing or manufacture, to Canada, Mexico or any other foreign country, or shipments through a free port or free zone to a foreign country without processing or manufacture. However, if any material covered by the preceding sentence is, because of a change in plans, to be sold or used in the continental U. S. or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this paragraph (m) and requires the same authorization as an "import" before it may be moved from a free port, free zone, or bonded custody.

(2) *Restrictions on imports*—(i) *General restriction.* No person, except as authorized in writing by the Office of Materials Distribution, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any tin subject to import control under this order. The foregoing restrictions shall apply to the importation of any tin subject to import control under this order regardless of the existence of any contract or other arrangement for the importation of such material.

(ii) *Authorization by Office of Materials Distribution.* Any person desir-

ing such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefore in duplicate on Form OMD-1041 addressed to the Tin and Antimony Section, Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Ref. M-43. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipments mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(iii) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any tin subject to import control under this order, unless such bank or person either has received a copy of the authorization issued by the Office of Materials Distribution under the provisions of paragraph (m) (2) (ii) above or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (m) (2) (iv) below.

(iv) *Exceptions.* Unless otherwise directed by the Office of Materials Distribution, the restrictions set forth in this paragraph (m) (2) shall not apply:

(a) To the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(b) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(c) To any material consigned or imported as a sample where the value of each consignment or shipment is less than \$25.00.

(3) *Reports*—(1) *Reports on customs entry.* No tin subject to import control under this order, including materials imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency or corporations, shall be entered through the United States Bureau of Customs for any purpose, unless the person making the entry shall file with the entry Form OMD-1040 in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form a second time be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Tin and Antimony Section, Office of Mate-

rials Distribution, Department of Commerce, Washington 25, D. C., Ref. M-43.

(ii) *Other reports.* All persons having any interest in, or taking any action with respect to any tin subject to import control under this order, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the Office of Materials Distribution.

Exports

(n) *Export certificates.* Some provisions of this order and its Schedules permit sales or deliveries of certain items only upon certificates from the purchasers. In cases where the purchaser is going to export such an item outside the United States, its territories or possessions, or Canada, he should state as the end use in the certificate the words "for export" and give the number of the export license.

Miscellaneous

(o) *Appeals and communications.* 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. Priorities Regulation 16 gives additional instructions about the filing of appeals. Appeals, reports and all communications concerning this order should be addressed to the Tin and Antimony Section, Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Ref. M-43.

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

Issued this 5th day of August 1947.

OFFICE OF MATERIALS
DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

Schedules of Permitted Uses

Under Order M-43 pig tin, secondary tin, tin plate,terne plate, solder, babbitt, copper base alloys and other materials containing tin may be used only in the production of the items and for the purposes set forth in the following schedules, subject to the limitations, restrictions and conditions specified in these schedules with respect to the various items and purposes.

SCHEDULE I—MISCELLANEOUS

(1) *Detonators and blasting caps.* Pig or secondary tin may be used to make detonators and blasting caps (including electric blasting caps) including all their necessary parts and accessories.

(2) *Collapsible tubes.* (a) Pig or secondary tin may be used to make collapsible tubes for the following purposes, if the tin content by weight of the tube is no greater than the maximum specified below:

RULES AND REGULATIONS

Product	Maximum permitted tin content (percent of tin by weight)
Ointments and other preparations for ophthalmic use, sulfa drugs in ointment or jelly form, diagnostic extracts (allergens), and morphine or hypodermic injection.	Unlimited
Preparations intended for introduction into the body orifices for local application, and medicinal and pharmaceutical ointments (excluding unmedicated petroleum jelly and lanolin)	Unlimited
Dental cleansing preparations	3%

Secondary tin may be used to make lead collapsible tubes for any purpose if the tin content of the tube is not greater than 0.5% by weight.

(b) [Deleted July 5, 1946.]

(c) No person may purchase, accept delivery of, or use collapsible tubes containing tin for packing products except those permitted above.

(3) *Foil.* (a) Pig or secondary tin may be used to make foil for the following purposes if the tin content by weight of the foil is no greater than the maximum specified below:

Purpose	Maximum permitted tin content (percent of tin by weight)
(i) Electrotypers foil	30%
(ii) Dental foil	Unlimited
(iii) Soft habbit for the preparation of industrial metallic packing	1½%
(iv) Condenser foil of dimensions 0.00035 inch by ¾ inch or less	50%
(v) Condenser foil for all other condensers	5%
(vi) Foil for aircraft magnetos	50%
(vii) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals for which other types of liners cannot be used	Unlimited

(b) [Deleted July 5, 1946.]

(4) *Dairy equipment.* Pig or secondary tin may be used to coat fluid milk shipping containers or to manufacture or reline any other dairy equipment.

(5) *Equipment for preparing and handling food.* (a) Pig or secondary tin may be used to coat or to reline any parts of kitchen utensils, galley and mess equipment and other equipment used in processing and handling of food if the parts are designed to come into actual contact with food or to plate cutlery and flatware.

(6) *Wire coating.* Tin or tin alloys may be prepared and used for coating wire as follows:

(a) *For copper base wire.* There is no limitation upon the tin content of the coating alloy when the copper base wire to be coated is of a size of 0.0320" nominal diameter or finer. If the wire to be coated is of a size larger than 0.0320" nominal diameter, the tin content of the coating alloy is limited to 12% tin by weight.

(b) *For steel wire.* (1) To be used as armature binding wire.

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

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

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

(c) [Deleted July 5, 1946.]

(7) *Lead base alloys for coating.* Lead base alloys containing tin for coating sheet, tubing, wire, foundry chaplets, etc., may be manufactured and used if the tin content of the alloy does not exceed 7% of tin by weight.

(8) *Printing plates and type metal.* Printing plates and type metal containing tin may be made for use by the printing, publishing and related service industries.

(9) *Dental amalgam alloys.* Tin may be used in the manufacture of dental amalgam alloys without restriction as to the tin content of the alloys.

(10) *Pipe organs for religious and educational institutions.* Pipe organs for religious and educational institutions may be manufactured, rebuilt, or repaired with secondary tin.

(11) *Bolster metal.* Bolster metal may be made and used in the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 10% of tin by weight.

(12) *Fusible alloys and dry pipe seat rings.* Pig or secondary tin may be used in the manufacture of dry pipe valve seat rings to the extent required to meet performance specifications; and in the manufacture of fusible alloys for safety purposes only, to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.

(13) *Tin pipe and sheet.* (a) Pig or secondary tin may be used to make tin pipe, sheet tin, and fittings to repair or maintain beverage dispensing units and their parts, if the consumer for whom the pipe, sheet or fittings are made returns to the supplier a quantity of scrap tin having the same tin content as that of the new pipe, sheet or fittings delivered to him.

(b) Pig or secondary tin may be used to coat copper or brass pipe and fittings for beverage or distilled water dispensing purposes.

(c) Tin pipe or tubes may be used in the manufacture of new soda fountains, food and beverage dispensing units, and where required for conducting chemically pure distilled water.

(14) *Chemicals—(a) General.* Tin or tin chemicals may be used for the following purposes: laboratory reagent; medicinal; plating (where plating is permitted by Order M-43).

(b) *Tin tetrachloride from dross, etc.* Tin tetrachloride may be produced from secondary low-grade tin-bearing drosses, residues, and scrap metal. Such material is "low-grade" only if its tin content is not over 10% and its impurity content is too high for use in the production of other items for which secondary low-grade tin-bearing materials are permitted by Order M-43. Tin tetrachloride produced from such drosses, residues, and scrap metal may be used for any purpose.

This subparagraph (b) does not apply to the production or use of tin tetrachloride produced from pig tin or from secondary tin-bearing material not "low-grade" as defined above.

(15) *Tin oxide.* Tin oxide may be used for the production of chrome green, pink, yellow, and red colors, and for the production of earthenware plumbing fixtures.

(16) *Snap fasteners and hooks and eyes.* Pig or secondary tin may be used to plate snap fasteners, and hooks and eyes.

SCHEDULE II—SOLDERS

(a) *Certificates.* No manufacturer or wholesale distributor shall sell or deliver any solder to a wholesale distributor or retailer and no wholesale distributor or retailer shall purchase or accept delivery of any solder unless the purchaser has given to the seller a statement that he will not resell the solder to a user without obtaining from the user the certificate called for below. No manufacturer, wholesale distributor or retailer shall sell or deliver any solder to a user and no user shall purchase or accept delivery of any solder from a manufacturer, wholesale distributor or retailer unless the user has given to the seller the certificate

called for below (see paragraph (n) of Order M-43 regarding export certificate)

The undersigned purchaser certifies, subject to the penalties of section 85 (A) of the United States Criminal Code, to the seller and to the Office of Materials Distribution that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule II, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of this order.

