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PRIORITIES REGULATIONS Affecting FPHA Operations and Activities

U. S.
Federal Public Housing Authority - National Housing Agency

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FOREWORD

Regulations of the Civilian Production Administration and the National Housing Agency applicable to the operations and activities of the FPHA under the priorities system will be issued in this Bulletin.

Chapter 480 of the Manual of Policy and Procedure provides instructions for preparing, receiving and processing applications for necessary priorities assistance, and contains references to regulations in this Bulletin for supplementary information.

In addition to the specific priorities regulations, this Bulletin will contain selected limitation, conservation, rubber and other regulations which control the production, inventories and use of materials and equipment needed by the FPHA in its development, management and administrative activities.

Because of the limited number of copies of the regulation available to the FPHA, distribution of Bulletin 14 will be limited to provide copies primarily for priorities personnel who are directly concerned with operations of the priorities system.

Additional copies of regulations, when required, and replenishment of the regional supply of application forms should be requisitioned from the Central Office through the regional administrative services officer.

It is intended, after this initial compilation of applicable CPA and NHA regulations, to include instructions in the various sections of the Bulletin, providing explanations, interpretations, exceptions, special arrangements, etc. Problems and questions should be referred by the regional priorities adviser to the Central Office Priorities and Materials Survey Division, rather than to field offices of the CPA or NHA, whose personnel are not always aware of the discussions and special agreements which are conducted in Washington, concerning FPHA projects, which are sometimes given special consideration on the basis of urgency or other critical factors.

1/ This Bulletin supersedes all of Bulletin 14 previously issued and still existing.

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PART I

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CIVILIAN PRODUCTION ADMINISTRATION

Directive 41

APR. 17, 1946
[As Amended]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 41, as Amended Apr. 17, 1946]

PREFERENCE RATING AUTHORITY OF THE ARMY AND NAVY MUNITIONS BOARD, MARITIME COMMISSION AND WAR SHIPPING ADMINISTRATION

§ 903.154 *Directive 41*—(a) *Purpose and effect.* The purpose of this directive is to delegate to and define the authority of the Army and Navy Munitions Board, Maritime Commission and War Shipping Administration with respect to the assignment of MM preference ratings. This directive, as amended, does not affect the validity of MM ratings properly assigned under it before it was amended.

(b) *Priorities instructions of the Army and Navy Munitions Board.* The Army and Navy Munitions Board, after approval by the Civilian Production Administration, may issue instructions governing the assignment of preference ratings within limits prescribed by CPA Priorities Policy Decisions covering contracts, purchase orders and other similar procurement documents for the delivery of materials (including products, commodities, equipment, accessories, parts or assemblies) to or for the account of:

(1) The Army (including the Panama Canal) and the Navy (including the Marine Corps and the Coast Guard).

(2) U. S. Army and Marine Corps Post Exchanges, U. S. Navy and Coast Guard Ships Service Departments, War Shipping Administration Training Organization Ships Service Activities, all for overseas or shipboard use only (except for specified quantities of items as specifically approved for domestic use in CPA Priorities Policy Decisions).

(3) The following agencies of the Federal Government: Coast and Geodetic Survey, National Advisory Committee on Aeronautics, Civil Aeronautics Administration (only for activities performed at the request or under the sponsorship of the Army or Navy), Selective Service System, Office of Scientific Research and Development, Weather Bureau, U. S. Soldiers Home (Washington, D. C.).

(4) American Red Cross and United Service Organizations, Inc., activities directly connected with military personnel overseas.

(c) *Deliveries which may be rated MM by the ANMB.* The Army and Navy Munitions Board may assign MM preference ratings to:

(1) Deliveries in fulfillment of contracts and purchase orders of the kinds described in paragraph (b), including deliveries of material to be incorporated in construction, but only if the construction is covered by subparagraphs (2) through (5) below. All other construction will be rated only by the Civilian Production Administration, even though the facilities when completed will be owned, leased or operated by the Army or Navy or other agency mentioned in paragraph (b).

(2) Command construction; that is the following types of projects ordered built by either the Chief of Staff, U. S. Army, or the Chief of Naval Operations, U. S. Navy: air fields; military housing; facilities for the repair of finished items of munitions; ports and depots; overseas or theatre of operations construction; seacoast fortifications; military hospitals; maneuvering, training and staging areas and proving grounds; and Manhattan District project.

(3) Army engineers construction for the Veterans Administration; that is Veterans Administration construction projects and remodelling of buildings to be leased to the Veterans Administration for use as regional or branch offices, where the Administrator of Veterans Affairs has requested the Army Engineers to do the construction, or remodelling.

(4) Panama Canal construction; that is, projects (other than command construction) which are owned by the Panama Canal.

NOTE: Subparagraph (5) formerly (6), redesignated Apr. 17, 1946. Former subparagraph (5) deleted Apr. 17, 1946.