(Name of purchaser)

By -----
(Duly authorized official)

(b) *Tin content.* In the manufacture of solder, the tin content by weight shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of solder (percent of tin by weight)
(1) For all cellular type radiators (average per radiator)	21%
(2) For all fin and tube type radiators for military and civilian use (average per radiator)	32%
(3) Soldering end seams on all solder seamed cans	30%
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes	15%
(5) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock or lap seams	5%
(6) For sealing milk cans	21%
(7) For all soldering on the following (exclusive of any covered by (8) below) motors, generators, electrical equipment, instruments, meters, radio, radar, tanks, fire protection equipment, refrigeration equipment, dairy equipment, and food processing equipment	50%
(8) For all soldering on the following: railroad-car and truck refrigeration; refrigeration equipment inside refrigerated compartments; aircraft motors; electric-traction motors for railroads, street-cars, and buses	Unlimited
(9) For soldering aluminum	60%
(10) For other hand soldering operations done either with a soldering iron or with a torch and wiping	40%
(11) For any other soldering operations	35%

(c) [Deleted July 5, 1946.]

SCHEDULE III—BABBITT

(a) No manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any wholesale distributor of babbitt and no wholesale distributor of babbitt shall accept delivery from a manufacturer or a wholesale distributor unless he shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not resell such babbitt containing more than 10% tin by weight to any user unless he has received the certificate from such user set forth below. No manufacturer of babbitt or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any user and no user shall accept delivery of any babbitt containing more than 10% tin by weight from any manufacturer of babbitt or wholesale distributor of babbitt unless the user shall have furnished the manufacturer or wholesale distributor with the certificate

set forth below (see paragraph (n) of Order M-43 regarding export certificate)

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code to the seller and to the Office of Materials Distribution, that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule III, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of said Order M-43.

By _____
(Name of purchaser)
By _____
(Duly authorized official)

(b) *Tin content.* In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of babbitt (percent of tin by weight)
(1) For the manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads.	Unlimited
(2) Any other bearing purpose.	90%

Babbitt may not be used for any purpose except those listed above.

(c) [Deleted February 6, 1947.]

SCHEDULE IV—BRASS AND BRONZE
A. CAST ALLOYS

(a) *Tin content.* No person shall cast or have any person cast for him any copper base alloy containing 1.5% or more tin by weight for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

Purpose	Maximum tin content (percent of tin by weight)
(1) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, and collector rings.	12%
(2) For the manufacture of piston rings for locomotives and for air-brake equipment.	20%
(3) For use as bearings and bushings.	9%
(4) For bearings produced by process of powder metallurgy.	10%
(5) For production of or use in tablets, markers, and memorials.	3.5%
(6) For all other castings.	6%

(b) *Certificate.* Any person receiving copper base alloy castings containing 1.5% or more tin shall furnish his supplier with a certificate on his purchase order stating the end use of such castings (see paragraph (n) of Order M-43 regarding export certificate). All suppliers shall require such a certificate. If the end use is not permitted by M-43, and the purchaser has not received special authorization from the Office of Materials Distribution, the supplier shall refuse the order.

(c) [Deleted July 5, 1946.]

B. WROUGHT ALLOYS

Pig or secondary tin may be used to make wrought alloys. However the tin con-

tent of any such alloy shall not be more than the amount required for the particular purpose.

SCHEDULE V, WHICH FORMERLY COVERED USE OF TIN TO REPAIR GAS METERS HAS BEEN SUPERSEDED BY ITEM (b) (7) OF SCHEDULE II

SCHEDULE VI—TIN PLATE, TERNE PLATE, AND TERNE METAL

(a) *Definitions*—(1) "Tin plate" means steel sheets coated with tin including electrolytic tin plate and hot dipped tin plate and including primes, seconds and waste-waste but not scrap.

(2) "Terne plate" means steel sheets coated with terne metal including short ternes (coated on tin mill coating machines) and long ternes (coated on sheet mill coating machines) including primes, seconds and long terne waste-waste but not scrap.

(3) "Tin plate or terne plate scrap" means any material or product made in whole or in part of tin plate or terne plate which is the waste of industrial fabrication or which has been discarded after being put into actual use, including tin plate crowns, crew caps or similar closures for various containers. The term also includes tin plate and terne plate sheets recovered from tin plate or terne plate cans or from other articles.

(4) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(5) "Terne metal" means a tin-bearing lead alloy used as a coating for plate but does not include lead recovered from secondary sources which contains not more than 3% residual tin.

(6) "Waste-waste" means hot dipped or electrolytic tin coated sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(b) *Manufacture of tin plate and terne plate.* Tin plate and terne plate may be manufactured for the purposes set forth below. However, coating of tin or terne metal per single base box of tin plate or terne plate must not exceed the maximum indicated below for the particular permitted use. No person may use terne metal of over 15% tin in tin mill coating machines. No person may use terne metal of over 10% tin in sheet mill coating machines.

(c) *Manufacture of terne metal.* Pig or secondary tin may be used to make terne metal.

(d) *Certificates.* No person shall sell or deliver any tin plate or terne plate to any person unless he gives with his purchase order a certificate in substantially the following form:

I certify, subject to the penalties of section 35 (A) of the United States Criminal Code, that I will use this tin plate or terne plate for _____ (specify end use) in accordance with Order M-43 or will resell it only in accordance with that order.

By _____
(Name of purchaser)
By _____
(Duly authorized official)

See paragraph (n) of Order M-43 regarding export certificate.

(e) *Tin plate and terne plate may be used only for the following purposes:*

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
1. All kitchen and cooking equipment.	Electrolytic tinplate.	0.25 lb. per base box.
2. Baking pans for institutions and commercial bakers.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
3. Brushes, power driven.	Reconditioned tin plate.	
	Short ternes.	1.20 lbs. per base box.
	Long ternes.	4 lbs. per base box.
4. Cans.	Reconditioned terneplate.	
	As permitted by Conservation Order M-61 as amended.	
5. (a) Closures for all food products (excluding malt beverages and nonalcoholic beverages) if preserved in a hermetically sealed container made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavoring extracts, spices, mustard, horseradish and cherries.	Hot dipped tin plate.	1.50 pounds per base box.
(b) Closures for meat and fish and products made from them; ice cream mix; apple cider and juice; fruits (only crush, fountain fruit and ice cream toppings) soup mix, cheese spreads; spaghetti and macaroni products; corn beef hash and cancer-kraut.	Electrolytic tin plate.	0.50 pound per base box.
(c) Closures for biologicals; blood plasma; drug chemicals; dental supplies; glycerites; liniments of ammonia; magmas; drug oils; ointments; penicillin; prescriptions; medicinal soaps; aromatic spirits of ammonia; ammonia products; aromatic chemicals; reagent chemicals; deodorants, liquid or paste (not for use on human body); dyes; germicides; hypochloride powders; phenols; photographic supplies; and all other liquid chemicals.	Electrolytic tin plate.	0.50 pound per base box.
(d) Closure for hemo canning.	Electrolytic tin plate.	0.50 pound per base box.
(e) Closures to be purchased by or for the account of the American Red Cross, Office of Scientific Research and Development or the Panama Canal, including the Panama Railroad Company or establishment outside the forty-eight States of the United States and the District of Columbia. (General exceptions for certain other governmental agencies are included in item 5) below.)	As specified.	
(f) Closures for steel drums.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Short ternes.	1.20 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Electrolytic tin plate.	0.25 pound per base box.
	Short ternes.	1.20 lbs. per base box.
	Long ternes.	4 lbs. per base box.
(g) All other closures and crowns.	Reconditioned terne plate.	
6. Carbide non-explosive emergency lights.		

(e) Tin plate and terne plate may be used only for the following purposes—Continued

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
7. Chaplets, skimgates and tin forms for foundry use.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
8. Cheese vats.	Short ternes. Long ternes. Reconditioned terne plate. Hot dipped tin plate. Reconditioned tin plate.	1.30 lbs. per base box. 4 lbs. per base box. 11 lbs. per base box.
9. Component parts for Internal Combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only where less essential material is impractical because of corrosion or solder-ability.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
10. Cylinder liners for lard and fruit presses.	Hot dipped tin plate.	1.25 lbs. per base box.
11. Dairy ware and equipment including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Hot dipped tin plate. Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	3.30 lbs. per base box (2A charcoal). 0.50 lb. per base box.
12. Diamond cutting wheels.	Electrolytic tin plate. Reconditioned tin plate.	0.50 lb. per base box.
13. Dusters and sprayers, hand, for disinfectant and pest control; parts requiring solderable coatings.	Short ternes. Long ternes. Reconditioned terne plate. Electrolytic tin plate. Reconditioned tin plate.	1.30 lbs. per base box. 4 lbs. per base box. 0.50 lb. per base box.
14. Equipment or appliance parts requiring solderable coatings.	Short ternes. Long ternes. Reconditioned terne plate. Electrolytic tin plate.	1.30 lbs. per base box. 4 lbs. per base box. 0.25 lb. per base box.
15. (a) Fuel tanks, except for automotive equipment. (b) Fuel tanks, for automotive equipment.	Short ternes. Long ternes. Reconditioned terne plate. Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box. 0.25 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
16. Gas mask canisters.	Short ternes. Long ternes. Reconditioned terne plate. Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box. 3.30 lbs. per base box (2A charcoal). 0.50 lb. per base box.
17. Gas meters.	Electrolytic tin plate. Reconditioned tin plate. Short ternes. Long ternes. Reconditioned terne plate. Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
18. Heat exchangers.	Reconditioned terne plate. Short ternes. Long ternes. Reconditioned terne plate. Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box. 11 lbs. per base box.
19. Integral parts of signal cells—but only for current collectors and baskets.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
20. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate. Reconditioned tin plate.	11 lbs. per base box.
21. Maple syrup evaporators.	Hot dipped tin plate. Reconditioned tin plate.	11 lbs. per base box.
22. Ollers (excluding cans as defined by Order M-81).	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
23. Oil lanterns.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
24. Repair parts for domestic laundry equipment.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
25. Safety cans for inflammable liquids.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
26. Textile spinning cylinders, card screens, spools and bobbins.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
27. Torpedoes for oil and gas well shooting.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
28. Vaporizing liquid fire extinguishers.	Hot dipped tin plate. Short ternes. Long ternes. Reconditioned terne plate.	1.25 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
29. Wick holders for oil stoves	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
30. Articles to be purchased by or for the account of the Army and Navy of the United States, the United States Maritime Commission, and the Veterans' Administration.	As specified (including performance specifications).	

(f) *Additional permitted uses.* Any person may use electrolytic tin plate waste, hot dipped tin plate waste, terne plate waste, tin plate scrap, or terne plate scrap for any purpose. In addition any person may use tin plate or terne plate for any purpose (except to make items listed in paragraph (k) of order M-43) if his total annual consumption of tin plate and terne plate does not exceed 100 base boxes.

(g) *Optional use of 0.25 tin plate for terne plate.* Where ternes or terne plate is permitted to be used for an item listed in paragraph (e) above, a manufacturer may substitute electrolytic tin plate with a maximum permitted tin coating of 0.25 pounds per base box for that item.

[F. R. Doc. 47-7407; Filed, Aug. 5, 1947; 11.14 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 9—EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

PALMYRA ISLAND NAVAL AIRSPACE RESERVATION AND PALMYRA ISLAND NAVAL DEFENSIVE SEA AREA

CROSS REFERENCE: For discontinuance of the Palmyra Island Naval Airspace Reservation and the Palmyra Island Naval Defense Sea Area, listed in the tabulations of §§ 9.2 and 9.3, see Executive Order 9881, *supra*.

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

OTTAWA NATIONAL FOREST, MICHIGAN

Correction

The cross reference appearing on page 5259 of the issue for Friday, August 1, 1947, is in error and should be deleted.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

[CGFR 47-30]

EMPLOYMENT OF ALIENS AS UNLICENSED CREW MEMBERS ON SUBSIDIZED VESSELS

CONDITIONAL WAIVER OF MANNING REQUIREMENTS

Pursuant to the authority vested in the Commandant, U. S. Coast Guard, by the act of March 31, 1947 (Public Law No. 27, 80th Congress) as amended by the act of 31 July, 1947 (Public Law No. 293, 80th Congress) I hereby find it necessary in the orderly reconversion of the merchant marine from wartime to peacetime operations to waive compliance with the navigation and vessel inspection laws and regulations to the extent and upon the terms and conditions set forth in the succeeding numbered paragraphs.

1. *Waiver* I hereby waive compliance with the provisions of sections 302 (a), (b) and (c) of the act of June 29, 1936, 49 Stat. 1992 (46 U. S. C. 1132 (a), (b) and (c)) to the extent that United States citizens with appropriate ratings are not available for employment in the unlicensed crew of subsidized vessels of the United States, but in no event to exceed twenty-five per centum of such entire unlicensed crew. The employment of aliens to supply such deficiencies, as herein authorized, shall be permitted only to the extent of the non-availability of United States citizens, as determined after reasonable efforts made by the master, owner and others concerned to secure the employment of United States citizens, and in no event to exceed twenty-five per centum of the entire unlicensed crew employed on any subsidized vessel of the United States; *Provided*,

That such aliens as are employed under this waiver authority shall have served between December 7, 1941, and September 2, 1945, aboard vessels operated by the War Shipping Administration, the United States Maritime Commission, or the Army Transport Service, and shall present to the Shipping Commissioner or master of the vessel at the time of being employed authentic evidence of such service. This evidence shall consist of a certificate of discharge or other properly authenticated record of service showing

the name of the vessel and the dates employed thereon.

2. *Effective date.* This order shall be in effect on and after August 1, 1947. Because of the technical character of this revision of regulations, and because of the urgency of providing waiver authority in order to effectuate the orderly reconversion of the merchant marine to peacetime operations, it is found that compliance with the notice, public rule making procedure, and effective date re-

quirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest. (Pub. Laws 27, 293, 80th Cong.)

Dated: July 31, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[P. R. Doc. 47-7347; Filed, Aug. 5, 1947; 9:18 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 81]

FEDERAL ESTATE TAX

DEDUCTION OF ATTORNEYS' FEES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791)

Regulations 105 amended; deduction of attorneys' fees incurred in contesting an asserted deficiency or in prosecuting a claim for refund.

Regulations 105 (26 CFR, Part 81) are amended as follows:

PARAGRAPH 1. Section 81.34 of Regulations 105 is amended by inserting immediately after the first paragraph thereof of the following new paragraph:

§ 81.34 *Attorney's fees.* * * *

A deduction for attorneys' fees incurred in contesting an asserted deficiency or in prosecuting a claim for refund should be claimed at the time such deficiency is contested or such refund claim is prosecuted. A deduction for such fees shall not be denied, and the sufficiency of a claim for refund shall not be questioned, solely by reason of the fact that the amount of the fees to be paid was not established at the time that the right to the deduction was claimed.

PAR. 2. Section 81.73 of Regulations 105, as amended by Treasury Decision 5503, approved March 20, 1946 is further amended by inserting the following sentence at the end of the fourth paragraph thereof: "For deduction of attorneys' fees incurred in contesting an asserted deficiency, see § 81.34."

PAR. 3. Section 81.96 of Regulations 105, as amended by Treasury Decision

5239, approved March 10, 1943 is further amended by inserting the following sentence at the end of the first paragraph thereof: "For deduction of attorneys' fees incurred in prosecuting a claim for refund, see § 81.34."

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

[P. R. Doc. 47-7366; Filed, Aug. 5, 1947; 9:17 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 162]

FEDERAL INSECTICIDE, FUNGICIDE, AND
RODENTICIDE ACT

NOTICE OF PUBLIC HEARING WITH RESPECT
TO ESTABLISHMENT OF RULES AND REGULATIONS

By virtue of section 6a of the Federal Insecticide, Fungicide, and Rodenticide Act, approved June 25, 1947, and pursuant to the requirements of section 4 of the Administrative Procedure Act (60 Stat. 237) notice is hereby given of a public hearing to be held in the Auditorium, South Building, United States Department of Agriculture, Washington, D. C., beginning at 9:00 a. m., e. s. t. (10:00 a. m., e. d. s. t.) August 25, 1947, with respect to proposed rules and regulations under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act. This public hearing is for the purpose of affording all interested persons an opportunity to submit, either orally or in writing, data, views and arguments with respect to such proposed rules and regulations or any modifications thereof. Persons unable to attend the hearing may submit their views in writing prior to August 25, 1947. Communications should be addressed to Insecticide Division, Livestock Branch, Production and Marketing Administration, Washington 25, D. C.