(5) NACA construction; that is construction projects of the National Advisory Committee on Aeronautics which are required for aeronautical development and research as directed by the Army Air Forces or Bureau of Aeronautics of the Navy.

(d) *Deliveries which may be rated MM by the Maritime Commission and the War Shipping Administration.* The Maritime Commission and War Shipping Administration may assign MM preference ratings to the deliveries specified in paragraphs (1) through (4) below within limits prescribed by CPA Priorities Policy Decisions, and only upon individual applications which show that the materials or equipment cannot be obtained without priorities assistance by the latest date and in the minimum quantity practicable:

(1) *Ships' stores.* Deliveries to or for the account of the Maritime Commission or War Shipping Administration of ships' stores for use on shipboard;

(2) *Maintenance and repair of ships.* Deliveries to private ship repair yards of materials and equipment needed for immediate incorporation into ships under the control of the Maritime Commission or War Shipping Administration which are being repaired in the yards;

(3) *Ship yard inventories.* Deliveries to private ship repair yards for inventory purposes of the kinds of material normally stocked in the minimum quantities necessary for the repair and maintenance of ships under the control of the Maritime Commission or War Shipping Administration; and

(4) *Ship construction and conversion.* Deliveries of materials and equipment to be incorporated into ships which are being constructed, outfitted or converted under contracts with the Maritime Commission or War Shipping Administration.

(e) *Restrictions on rating authority.* (1) Any preference rating certificate which assigns a rating to the delivery of tires or tubes shall before issuance be reviewed and approved by the Civilian Production Administration.

(2) [Deleted Apr. 17, 1946.]

(f) *Redelegation of authority to assign ratings.* The authority delegated to the Army and Navy Munitions Board in paragraph (c) may be redelegated by the Board only to authorized officials of the agencies enumerated in paragraphs (b) (1), (b) (2) and (b) (3). The authority delegated to the Maritime Commission and War Shipping Administration in paragraph (d) may be redelegated by them only to authorized officials of those agencies.

(g) *Method of assigning ratings.* (1) [Deleted Sept. 12, 1945.]

(2) Preference ratings assigned under this directive shall be assigned on Form WPB–542, or as prescribed in subparagraph (3) below.

(3) When any Government agency having the authority assigns a preference rating to deliveries to be made to or for its account, it may do so by placing the rating on the purchase order or contract and endorsing the order or contract with a certification substantially as follows: "By authority of the Civilian Production Administration the preference ratings indicated are assigned to the deliveries on this purchase order or contract." This certification may be placed on a purchase order or contract by means of a rubber stamp or printed on the order or contract form. The certification need not be signed separately if the purchase order or contract is signed by an official who is authorized to assign the ratings on behalf of the agency which is placing the order or contract. This method of assigning the rating may not be used when the assignment of the rating is subject to review and approval by the Civilian Production Administration before issuance.

(4) [Deleted Apr. 17, 1946.]

(5) Every rating assigned under this directive on a form or certification shall be assigned in the manner prescribed therein without attaching any further conditions or qualifications, except that in approving any Form WPB–542 for tires or tubes the Civilian Production Administration may limit the use of the rating to a specific make of tire or tube, or may provide that delivery may only be obtained from a specified supplier.

(h) *Application and extension of ratings.* Ratings assigned under this directive may be applied and extended

only in accordance with applicable regulations of the Civilian Production Administration.

(i) [Deleted Sept. 12, 1945.]

(j) *Authority to change destination of shipments or to allot materials.* Specific authority to issue on Form GA-209 instructions to contractors and subcontractors for change in destination of shipments of items being produced for Army or Navy programs, or authority to allot specific materials for specified purposes, may be delegated from time to time to officers of the Army and Navy respectively, by the Civilian Production Administrator or Director of the Bureau of Reconversion Priorities of the Civilian Production Administration.

(k) *Directives and delegations of authority superseded.* This directive supersedes Directives 23, 31 and 32 and all individual delegations of authority to assign preference ratings which have heretofore been issued by officials of the War Production Board or Civilian Production Administration to the Army and Navy Munitions Board or to any service of the Army, to the Army Air Forces or to any Bureaus of the Navy or Maritime Commission or to the War Shipping Administration.

(l) [Deleted Apr. 1, 1946.]

Issued this 17th day of April 1946.

JOHN C. HOUSTON, Jr.,
Director,
Bureau of Reconversion Priorities.

SUBJECT: Directive 41, Amended 10-25-46 1/
Delegation of Authority

This Directive delegates to and defines the authority of the Army and Navy Munitions Board and the U. S. Maritime Commission with respect to the assignment and application of preference ratings.

None of the powers or procedures in this Directive are applicable to FPHA activities, but it is included in the Bulletin for informational purposes, because of the explanation of the use of MM and HH ratings by certain other Government Agencies.