§ 162.1 *Words in singular form.* Words used in the singular form in the rules and regulations in this part shall include the plural, and vice versa, as the case may require.

§ 162.2 *Terms defined and construed.* All terms used in the rules and regulations in this part shall have the meaning

set forth for such terms in the act. In addition, such terms shall be construed as follows:

(a) *Act.* "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act.

(b) *Director.* "Director" means the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, or any officer or employee to whom he has heretofore lawfully delegated or to whom he may hereafter lawfully delegate the authority to act in his stead.

(c) *Economic poison.* "Economic poison" includes insecticides, fungicides, disinfectants, rodenticides and herbicides. A product shall be deemed to be an economic poison regardless of whether intended for use as packed or after dilution or mixture with other substances, such as carriers or baits. Products intended only for use after further processing, such as grinding to dust form or more extensive operations, shall not be deemed to be economic poisons. Substances which have recognized commercial uses other than uses as economic poisons shall not be deemed to be economic poisons unless such substances are (1) specially prepared for use as economic poisons, or (2) labeled or represented as economic poisons, or (3) marketed in channels of trade where they will presumably be purchased as economic poisons, or (4) ordinarily used principally as economic poisons.

Products intended only for manufacturing and not for use as economic poisons may be labeled "For Manufacturing Use Only."

(d) *Fungicide.* "Fungicide" includes but is not limited to:

(1) Plant fungicides, seed treatments, wood preservatives, and mildew and mold preventatives,

(2) Disinfectants, antiseptics and sterilizers, except those used on or in living man or other animals.

The term "fungicide" shall not include algaeicides.

(e) *Active ingredient.* An "active ingredient" is an ingredient which:

(1) Is capable in itself and when used in the same manner and for the same purposes as directed for use of the product, of preventing, destroying, repelling, or mitigating insects, fungi, rodents, weeds or other pests; and

(2) Is present in the product in an amount sufficient to add materially to its effectiveness; and

(3) Is not antagonistic to the activity of the principal active ingredient;

Provided, however That the Director may require an ingredient to be designated as an active ingredient if, in his opinion, it sufficiently increases the effectiveness of the economic poison to warrant such action.

(f) *Rodent.* "Rodent" means any animal of the order rodentia, such as rats, mice, rabbits, gophers, prairie dogs, squirrels, etc.

(g) *Official investigator* "Official investigator" means any employee or agent of the Department of Agriculture or the Treasury Department authorized by the Director or by the Secretary of the Treasury to make investigations in connection with enforcement of the act.

§ 162.3 *English language to be used.* All statements, words and other information required by the act or regulations to appear on the label or labeling of any economic poison shall be in the English language, provided that in the case of articles intended solely for export the appropriate foreign language may be used.

§ 162.4 *Omission of label or labeling.* The omission of a label or labeling from any economic poison shall not affect any provision under the act or the regulations in this part with respect to any statement required to appear on such label or labeling.

§ 162.5 *Label—(a) Contents of label.* The label of every economic poison must show, clearly and prominently, the name of the product, the name and address of the manufacturer, the registrant or person for whom manufactured, the net contents, the ingredient statement, and a warning or caution statement which may be necessary to prevent injury to man, other animals, and useful vegetation. The label of any economic poison which is highly toxic to man must also contain the skull and crossbones, and the word "poison" in red on a contrasting background and the antidote statement in immediate proximity thereto. The antidote statement shall include directions to call a physician immediately. The label of every economic poison, if necessary to prevent injury to man, other animals, and useful vegetation, must contain the signal word "Danger", "Warning" or "Caution" together with an appropriate warning or caution statement as required in § 162.8.

(b) *Name and address of manufacturer* An unqualified name and address given on the label shall be considered as the name and address of the manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer or if the name of the person for whom the economic poison was manufactured appears on the label, it must be qualified by appropriate wording such as "Packed for * * *", "Distributed by * * *" or "Sold by * * *" to show that the name is not that of the manufacturer. When a person manufactures an economic poison in two or more places or in a place different from the manufacturer's principal

office, the actual place of manufacture of each particular package need not be stated on the label except when, under the special circumstances existing, the failure to name it may be misleading to the public. The address of the manufacturer, registrant or person for whom manufactured shall include the street address, if any, unless the street address is shown in a current city directory or telephone directory.

(c) *Name, brand or trademark of economic poison.* The name, brand or trademark of the economic poison appearing on the label shall be that under which the economic poison is registered.

(d) *Net content.* (1) The net content shall be exclusive of wrappers or other material, and shall be deemed to be average content unless stated as a minimum quantity.

(2) Net content shall be stated in the terms of weight or measure in general use to give accurate information as to the quantity of the economic poison. If there is no general use, the net content statement shall be in terms of liquid measure if the product is a liquid, and in terms of weight if it is a solid, semi-solid, viscous, or a mixture of liquid and solid. Statements of liquid measure shall be in terms of the United States gallon, quart, pint, and fluid ounce, at 68° F. The statements of weight shall be in terms of avoirdupois pound and ounce. All statements of net content shall be in terms of the largest unit present.

(3) If the contents are stated as a minimum quantity, variation below is not permissible and variation above shall not be unreasonably large.

(4) If the contents are not stated as a minimum quantity, variation shall be permitted only to the extent that they represent deviations unavoidable in good packing practice. The average quantity in the packages in a shipment shall not fall below the average quantity stated, nor shall there be any unreasonable variation from the average in the contents of any package.

§ 162.6 *Ingredient statement—(a) Location of ingredient statement.* The ingredient statement must appear on the front panel of the label except in cases where the Director determines that, due to the size or form of the container and not merely to the design of the label or the presence of advertising matter, a statement on the front panel is impractical, and permits such statement to appear on the side or back panel. When so permitted, the ingredient statement must be in larger type and more prominent than would be possible on the front panel. The ingredient statement must run parallel with other printed matter on the label, and must be on a clear contrasting background not obscured or crowded, and sufficiently conspicuous and in type large enough to be readily read by the purchaser.

(b) *Names of ingredients.* The well-known common name of the ingredient must be given or, if the ingredient has no common name, the correct chemical name. If there is no common name and the chemical composition is unknown or complex, the Director may permit the use of a new or coined name which he

finds to be appropriate for the information and protection of the user. If the use of a new or coined name is permitted, the Director may prescribe the terms under which it may be used. A trademark or trade name may not be used as the name of an ingredient.

(c) *Percentages of ingredients.* Percentages of ingredients shall be determined by weight and the sum of the percentages of the ingredients shall be 100. Sliding scale forms of ingredient statements shall not be used.

(d) *Designation of ingredients.* (1) Active ingredients and inert ingredients shall each be so designated, and the term "inert ingredients" shall appear in the same size type and be equally as prominent as the term "active ingredients."

(2) If the name but not the percentage of each active ingredient is given, the names of the active and inert ingredients shall, respectively, be shown in the descending order of the percentage of each present, and the name of each ingredient shall be given equal prominence.

(e) *Active ingredient content.* The active ingredient content of any product, as stated on the ingredient statement, shall be the content when it reaches the user.

§ 162.7 *Economic poisons highly toxic to man.* The Secretary hereby finds that economic poisons which fall within the following categories when tested on any common laboratory animal are highly toxic to man within the meaning of section 6a (2) of the act:

(a) *Significant number of deaths.* Those which produce a significant number of deaths at a dosage of up to 50 milligrams per kilogram of body weight when administered orally; or

(b) *Serious impairment of health.* Those which produce serious impairment of health at a dosage of up to 100 parts per million of the gas or vapor administered by continuous inhalation for one hour or less or a dosage of 100 milligrams per kilogram of body weight when administered by continuous contact with the bare skin for 24 hours or less;

Provided, however, That the Director may, upon application, exempt any economic poison which meets the above standard but which is not in fact highly toxic to man, from the requirements of the act and the regulations in this part with respect to economic poisons highly toxic to man.

§ 162.8 *Warning or caution statement.* The warning or caution statement, when required, must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in non-technical language the particular hazard involved in the use of the economic poison, e. g., ingestion, skin absorption, inhalation, inflammability or explosion, etc., and the precautions to be taken to avoid accident, injury, or damage.

(a) *Signal words.* The signal words "poison" "danger" "warning", and "caution" indicate differences in hazards and shall be used as follows:

(1) The signal word "poison" in red on a contrasting background in immediate proximity to the skull and crossbones and an antidote, including direc-

tions to call a physician immediately, shall appear on all economic poisons highly toxic to man.

(2) The signal word "danger" shall appear on all economic poisons which:

(i) Produce a significant number of deaths in any common laboratory animal at a dosage of 50-100 milligrams per kilogram of body weight when administered orally or

(ii) Produce serious impairment of health in any common laboratory animal at a dosage of 100-300 parts per million of the gas or vapor, administered by continuous inhalation for a period of one hour or less, or a dosage of 100-300 milligrams per kilogram of body weight when administered by continuous contact with the bare skin for a period of 24 hours or less.

(3) The signal word "Warning" shall appear on economic poisons which offer hazards of a serious nature but less dangerous than those requiring the signal word "Danger"

(4) The signal word "Caution" shall appear on economic poisons which offer hazards less serious than those requiring the signal word "Warning"

(b) *Explosive or flammable products.* All economic poisons which are flammable or which form explosive mixtures with air must bear appropriate cautionary instructions.

§ 162.9 *Directions for use.* Directions for use shall be in non-technical language and in clear legible type. Directions for use in a foreign language may be included in addition to directions in English.

§ 162.10 *Registration—(a) Eligibility.* Any manufacturer, packer, distributor or shipper of an economic poison is eligible as a registrant and may register such economic poison.

(b) *Effect of registration by manufacturer or distributor.* If an economic poison is registered by a manufacturer or distributor, any person may, without further registration, purchase such economic poison from such manufacturer or distributor and market the same; *Provided, That:*

(1) The product is in the manufacturer's or registrant's original unbroken immediate container; and

(2) The claims made by such person and the directions for its use do not differ in substance from the representations made in connection with registration.

(c) *Procedure for registration.* Applications for registration should be addressed to Insecticide Division, Livestock Branch, Production and Marketing Administration, Washington 25, D. C. Application forms will be furnished upon request. Applications should be submitted as far in advance as possible and at least 30 days before the time when it is desired that registration take effect. No fees are charged for registration.

(d) *Effective date of registration.* Registration of an economic poison shall become effective when notice is received by the registrant.

(e) *Responsibility of a registrant.* The registrant is responsible for the composition of the product, for the adequacy of the warning or caution statement, including the poison warning and antidote

statement and its safety and efficacy, and for all other claims or representations on the labeling.

(f) *Changes in labeling or formulae.*

(1) Changes in the labeling or formula of a registered economic poison must be submitted in advance to the Insecticide Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The registrant must describe the exact changes desired and the proposed effective date and, upon request, shall submit a description of tests which justify such changes.

(2) After the effective date of a change in labeling or formula the product shall be marketed only under the new claims or formula, except that a reasonable time may be permitted by the Director to dispose of properly labeled stocks of old products.

(g) *Claims must conform to registration.* Claims made for an economic poison must not differ in substance from representations made in connection with registration, including representations with respect to effectiveness, ingredients, directions for use, or pests against which the product is recommended.

§ 162.11 *Guarantee of registration of economic poisons—(a) By whom given.* Any manufacturer, distributor, wholesaler, or other person residing in the United States may furnish to any person to whom he sells an economic poison a guarantee that the economic poison was lawfully registered at the time of sale and delivery to such person, and that the economic poison complies with all the requirements of the act and of the regulations in this part.

(b) *Reference to guarantee.* No reference to or suggestion that a guarantee of registration has been given shall be made in the labeling of any economic poison.

(c) *Contents of guarantee.* In order to afford effective protection, each guarantee must:

(1) Be signed by and contain the name and address of the person giving it; and

(2) State that the economic poison was lawfully registered at the time of sale and delivery and that it complies with all other requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(d) *Scope of guarantee.* A guarantee may be (1) limited to a specific shipment or other delivery of a product, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery, or (2) general and continuing, in which case, in its application to any shipment or other delivery of a product, it shall be considered to have been given at the date when such product was shipped or delivered by the person giving the guarantee.

(e) *Expiration of guarantee.* Any guarantee shall expire when the product is repacked or relabeled by the purchaser or when it becomes otherwise in violation of the act or these regulations after shipment or other delivery by the person who gave such guarantee.

(f) *Forms of guarantee.* The following are suggested forms of guarantee:

(1) Limited form for use on invoice or bill of sale:

_____ hereby guarantees

(Name of guarantor)
that the economic poison herein listed is lawfully registered with the Secretary of Agriculture and that the same complies with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(Signature and postoffice address of guarantor)

(2) General and continuing form:

The economic poisons comprising each shipment or other delivery hereafter made by _____, to or on the order

(Name of guarantor)

of _____
(Name and address of person receiving guarantee)

are hereby guaranteed to be lawfully registered with the Secretary of Agriculture and to comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, as of the date of such shipment or delivery.

(Signature and postoffice address of guarantor)

_____ Date _____

§ 162.12 *Coloration and discoloration.* The white economic poisons hereinafter named shall be colored or discolored in accordance with this section. The hues, values, and chromas specified are those contained in the Munsell Book of Color, Munsell Color Company, 10 East Franklin Street, Baltimore, Maryland.

(a) *Coloring agent.* The coloring agent must produce a homogeneously colored product not subject to change in color beyond the minimum requirements specified in the regulations in this part during ordinary conditions of marketing or storage, and must not cause the product to be ineffective or result in its causing damage when used as directed.

(b) *Arsenicals and barium fluosilicate.* Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellow-reds and yellows, having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a lightness value not over 7.

(c) *Sodium fluoride and sodium fluosilicate.* Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a lightness value not over 7.

§ 162.13 *Adulteration—(a) Valuable constituent.*

(1) A valuable constituent will be considered as wholly abstracted whenever the designation or representation of the product imports its presence therein and such constituent has been wholly omitted therefrom in the preparation of the product or has been wholly removed from the completed product.

(2) A valuable constituent will be considered as partly abstracted whenever the designation or representation of the product imports its presence therein, and such constituent is not present in the usual or customary amount or in the amount indicated in the labeling.

(b) *Professed standard or quality.* An economic poison will be considered adulterated whenever:

(1) Its strength falls below its professed standard by reason of the fact that it is less effective than indicated by the labeling or the representations under which it is sold; or

(2) Its strength or purity falls below its professed standard or quality by reason of the fact that it contains less of the active ingredients or more of the inert ingredients than indicated by the labeling or the representations under which it is sold.

§ 162.14 *Misbranding*—(a) *False or misleading statements.* Among representations in the labeling of an economic poison which may render it misbranded are the following:

(1) A false or misleading statement concerning composition of the product.

(2) A false or misleading statement concerning the effectiveness of the product as an economic poison or device.

(3) A false or misleading statement about the value of the product for purposes other than as an economic poison or device.

(4) A false or misleading comparison with other economic poisons or devices.

(5) A false or misleading representation as to the safety of the economic poison or of its ingredients. Statements such as "non-poisonous" "non-injurious", or "non-hazardous" imply to the purchaser that the product is safe even, for example, if swallowed in large quantities by a child, and that no medical attention would be required in such cases. Such statements should not be made unless the product is in fact safe under all conditions.

(6) Any statement directly or indirectly implying that the economic poison or device is recommended or endorsed by any agency of the Federal Government, is considered misleading.

(7) The name of an economic poison which contains two or more ingredients may be misleading because it suggests the name of one or more but not all such ingredients, even though the names of the other ingredients are stated elsewhere in the labeling. It is permissible, however, when the percentage of each active ingredient is given in the name, to omit reference in the name to the inert ingredients.

(8) Prominent reference in the labeling to one or more active ingredients without giving equal prominence to the other active ingredients or to the presence of inert ingredients may be misleading.

(9) A true statement used in such a way as to give a false or misleading impression to the purchaser constitutes misbranding.

(10) A statement may be misleading because it is indefinite.

(b) *Justification of false and misleading statements not permitted.* (1) The use of any false or misleading statement on any part of the labeling, given as the statement or opinion of an expert or other person or based upon such statement or opinion shall not be justified, nor may such statement be justified by the fact that the statement or opinion is actually that of the expert or other person.