As revised, the Directive authorizes the Army and Navy Munitions Board to assign and apply HH ratings for military housing, which type of construction was formerly eligible for MM ratings.

1/ Supersedes Directive 41, dated 4-17-46

COMPLETE

Directive 41

CIVILIAN PRODUCTION ADMINISTRATION

OCT. 25, 1946
[As Amended]

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directive 41, as Amended Oct. 25, 1946]

PREFERENCE RATING AUTHORITY OF THE ARMY AND NAVY MUNITIONS BOARD AND MARITIME COMMISSION

Section 903.154 (Directive 41) is amended to read as follows:

(a) *Purpose and effect.* The purpose of this directive is to delegate to and define the authority of the Army and Navy Munitions Board and the U. S. Maritime Commission with respect to the assignment and application of preference ratings. This directive, as amended, does not affect the validity of ratings properly assigned and applied under it before it was amended.

(b) *Priorities instructions of the Army and Navy Munitions Board.* The Army and Navy Munitions Board, after approval by the Civilian Production Administration, may issue instructions governing the assignment and application of preference ratings within limits prescribed by CPA Priorities Policy Decisions covering contracts, purchase orders and other similar procurement documents for the delivery of materials (including products, commodities, equipment, accessories, parts or assemblies) to or for the account of:

(1) The Army (including the Panama Canal), the Navy (including the Marine Corps) and the Coast Guard;

(2) U. S. Army and Marine Corps Post Exchanges, U. S. Navy and Coast Guard Ships Service Departments, U. S. Maritime Commission Training Organization Ships' Service Activities, all for overseas or shipboard use only (except for specified quantities of items as specifically approved for domestic use in CPA Priorities Policy Decisions);

(3) The following agencies of the Federal Government: Coast and Geodetic Survey, National Advisory Committee on Aeronautics, Civil Aeronautics Administration (only for activities performed at the request or under the sponsorship of the Army or Navy), Selective Service System, Office of Scientific Research and Development, Weather Bureau, U. S. Soldiers Home (Washington, D. C.);

(4) American Red Cross and United Service Organizations, Inc., activities directly connected with military personnel overseas.

(c) *Deliveries which may be rated MM by the ANMB.* The Army and Navy Munitions Board may assign and apply MM preference ratings to:

(1) Deliveries in fulfillment of contracts and purchase orders of the kinds described in paragraph (b), including deliveries of material to be incorporated in construction, but only if the construction is covered by subparagraphs (2) through (6) below. No other construction may be rated MM under this Directive, even though the facilities when completed will be owned, leased or operated by the Army, Navy or other agency mentioned in paragraph (b).

(2) Command construction: that is the following types of projects ordered built by either the Chief of Staff, U. S. Army, or the Chief of Naval Operations, U. S. Navy: air fields; facilities for the repair of finished items of munitions; ports and depots; overseas or theatre of operations construction, including housing; seacoast fortifications; military hospitals; maneuvering, training and staging areas and proving grounds; and Manhattan District project.

(3) Army engineers construction for the Veterans Administration; that is Veterans Administration construction projects and remodeling of buildings to be leased to the Veterans Administration for use as regional or branch offices, where the Administrator of Veterans' Affairs has requested the Army Engineers to do the construction, or remodelling.

(4) Panama Canal construction; that is, projects (other than command construction) which are owned by the Panama Canal.

(5) NACA construction; that is construction projects of the National Advisory Committee on Aeronautics which are required for aeronautical development and research as directed by the Army Air Forces or Bureau of Aeronautics of the Navy.

(6) Military housing in the 48 states and the District of Columbia (MM ratings may be used only for materials not listed on Schedule A to PR–33, as amended from time to time, and for housing construction lumber and construction plywood, as defined in Orders L–358 and L–359).

(d) *Deliveries which may be rated HH by the ANMB.* The Army and Navy Munitions Board may assign and apply HH preference ratings within limits prescribed by CPA Priorities Policy Decisions to deliveries of materials listed on Schedule A to Priorities Regulation 33, as amended from time to time (except housing construction lumber and softwood construction plywood), which are required for incorporation into military housing in the 48 states and the District of Columbia.

(e) *Deliveries which may be rated MM by the U. S. Maritime Commission.* The U. S. Maritime Commission may assign and apply MM preference ratings to the deliveries specified in paragraphs (1) through (4) below within limits prescribed by CPA Priorities Policy Decisions, and only upon individual applications which show that the materials or equipment cannot be obtained without priorities assistance by the latest date and in the minimum quantity practicable:

(1) *Ships' stores.* Deliveries to or for the account of the Maritime Commission of ships' stores for use on shipboard;

(2) *Maintenance and repair of ships.* Deliveries to private ship repair yards of materials and equipment needed for immediate incorporation into ships under the control of the Maritime Commission which are being repaired in the yards;

(3) *Ship yard inventories.* Deliveries to private ship repair yards for inventory purposes of the kinds of materials normally stocked in the minimum quantities necessary for the repair and maintenance of ships under the control of the Maritime Commission; and

(4) *Ship construction and conversion.* Deliveries of materials and equipment to be incorporated into ships which are being constructed, outfitted or converted under contracts with the Maritime Commission.