(2) The use of a false or misleading statement in the labeling cannot be justified by an explanatory statement.

§ 162.15 *Enforcement*—(a) *Collection of samples.* Samples of economic poisons and devices shall be collected by official investigators or by any employee of the Federal Government, or of a State, territory, or political subdivision who has been duly designated by the Director.

(b) *Investigations.* Official investigators shall make investigations to locate shipments of economic poisons or devices which may be in violation of law; visit manufacturers and distributors and obtain records of interstate shipments and other information concerning economic poisons and devices marketed by such persons; examine shipping records, such as those of railroads, express and trucking companies; and visit wholesale and retail establishments and other places to locate interstate shipments of economic poisons and devices.

(c) *Examination of samples.* Methods of examination of samples shall be those adopted and published by the Association of Official Agricultural Chemists, where applicable, and such other methods as may be necessary to determine whether the product complies with the law.

(d) *Notice of apparent violation.* (1) If from an examination or analysis a sample appears to be in violation of the act, a notice in writing shall be sent to the person against whom action is contemplated, giving him an opportunity to offer such written explanation as he may desire. The notice shall state the manner in which the sample fails to meet the requirements of the act and the regulations in this part.

(2) Any such person may, in addition to his reply to such notice, file a written request for an oral hearing in connection therewith, giving his reasons therefor. The Director may grant such oral hearing at his discretion.

(3) No hearing shall be granted prior to the seizure of any economic poison.

§ 162.16 *Notice of judgment.* Publication of judgments of the courts in cases arising under the criminal or seizure provisions of the act shall be made in the form of notices, circulars, or bulletins as the Director may direct.

§ 162.17 *Shipments for experimental use*—(a) *Experimental use under Federal or State supervision.* An economic poison shipped or delivered for experimental use by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons shall not be subject to the provisions of the act and the regulations in this part.

(b) *Experimental use by other persons.*

(1) An economic poison shipped or delivered for experimental use by other qualified persons but not under the supervision of a Federal or State agency authorized by law to conduct research in the field of economic poisons, shall be exempt from the provisions of the act and of the regulations in this part, *Provided, That a permit for such shipment or delivery is obtained prior thereto.* Permits will be of two types, specific and general. A specific permit will be issued to cover a particular shipment on a specified date to a named person. A general permit will be issued to cover more than

one shipment over a period of time to different persons.

(2) All applications for permits covering shipments for experimental use must be signed by the shipper or person making delivery and must contain the following:

(i) Name and address of shipper and place of shipment.

(ii) Proposed date of shipment or proposed shipping period.

(iii) Name and composition of the product.

(iv) Quantity to be shipped.

(v) Name and address of person to whom shipped, in the case of a single shipment, or description and occupation of such persons, if more than one shipment.

(vi) A statement indicating whether the product is sold or is delivered without cost.

(vii) A signed statement that the economic poison is intended for experimental use only.

(viii) Proposed labeling which, in addition to other statements must indicate that the product is for experimental use only.

(c) *Cancellation of permits.* Any permit for shipment for experimental use may be cancelled at any time for any violation of the terms thereof.

§ 162.18 *Exemptions*—(a) *Economic poisons intended for export.* Any economic poison intended solely for export to a foreign country shall be exempt from the provisions of the act only if prepared and packed according to the specifications or directions of the foreign purchaser. A mere order for the product with no instructions for preparation or packaging shall not entitle any such product to this exemption.

(b) *Economic poisons intended for use by manufacturer or dyer.* Any economic poison specified in § 162.12 which is intended solely for use by a textile manufacturer or dyer as a mothproofing agent, which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric, shall be exempt from the requirements of section 3 (a) (4) of the act and of § 162.12.

(Pub. Law 104, 80th Cong., approved June 25, 1947)

Done at Washington, D. C., this 1st day of August 1947.

[SEAL]

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7365; Filed, Aug. 5, 1947; 9:17 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 13]

[Docket No. 8481]

COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendments of §§ 13.2, 13.21, 13.22, and 13.61.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Based on a study of the design, construction and reliability of operation of low power standard and FM broadcast stations, the Commission is of the opinion that the licensees of certain of such stations may be expected to meet the operating requirements prescribed by the rules and regulations if the normal watch is maintained by an operator with less technical qualification than is required to obtain the First Class Radiotelephone Operator's license; provided, a higher class operator is employed as technical supervisor and is made responsible for all major adjustments and repairs.

3. The proposed amendments, authority for which is contained in sections 303 (1) and (r) of the Communications Act of 1934, as amended, are set forth in this notice.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth, may file with the Commission, on or before September 1, 1947, a written statement or brief setting forth his comments. The Commission will consider any such comments that are received before taking any final action regarding the proposed amendments, and if any comments are received which appear to warrant the holding of an oral argument before final

action is taken, notice of the time and place of such oral argument will be given.

It is proposed to amend Part 13 of the rules and regulations of the Federal Communications Commission, as follows:

1. Section 13.2 *Classes of licenses*, is amended by adding at the end thereof a new paragraph, as follows:

(d) Broadcast radio operator license.

2. Section 13.21 *Examination elements*, is amended by adding at the end thereof a new paragraph, as follows:

(7) *Practical broadcast operation*. Practical matters relating to minor adjustments and normal operating practices of standard and FM broadcast stations.

3. Section 13.22 *Examination requirements*, is amended by adding at the end thereof a new paragraph, as follows:

(g) *Broadcast radio operator license*. (1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements: 1 and 7.

4. Section 13.61 *Operator authority*, is amended by adding at the end thereof a new paragraph, as follows:

(g) *Broadcast radio operator license*: To serve as staff operator of any stand-

ard broadcast station employing a non-directional antenna and not exceeding 1 kw. power, or of an FM broadcast station of not more than 1 kw. effective radiated power; provided

(1) The holder of a First Class Radiotelephone Operator License is employed as technical supervisor.

(2) Internal tuning adjustments, major repairs and overhauls are made by or under the direction of the technical supervisor.

(3) The duties of a broadcast radio operator may include such operations as placing the station on and off the air, keeping the transmitter log, making external tuning adjustments, other minor adjustments as may be required as a result of primary power supply variations and failures, and replacement only of such defective parts as tubes, fuses and other items designed for simple plug-in replacement.

Adopted: August 1, 1947.

Released: August 1, 1947.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7363; Filed, Aug. 5, 1947;
9:18 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9457]

FRANZ W. VON THUN

In re: Stock owned by Franz W. Von Thun, also known as Frank W. Von Thun. F-28-7478-D-1, F-28-7478-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz W. Von Thun, also known as Frank W. Von Thun, whose last known address is Freiburg-Elbe, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. One Hundred (100) shares of \$25.00 par value 6% preferred capital stock of Pacific Gas and Electric Company, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered C48721, registered in the name of Franz W. Von Thun, together with all declared and unpaid dividends thereon, and

b. Twenty-eight (28) shares of \$25.00 par value common capital stock of Firemen's Fund Insurance Company, 401

California Street, San Francisco 20, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered A1494 for twenty (20) shares, and 1817-C for eight (8) shares, registered in the name of Frank W. Von Thun, together with all declared and unpaid dividends thereon, and the right to receive 1½ shares (new) \$10.00 par value stock for each share of (old) \$25.00 par value stock of the aforesaid corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7352; Filed, Aug. 5, 1947;
8:48 a. m.]

[Vesting Order 9462]

AUGUST DRINGEMANN

In re: Estate of August Dringemann, deceased. File No. D-28-9401, E. T. sec. 12515.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Bockelmann whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the issue, names unknown of Karl Bockelmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of August Dringemann, deceased, is property payable or deliverable to, or claimed by, the

aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by the County Treasurer of Erie County, as Depositary, acting under the judicial supervision of the Surrogate's Court, Erie County, State of New York;

and it is hereby determined:

5. That to the extent that the above named person and the issue, names unknown of Karl Bockelmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7353; Filed, Aug. 5, 1947;
8:48 a. m.]