(f) *Redelegation of authority to assign ratings.* The authority delegated to the Army and Navy Munitions Board in paragraphs (c) and (d) may be redelegated by the Board only to authorized officials of the agencies enumerated in paragraphs (b) (1), (b) (2) and (b) (3). The authority delegated to the U. S. Maritime Commission in paragraph (e) may be redelegated by it only to authorized officials of that agency.

(g) *Method of assigning and applying ratings under this directive.* When any Government agency assigns or applies a preference rating under this Directive, it shall do so by whichever of the following methods is appropriate:

(1) In the case of a purchase order for delivery of material to or for the account of the agency, substantially the following legend shall be used:

By authority of the Civilian Production Administration a preference rating of ——— is assigned and applied to the deliveries on this purchase order or contract.

(2) When the Government agency rates a construction project, a legend in substantially one of the following forms shall be used:

(i) *For MM ratings.*

By authority of the Civilian Production Administration MM ratings are assigned to deliveries of material needed to be incorporated in this project. (Where the MM rating is for a military housing construction project under paragraph (c) (6) above, the words "materials not on Schedule A to Priorities Regulation 33," "housing construction lumber" or "construction plywood" shall be substituted for the word "material").

(ii) *For HH ratings.*

By authority of the Civilian Production Administration a preference rating of HH is assigned to this military housing project. You may apply the HH rating under the provisions of Schedule A to Priorities Regulation 33 only to purchase orders for materials listed in that Schedule (except housing construction lumber and construction plywood) needed for incorporation in this military housing project.

(3) The above legends may be placed on purchase orders or contracts or other appropriate written instruments, by means of rubber stamps, or may be printed on the order or contract forms. They must be signed by the official authorized to assign or apply the ratings on behalf of the Government agency but need not be signed separately if the purchase order or contract is signed by that official.

(h) *Application and extension of ratings.* Ratings assigned under this directive may be applied and extended only in accordance with applicable regulations of the Civilian Production Administration.

Issued this 25th day of October 1946.

L. F. FOSTER,
Director,
Bureau of Priorities.

Directive 42

MAY 31, 1946
[As Amended]

CIVILIAN PRODUCTION ADMINISTRATION

PART 903—DELEGATIONS OF AUTHORITY

[Directive 42, as Amended May 31, 1946]

VETERANS' EMERGENCY HOUSING PROGRAM

§ 903.155 *Directive 42*—(a) *Purpose of this directive.* This directive delegates to the National Housing Agency authority to approve applications for priorities assistance under Priorities Regulation 33 (HH ratings and the right to place certified orders, generally referred to as "HH ratings") or for authorization under Veterans' Housing Program Order 1. It describes the kinds of action which the National Housing Agency will take with respect to these applications and requires certain information and reports from the National Housing Agency. Under Civilian Production Administration Veterans' Housing Program Order 1, approval of a Form CPA–4386 constitutes authorization under that order for the construction, alterations or repairs covered by the CPA–4386.

(b) *Delegation of authority.* The National Housing Agency is hereby authorized to take the following actions in its own name on behalf of the Civilian Production Administration:

(1) To approve under Priorities Regulation 33 applications on Form CPA–4386 which it determines qualify under hat regulation, and to assign the HH rating for the dwellings covered by the application as approved.

(2) To approve under Priorities Regulation 33 supplemental applications on Form CPA–4387 which it determines qualify under that regulation, and to assign the HH rating to the dwellings covered by the application as approved.

(3) To grant requests for amendments of approved applications in the following respects.

(i) As to the plans and specifications of the proposed dwellings.

(ii) As to the time by which construction of the proposed dwellings is to be started (such an amendment may be approved even if requested after the expiration date of the original application).

(iii) As to the location of the proposed dwellings.

(iv) As to the sales price. cost or rents for the dwellings.

(v) As to the number of units covered by an application.

(4) To approve under Priorities Regulation 33 to the extent permitted by paragraph (b) (1) above, applications on Form CPA–4386 superseding previous approvals where the former builder wishes to have the new applicant replace him as builder.

(5) To deny applications under Priorities Regulation 33 which it determines do not meet the requirements of that regulation.

(6) To require builders to whom HH ratings have been assigned and owners of housing accommodations built or converted under the Veterans' Emergency Housing Program to give information and file reports concerning the use of HH ratings and other facts necessary to determine the status of the program and the effect of it upon the supply of and demand for building materials and the enforcement of the program (subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942).

(7) To investigate any alleged violations of Priorities Regulation 33 with respect to preferences for veterans or the sales price, cost, rent, occupancy or disposition of dwellings, and to refer violations to the Civilian Production Administration for appropriate administrative or criminal action.

(8) To approve or deny applications on Form CPA–4415 for priorities assistance under Direction 8 to Priorities Regulation 33 within material quantity limitations established by the Civilian Production Administration.

(c) *Appeals and exceptions.* The National Housing Agency may, in its discretion, grant any appeals from the provisions of Priorities Regulation 33 or any direction to that regulation except appeals which, under the regulation or the direction, should be filed with the Civilian Production Administration. The National Housing Agency may also, in its discretion, grant priorities assistance under Priorities Regulation 33 or authorization under Veterans' Housing Program Order 1 for housing accommodations covered by the regulation, even though the application fails in some respect to satisfy the requirements of the regulation

(d) *Instructions and procedures.* In exercising the authority given by this directive the National Housing Agency shall be governed by Priorities Regulation 33 as amended from time to time and by any written instructions which may be given by the Administrator, Deputy Administrator or Director of the Bureau of Reconversion Priorities of the Civilian Production Administration. The National Housing Agency may issue regulations, orders, and instructions under this Directive setting up criteria and standards for the approval of applications under Priorities Regulation 33 in order to carry out the purposes of that regulation and the Veterans' Emergency Housing Program.

(e) *Reports to the Civilian Production Administration.* The National Housing Agency shall furnish the Civilian Production Administration with copies of approved applications and with such reports and other information as may be requested by the Civilian Production Administration for the purpose of determining the status of the program and the effect of it upon the supply of and demand for critical building materials, and the allocation thereof.

(f) *Redelegations.* The authority delegated by this directive to the National Housing Agency may be redelegated by it to its authorized officials or to any constituent unit of the National Housing Agency which may in turn redelegate to its authorized officials or to any department of the United States Government which may in turn redelegate to its authorized officials.

Issued this 31st day of May 1946.

J. D. SMALL,
Civilian Production Administrator.

SUBJECT: Directive 42, Amended 7-24-46 1/
Delegation of Authority

1. Substance. This directive authorizes the NHA to perform certain functions on behalf of the CPA, relative to processing applications and appeals for public housing construction and priorities assistance.

2. Explanation. As permitted by the Directive, the NHA has redelegated these functions to the FPHA, and the Manual of Policy and Procedure contains a further redelegation to the regional offices. Directive 42 has been revised to include paragraph (b) (9) relative to authorization of certified-HH and HHH ratings, and "authorized orders", for temporary re-use housing projects only.

1/ Supersedes Directive 42, dated 5-31-46.

Superseded 8-27-46

CIVILIAN PRODUCTION ADMINISTRATION

Directive 42

JULY 24, 1946
[As Amended]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 42, as Amended July 24, 1946]

VETERANS' EMERGENCY HOUSING PROGRAM

§ 903.155 *Directive 42*—(a) *Purpose of this directive* This directive delegates to the National Housing Agency authority to approve applications for priorities assistance under Priorities Regulation 33 (HH ratings and the right to place certified orders, generally referred to as "HH ratings") or for authorization under Veterans' Housing Program Order 1. It describes the kinds of action which the National Housing Agency will take with respect to these applications and requires certain information and reports from the National Housing Agency. Under Civilian Production Administration Veterans' Housing Program Order 1, approval of a Form CPA-4386 constitutes authorization under that order for the construction, alterations or repairs covered by the CPA-4386.

(b) *Delegation of authority.* The National Housing Agency is hereby authorized to take the following actions in its own name on behalf of the Civilian Production Administration:

(1) To approve under Priorities Regulation 33 applications on Form CPA-4386 which it determines qualify under that regulation, and to assign the HH rating for the dwellings covered by the application as approved.

(2) To approve under Priorities Regulation 33 supplemental applications on Form CPA-4387 which it determines qualify under that regulation, and to assign the HH rating to the dwellings covered by the application as approved.

(3) To grant requests for amendments of approved applications in the following respects:

(i) As to the plans and specifications of the proposed dwellings.

(ii) As to the time by which construction of the proposed dwellings is to be started (such an amendment may be approved even if requested after the expiration date of the original application).

(iii) As to the location of the proposed dwellings.

(iv) As to the sales price, cost or rents for the dwellings.

(v) As to the number of units covered by an application.

(4) To approve under Priorities Regulation 33 to the extent permitted by paragraph (b) (1) above, applications on Form CPA-4386 superseding previous approvals where the former builder wishes to have the new applicant replace him as builder.

(5) To deny applications under Priorities Regulation 33 which it determines do not meet the requirements of that regulation.