[Vesting Order 9465]

ANNA EITEL

In re: Estate of Anna Eitel, deceased. File No. D-28-3915; E. T. sec. 6773.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Hohmann, Justus Hohmann, Theodore Hohmann, and Anna Merk, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany)

2. That the personal representatives, heirs, next of kin, legatees and distributees of Henry Hohmann, the personal representatives, heirs, next of kin, legatees and distributees of Justus Hohmann, the personal representatives, heirs, next of kin, legatees and distributees of Theodore Hohmann and the personal representatives, heirs, next of kin, legatees and distributees of Anna Merk, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna Eitel, deceased, is property payable or deliverable to, or claimed by, the aforesaid

nationals of a designated enemy country, (Germany)

4. That such property is in the process of administration by Otto Hohman, as Administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the personal representatives, heirs, next of kin, legatees and distributees of Henry Hohmann, the personal representatives, heirs, next of kin, legatees and distributees of Justus Hohmann, the personal representatives, heirs, next of kin, legatees and distributees of Theodore Hohmann, and the personal representatives, heirs, next of kin, legatees and distributees of Anna Merk, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7354; Filed, Aug. 5, 1947;
8:48 a. m.]

[Vesting Order 9466]

CARL HEYNE

In re: Estate of Carl Heyne, a/k/a Carl J. Heyne and Charles Heyne, deceased. File No. D-28-7608; E. T. sec. 8079.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Weinhold and Ella Prasler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the heirs at law, next of kin, distributees, legatees and personal representatives, names unknown of Carl Heyne, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in sub-

paragraphs 1 and 2 hereof, and each of them, in and to the estate of Carl Heyne, a/k/a Carl J. Heyne and Charles Heyne, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by William V. Elliott, as Administrator, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York;

and it is hereby determined:

5. That to the extent that the above named persons and the heirs at law, next of kin, distributees, legatees and personal representatives, names unknown, of Carl Heyne, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7355; Filed, Aug. 5, 1947;
8:48 a. m.]

[Vesting Order 9467]

MABEL WAGNALLS JONES

In re: Estate of Mabel Wagnalls Jones, deceased. File No. D-28-11085; E. T. sec. 15525.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mabel Dittmer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Mabel Wagnalls Jones, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Guaranty Trust Company of New York, Dr. Franklin C. Wagenhals and John E. Connelly, Jr., as administrators, c. t. a., acting under the judicial supervision of the Surrogate's

Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7356; Filed, Aug. 5, 1947; 8:48 a. m.]

[Vesting Order 9468]

FREDERICK KANTENWEIN

In re: Estate of Frederick Kantenwein, deceased. File No. D-28-11422; E. T. sec. 15658.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Daubor a/k/a Annie Bortt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Frederick Kantenwein, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by George Kantenwein, as Executor, acting under the judicial supervision of the Sussex County Surrogate's Court, Sussex County, Newton, New Jersey

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7357; Filed, Aug. 5, 1947; 8:48 a. m.]

[Vesting Order 9478]

CARL WANNINGER

In re: Estate of Carl Wanninger, deceased. File D-28-9619; E. T. sec. 13306.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Wanninger, Helmut Wanninger, Heintz Wanninger, Ruth Wanninger and Katie Wanninger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the sum of \$776.28 was paid to the Alien Property Custodian by Ernestine Grosvenor, Administratrix of the Estate of Carl Wanninger, deceased;

3. That the said sum of \$776.28 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 11, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7362; Filed, Aug. 5, 1947; 8:49 a. m.]

[Vesting Order 9449]

TAIJI OKADA

In re: Bank account and stock owned by Taiji Okada, also known as Taija Okada. F-39-1266-C-1, F-39-1266-E-1, F-39-1266-D-1/2, F-39-1266-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Taiji Okada, also known as Taija Okada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows:

a. That certain debt or other obligation of The Erie Bank, Erie, Colorado, arising out of a checking account, entitled J. N. Kobayashi for Taiji Okada, and any and all rights to demand, enforce and collect the same,

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Taiji Okada and presently in the custody of Jack Noboru Kobayashi, 3550 Emerald Street, Torrance, California, together with all declared and unpaid dividends thereon,

c. Thirty (30) shares of \$1.00 par value capital stock of Bancamerica-Blair Corporation (now Blair & Company, Inc.) 44 Wall Street, New York, New York, a corporation organized under the laws of the State of California, evidenced by a certificate numbered SFF59523, and registered in the name of Taija Okada, together with all declared and unpaid dividends thereon, and

d. One hundred (100) shares of \$12.50 par value capital stock of Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered C-63466, registered in the name of Taiji Okada, and presently in the custody of The Erie Bank, Erie, Colorado, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Taiji Okada, also known as Taija Okada, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	State of incorporation	Number of shares	Type of stock	Par value	Certificate No.
Bank of America National Trust & Savings Association, 300 Montgomery St., San Francisco, Calif.	California.....	151	Common.....	\$12.50	C4258; B17797.
Union Carbide and Carbon Corp., Carbide and Carbon Building, 30 East 42d St., New York, N. Y.	New York.....	5	Capital.....	No	221998
The Texas Co., 135 East 42d St., New York 17, N. Y.	Delaware.....	5	do.....	25.00	O457328.
Radio Corporation of America, 7 West 10th St., Wilmington, Del.	do.....	2	Common.....	No	WO172754.
Westinghouse Electric & Manufacturing Co., 306 4th Ave., Pittsburgh, Pa.	Pennsylvania...	1	do.....	No	WO228305.
Warner Bros. Pictures, Inc., 321 West 44th St., New York, N. Y.	do.....	5	do.....	50.00	NYO545824.
Bendix Aviation Corp., Fisher Bldg., Detroit 2, Mich.	Delaware.....	10	do.....	5.00	AC/O 213507.
Transamerica Corp., Montgomery Street at Columbus Ave., San Francisco, Calif.	do.....	5	Capital.....	5.00	CO25708.
	do.....	757 1/2	do.....	2.00	SF4623; SF/M56540; SF/M52232 to SF/M- 52238, inclusive.

[F. R. Doc. 47-7327; Filed, Aug. 4, 1947; 8:48 a. m.]

[Vesting Order 9463]

CHARLES EBERT

In re: Estate of Charles Ebert, deceased. File No. D-28-11047; E. T. sec. 15487.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Ebert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country, (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Charles Ebert, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country, (Germany),

3. That such property is in the process of administration by Philip Ebert, as executor, acting under the judicial supervision of the Surrogate's Court, County of Queens, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7331; Filed, Aug. 4, 1947; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1894287]

MISSOURI

NOTICE OF FILING OF PLAT OF SURVEY

JULY 30, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on October 1, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 1, 1947 to December 30, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims, subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 11, 1947, to October 1, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 1, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 31, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 11, 1947, to December 31, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 31, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in section 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 E. D. 254) and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

The lands affected by this notice are described as follows:

GASCONADE AND OSAGE COUNTIES, MISSOURI,
5TH P. M.

- T. 43 N., R. 6 W.,
Sec. 19, lot 1, (8.85 acres);
- T. 43 N., R. 7 W.,
Sec. 24, lot 3, (42 acres).

This land comprises a small island in the Gasconade River, Missouri, situated at an elevation of 15 to 25 feet above normal water line. About two-thirds of the island has been cleared and devoted to crops. The soil is sandy loam which supports a native growth of small trees and brush.

FRED W JOHNSON,
Director.

[F. R. Doc. 47-7336; Filed, Aug. 5, 1947;
8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 376]

SPECIAL INDUSTRY COMMITTEE No. 5 FOR
PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. M. B. Marsh from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such committee, Mr. Sam Schweitzer of Mayaguez, Puerto Rico.

Signed at Washington this 28th day of July 1947.

WM. R. McCOMB,
Administrator
Wage and Hour Division.

[F. R. Doc. 47-7335; Filed, Aug. 5, 1947;
8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

OPERATOR LICENSES AND EXAMINATIONS

AUGUST 1, 1947.

The Commission announced today the first step in its plan to place the commercial radio operator examinations and licenses in step with the advancements that have been made in the industry.

The plan provides, in part, for three classes of broadcast operator licenses authorizing operation of Standard, International, FM, Facsimile, Television, Developmental and Auxiliary Broadcast stations. At the present time only the first class radiotelephone operator's license authorizes operation of these stations.

Under the new plan, the three new classes of broadcast operator's licenses would be valid for operator duties as follows:

Broadcast engineer-operator. Chief Engineer or Staff Operator of any Standard, International, FM, Facsimile, Television, Developmental and Auxiliary stations.

Broadcast technician-operator. Chief Engineer of a Standard Broadcast Station of not more than 1 kilowatt power employing a non-directional antenna system or an FM Broadcast Station.

Staff Operator of any Standard, International, FM, Facsimile, Television, Developmental and Auxiliary station.