(6) To require builders to whom HH ratings have been assigned and owners of housing accommodations built or converted under the Veterans' Emergency Housing Program to give information and file reports concerning the use of HH ratings and other facts necessary to determine the status of the program and the effect of it upon the supply of and demand for building materials and the enforcement of the program (subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942).

(7) To investigate any alleged violations of Priorities Regulation 33 with respect to preferences for veterans or the sales price, cost, rent, occupancy or disposition of dwellings, and to refer violations to the Civilian Production Administration for appropriate administrative or criminal action.

(8) To approve or deny applications on Form CPA-4415 for priorities assistance under Direction 8 to Priorities Regulation 33 within material quantity limitations established by the Civilian Production Administration.

(9) To authorize, under Direction 11 to Priorities Regulation 33, the use of certified-HH ratings, HHH ratings, and "authorized orders" by contractors for building materials for temporary re-use housing projects of the Federal Public Housing Authority.

(c) *Appeals and exceptions.* The National Housing Agency may, in its discretion, grant any appeals from the provisions of Priorities Regulation 33 or any direction to that regulation except appeals which, under the regulation or the direction, should be filed with the Civilian Production Administration. The National Housing Agency may also, in its discretion, grant priorities assistance under Priorities Regulation 33 or authorization under Veterans' Housing Program Order 1 for housing accommodations covered by the regulation, even though the application fails in some respect to satisfy the requirements of the regulation.

(d) *Instructions and procedures.* In exercising the authority given by this directive the National Housing Agency shall be governed by Priorities Regulation 33 as amended from time to time and by any written instructions which may be given by the Administrator, Deputy Administrator or Director of the Bureau of Reconversion Priorities of the Civilian Production Administration. The National Housing Agency may issue regulations, orders, and instructions under this Directive setting up criteria and standards for the approval of applications under Priorities Regulation 33 in order to carry out the purposes of that regulation and the Veterans' Emergency Housing Program.

(e) *Reports to the Civilian Production Administration.* The National Housing Agency shall furnish the Civilian Production Administration with copies of approved applications and with such reports and other information as may be requested by the Civilian Production Administration for the purpose of determining the status of the program and the effect of it upon the supply of and demand for critical building materials, and the allocation thereof.

(f) *Redelegations.* The authority delegated by this directive to the National Housing Agency may be redelegated by it to its authorized officials or to any constituent unit of the National Housing Agency which may in turn redelegate to its authorized officials or to any department of the United States Government which may in turn redelegate to its authorized officials.

Issued this 24th day of July 1946.

L. F. FOSTER,
Director, Bureau of Reconversion Priorities.

SUBJECT: Directive 42, Amended 8-27-46 1/
Delegation of Authority

This Directive delegates to the Housing Expediter authority to perform certain functions with respect to the manufacture, construction, erection, alteration or repair of housing accommodations.

The effect of this delegation is to authorize to the Housing Expediter the power of CPA's allocation authority under the Second War Powers Act. A companion delegation (EPO-1) authorizes to CPA the authority, derived from the Veterans' Emergency Housing Act, to allocate critical materials necessary for the housing program and to provide for priorities assistance for such materials.

1/ Supersedes Directive 42, dated 7-24-46.

PART 903—DELEGATIONS OF AUTHORITY

[Directive 42, as Amended Aug. 27, 1946]

VETERANS' EMERGENCY HOUSING PROGRAM

Section 903.155 *Directive 42* is amended to read as follows:

Pursuant to the authority vested in the Civilian Production Administrator by Executive Order 9638 of October 4, 1945 and Housing Expediter Priorities Order 1 of August 27, 1946, it is hereby ordered, that:

§ 903.155 *Directive 42*—(a) *Delegation of authority.* The Housing Expediter and the National Housing Agency are authorized to perform the functions and exercise the power, authority and discretion conferred upon the President by the Second War Powers Act of 1942 and to perform the functions and exercise the power, authority and discretion conferred upon the Housing Expediter by the Veterans' Emergency Housing Act of 1946 with respect to the functions described below, and in so doing may impose such conditions and requirements and such terms as he may deem necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

(1) The Housing Expediter (or the National Housing Agency) may assign HH and HHH ratings and other priorities assistance established by and provided in Schedule A to Priorities Regulation 33 and in directions to that regulation, for the manufacture, construction, erection, alteration, repair or improvement of housing accommodations.

(2) The Housing Expediter (or the National Housing Agency) may in his discretion approve or deny all applications or appeals or take any other action under those provisions of VHP–1 or other priorities regulations, orders or directions of the Civilian Production Administration which provide that the application or appeal shall be filed wth the Housing Expediter or the National Housing Agency (or any agency acting under a delegation from either of them) or which provide that he may take the action, and may amend, revoke or supersede any such action which has been previously taken. The Civilian Production Administration Appeals Board will not hear appeals from a denial or other action by the Housing Expediter or the National Housing Agency or any agency acting under a delegation from either of them under this directive.

(3) The Housing Expediter may take any action necessary or appropriate to enforce compliance with any regulation, order or authorization issued by him or by the National Housing Agency under this delegation. The Housing Expediter may take any action necessary or appropriate to enforce compliance with the provisions of Priorities Regulation 33 applying to sales prices, rents, cost, construction, erection, preference for veterans in the occupation or disposition of housing accommodations, applications and the posting of placards. The actions which the Housing Expediter may take for these purposes include the revocation or suspension of authorizations and priorities assistance, the issuance of suspension orders or other administrative action and the institution of, or other appropriate action with respect to, civil or criminal proceedings.

(4) The Housing Expediter may require all persons who have received authorization under VHP–1 or priorities assistance for housing accommodations to keep such records, supply such information and file such reports as he may deem necessary to carry out the purposes of this directive. The Housing Expediter may make such investigations and may make such inspections of the books, records and other writings, premises or property of such applicants or owners as he may deem necessary or appropriate for the enforcement or administration of the functions delegated to him by this directive. In order to carry out the purposes of this directive the Housing Expediter may exercise the powers conferred by paragraphs numbered (3) and (4) in Title III of the Second War Powers Act.

(5) The Housing Expediter may issue such regulations and orders as he may deem necessary to carry out the functions delegated to him by this directive.

(b) *Scope of authority.* This directive delegates to the Housing Expediter authority to perform the functions set forth in paragraph (a) with respect to the manufacture, construction, erection, alteration or repair of housing accommodations. This includes all construction work for which an application under Veterans' Housing Program Order 1 should be filed with the Housing Expediter or with an agency acting under a delegation from him (Supplement 5 to VHP–1 sets forth these cases). This delegation also includes authority to perform the functions set forth in paragraph (a) with respect to the manufacture of prefabricated houses, panels and sections, other industrially built houses and trailers used for housing purposes.

(c) *Redelegation.* Any power delegated to the Housing Expediter by this directive may be exercised through such department, agency or officer of the U. S. Government as he shall direct.

(d) *Effect on priorities regulations of NHA.* The issuance of this revised Directive 42 shall not be construed to repeal or affect in any way delegations, regulations, orders or instructions previously issued by the National Housing Agency or by any of its delegates under former versions of Directive 42.

Issued this 27th day of August 1946.

J. D. SMALL,
Civilian Production Administrator.

GPO CPA 18309 p. 1

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PART I

Section 2 - Regulations Under Veterans Emergency Housing Program

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1/ Supersedes the Index, dated 7-25-46.

SUBJECT: VHP-1, Amended 7-2-46 1/
General Restrictions on Construction and Repairs

1. Substance. VHP-1 forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization, with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f) of the Order. The purpose of Order VHP-1 is to fulfill the requirements of the Veterans' Emergency Housing Program, by diverting critical materials from deferrable or less essential work.

2. Applicability to FPHA Projects. The provisions of VHP-1 affect the development and maintenance operations of FPHA projects, and except for small jobs and disaster repairs described in the Order, an authorization is required for construction, conversions, repairs, improvements, alterations, additions, and installation or relocation of fixtures or mechanical equipment. Applications for authorization of construction are to be submitted on Form CPA-4386, and processed in accordance with the instructions in Section 3480:3 of the Manual of Policy and Procedure.

3. Description. The attached amended Order VHP-1 includes a revocation of Interpretation 1, a reprinting of Interpretation 2, and an amended Interpretation 3. All revisions are underscored, and consist of modifications which do not alter the existing procedures.

1/ Supersedes the following regulations, which should be removed from the Bulletin:
VHP-1, dated 3-26-46;
Amendment 1 to VHP-1, dated 4-12-46;
Interpretation 1 to VHP-1, dated 4-19-46;
Interpretation 2 to VHP-1, dated 4-29-46;
Interpretation 3 to VHP-1, dated 5--7-46.

NHA
FPHA
9-26-46 Superseded 10-30-46.

Bulletin 14

PART I - Section 2.1

SUBJECT: VHP-1, Amended 8-27-46 1/
General Restrictions on Construction and Repairs

The amendment of this Order is designed to bring the regulation into conformity with HEPR-5. It now includes a provision in paragraph (h) that an approval under HEPR-5 is an approval under VHP-1. Other revisions are underscored, and constitute minor modifications only.

VHP-1 forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization, with the exception of certain small jobs and other work covered by paragraph (d), (e) and (f) of the Order. The purpose of Order VHP-1 is to fulfill the requirements of the Veterans' Emergency Housing Program, by diverting critical materials from deferrable or less essential work.