Broadcast radio-operator Staff Operator of a Standard Broadcast Station not exceeding 1 kilowatt power employing a non-directional antenna system, or the Staff Operator of an FM Broadcast Station of not more than 1 kilowatt effective radiated power.

All broadcast stations would be required to employ at least one Engineer-Operator with the exception of (1) FM Broadcast stations (2) Standard Broadcast stations of 1 kilowatt or less with non-directional antenna. The excepted stations could employ at least one Technician-Operator in lieu of the Engineer-Operator.

The Commission's current proposal provides only for the issuance of the Broadcast Radio-Operator license to persons who will serve under the technical supervision of a person holding a higher class of operator's license.

The examination for Broadcast Radio-Operator's license will cover technical subjects relating to routine operation of a broadcast transmitter and associated equipment to the extent that such an operator can on his own responsibility place the transmitter on and off the air, replace tubes and other defective parts that are readily replaceable by plug-in methods, assure compliance with the rules and regulations relating to modulation and frequency stability, and insure that the operator will call the responsible technical supervisor should any circumstance arise requiring a decision or action beyond the scope of his responsibility under the Broadcast Radio-Operator license. The examination will also cover appropriate portions of the rules and regulations governing the operation of Standard and FM Broadcast stations to insure proper maintenance of the station logs and other records and adherence to broadcast station operating procedures.

Further proposals will be made with respect to the implementation of the two remaining classes of broadcast station operator licenses. When these proposals are adopted in final form they will be carried into effect as rapidly as the examinations, study guides, and license forms can be produced and distributed to the Field Offices.

The Commission is fully aware of the problems of existing holders of operator licenses, particularly those that arise in the transition from one kind of operator license to another. In the proposals for implementation of the new classes of licenses, provision will be made to recognize experience gained under existing licenses in prescribing the conditions under which the new licenses may be obtained.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7364; Filed, Aug. 5, 1947;
9:18 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-200, G-207]

PANHANDLE EASTERN PIPELINE CO. ET AL.

NOTICE OF MEMORANDUM OPINION AND ORDER ALLOWING SUPPLEMENTAL RATE SCHEDULES TO TAKE EFFECT

JULY 31, 1947.

City of Detroit, Michigan, and County of Wayne, Michigan v. Panhandle Eastern Pipe Line Co. and Michigan Gas Transmission Corp., Docket No. G-200. In the matter of Panhandle Eastern Pipe Line Co., Michigan Gas Transmission Corp. and Illinois Natural Gas Co. Docket No. G-207.

Notice is hereby given that, on July 30, 1947, the Federal Power Commission issued its Opinion No. 154 and order, entered July 29, 1947, allowing supplemental rate schedules to take effect as of June 1, 1947, in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7333 Filed, Aug. 5, 1947;
8:48 a. m.]

[Docket Nos. G-626, G-677, G-635, G-634]

INDEPENDENT INDUSTRIAL GAS CO. ET AL.

NOTICE OF ORDER DISMISSING PETITION AND APPLICATIONS

JULY 31, 1947.

In the matters of Independent Industrial Gas Co., Petitioner v. Cities Service Gas Company, Defendant, Union Gas System, Inc., Intervener, Docket No. G-626; Independent Industrial Gas Co., Docket No. G-677; Union Gas System, Inc., Docket No. G-685; Union Gas System, Inc., Docket No. G-694.

Notice is hereby given that, on July 30, 1947, the Federal Power Commission issued its order entered July 29, 1947, dismissing petition and applications in the above designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7334; Filed, Aug. 5, 1947;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 620, Special Permit 9]

LIGHT-WEIGHING OF CARS OF SCRAP LEAD AT STATEN ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the light weighing of not to exceed 14 railroad cars to be loaded with import scrap lead as ordered by U. S. Commercial Company at Howland Hook, Staten Island, N. Y.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7342; Filed, Aug. 5, 1947;
9:19 a. m.]

SECURITIES AND EXCHANGE COMMISSION

TOBEY ROYALTIES CO., INC.

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 28th day of July A. D. 1947.

The Commission having instituted proceedings under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Tobey Royalties Company, Inc., as a broker and dealer should be revoked; hearings having been held after appropriate notice; a hearing officer's recommended decision having been filed, and the Commission having this day, issued its findings and opinion;

It is ordered, That the registration of the said Tobey Royalties Company, Inc., as an over-the-counter broker-dealer be, and the same hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7345; Filed, Aug. 5, 1947;
9:18 a. m.]

[File No. 70-1547]

CENTRAL AND SOUTH WEST CORP. ET AL.

ORDER PERMITTING APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of July A. D. 1947.

In the matter of Central and South West Corporation, Central Power and Light Company, Southwestern Gas and Electric Company, File No. 70-1547.

Central and South West Corporation ("Central") a registered holding company, Central Power and Light Company ("Power and Light") and Southwestern Gas and Electric Company ("Southwestern"), public utility subsidiaries of Central, having jointly filed applications-declarations and amendments thereto, pursuant to the Public Utility Holding

Company Act of 1935, particularly sections 6, 7, 9, 10 and 12 thereof and Rules U-42, U-43, and U-50 promulgated thereunder with respect to:

(1) The issue and sale of unsecured serial notes by Central to the First National Bank of Chicago and the John Hancock Mutual Life Insurance Company in the principal amount of \$4,300,000, payable at the rate of \$125,000 semi-annually from January 1, 1948 through January 1, 1959, with a final installment of \$1,425,000 maturing on July 1, 1959 and bearing interest at the rate of 2%, 2½%, and 3% per annum, depending on date of maturity.

(2) The prepayment and retirement by Central of two secured notes presently outstanding in the aggregate principal amount of \$348,000;

(3) The amendment by Power and Light of its Articles of Incorporation regarding the reclassification of its authorized common stock from 250,000 no par value shares to 1,072,100 shares with a par value of \$10 each, and the exchange of its 202,180 shares presently outstanding no par value common stock held by Central for 772,104 shares of the new \$10 par value common stock;

(4) The issue and sale by Power and Light of 299,996 shares of its common stock, par value \$10 each, to Central and the acquisition of such stock by Central for a cash consideration of \$2,999,960;

(5) The issue and sale by Southwestern of 65,500 shares of its common stock, no par value, to Central and the acquisition of such stock by Central for a cash consideration of \$1,000,000; and

Central having requested an exemption from the competitive bidding provisions of Rule U-50 in connection with the issue and sale of the said unsecured serial notes; and

Power and Light having requested that it be relieved from the obligation to make prepayments of its serial notes issued in December, 1945; and

A public hearing having been held, after appropriate notice, and the Commission having considered the record herein;

It is ordered, That the said amended joint applications-declarations be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the proposed issue and sale of unsecured serial notes in the principal amount of \$4,300,000 by Central be, and hereby is, exempted from the provisions of Rule U-50.

It is further ordered, That Power and Light be, and hereby is, relieved from any obligation imposed by that portion of Amendment No. 5 filed in Commission File No. 70-1191 or by the Order of the Commission dated December 13, 1945 entered in said proceeding requiring the prepayment of the serial notes issued by Power and Light therein.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7344; Filed, Aug. 5, 1947;
9:18 a. m.]

[File No. 812-504]

CLIFFS CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of July A. D. 1947.

Notice is hereby given that The Cliffs Corporation (Cliffs), a registered investment company, has applied for an order pursuant to section 6 (c) of the Investment Company Act of 1940 exempting Cliffs from the provisions of section 30 of said act and the rules promulgated thereunder, which require the filing of reports with this Commission and the transmission of reports to shareholders.

Cliffs was consolidated with The Cleveland-Cliffs Iron Company on July 9, 1947 when an Agreement of Consolidation was filed with the Secretary of State of Ohio. Its corporate entity, except for certain limited purposes, ceased as of that date and, subject to the rights of its dissenting shareholders, its former shareholders by operation of law became shareholders of The Cleveland-Cliffs Iron Company, a new company arising out of the consolidation. In view of the termination of its corporate existence, Cliffs submits that neither the filing of its reports with this Commission nor the transmission of reports to its former shareholders is necessary or appropriate in the public interest or in the interest of its former shareholders.

All interested persons are referred to the application, which is on file in the Philadelphia, Pennsylvania offices of this Commission, for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 11, 1947 unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than August 8, 1947 at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7346; Filed, Aug. 5, 1947;
9:18 a. m.]