The provisions of VHP-1 affect the development and maintenance operations of FPHA projects, and except for small jobs and disaster repairs described in the Order, an authorization is required for construction, conversions, repairs, improvements, alterations, additions, and installation or relocation of fixtures or mechanical equipment.

1/ Supersedes VHP-1, dated 7-2-46.

Superseded 7/2/46

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1]

GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIRS

The Veterans' Emergency Housing Program, set forth February 7, 1946, by the Housing Expediter in his report to the President, calls for the construction of an unprecedented number of moderate and low-cost housing accommodations to meet the needs of returning veterans. The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities required for construction, for defense, for private account and for export. It will be impossible to carry out the Veterans' Emergency Housing Program without diverting critical materials from deferrable or less essential construction. The following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 4700.1 *Veterans' Housing Program Order 1*—(a) *What this order does.* In order to carry out the Veterans' Emergency Housing Program, this order forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization under paragraph (h) of the order, with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f). The restrictions of the order apply whether or not the materials needed are on hand or are available without priorities assistance.

(b) *Structures and work covered by this order*—(1) *Kinds of structures.* The restrictions of this order apply to certain kinds of work on structures. As used in the order, "structure" means any building, arena, stadium, grandstand, pier, moving picture set or billboard, whether of a permanent or temporary nature (however, the erection of stands or other structures which have been used before and are being erected only for a temporary purpose and are to be taken down after the temporary purpose is served is not covered by the order). The term "structure" does not include roads, streets, sidewalks, railroad or street car or interurban or plant railway tracks or operating facilities (other than buildings), fences, silos, trailers (except when demounted and installed on a foundation), bridges, tunnels, subways, pipe lines, utility facilities (except buildings) providing for electric, gas, sewerage, water, central steam heating or telephone or telegraph communication services including power or utility lines and sewers, surface or underground mines, wells, dams, canals or drainage or irrigation ditches. The term "structure" also does not include anything that is not attached to the land or to a structure as defined above, or any kind of equipment installed outside of and not attached to a building or other structure.

(2) *Kinds of work.* The restrictions of this order apply to constructing, repairing, making additions or alterations (including alterations incidental to installing any kind of equipment), improving or converting structures, or installing or relocating fixtures or mechanical equipment in structures. These terms include any kind of work on a structure which involves the putting up or putting together of processed materials, products, fixtures or mechanical equipment, if the processed materials, products, fixtures or mechanical equipment are attached to the land, or are attached to a structure and used as a functional part of the structure, or are attached so firmly to the land or structure that removal would injure the material, product, fixture or mechanical equipment or the structure. The laying of asphalt or other tile or linoleum cemented or otherwise attached to the structure is covered by the order. However, repainting, repapering and sanding floors and greasing, overhauling, repairing or installing repair or replacement parts in existing mechanical equipment in all types of structures, where no change in the structure is made, are not covered by the order.

(3) *Fixtures and mechanical equipment.* The term "fixture" means any article attached to a building or structure and used as a part of the building or structure. The term "mechanical equipment" means any equipment which is used to operate a building or other structure. The following items are included within the phrase "fixtures and mechanical equipment" if they are attached to the building or structure in any of the ways indicated later in this paragraph: plumbing, heating, ventilating and lighting equipment, panelling, bookcases, bars, soda fountains, show cases, booths, wood or metal partitions, counters, and the like. These articles are considered to be attached to a building or structure if they are attached by nails or screws to the building, if they are connected to the plumbing or other piping system of the building, if they are connected to the lighting system of the building (except by connection to an existing outlet), or if a base or foundation is built for the item, or if the item is cemented to the building or structure. The phrase "fixtures and mechanical equipment" does not include the following: machine tools, blast furnaces, conveyors, elevators, process piping, control or testing equipment used for industrial or utility purposes or in a laboratory, power generating or transmitting equipment, such as boilers, generators, transformers, and the like (however, where the purpose of boilers, transformers and similar equipment is primarily to provide electricity or steam for lighting or heating the building in which they are installed they would be mechanical equipment), medical equipment in a hospital, washing machines or dryers in a commercial laundry, compressors or cooling equipment in a cold storage warehouse or frozen food locker plant, gasoline pumps and hydraulic lifts in a garage or service station, and stoves, refrigerators (other than refrigerators constructed as an integral part of a building), food-warming equipment and dishwashing equipment in a restaurant.

(c) *Prohibited construction.* (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate, fixtures or mechanical equipment, in any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico or the Virgin Islands, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h). No person shall carry on or participate in any construction, repair work, addition, improvement, conversion, alteration, installation or relocation of fixtures or mechanical equipment prohibited by this order. The prohibitions of this paragraph apply to a person who does his own construction work, to a person who gets a contractor to do the work, to contractors, sub-contractors, architects and engineers working on a job which is being carried on in violation of this order or getting others to work on it or to supply materials for it.

(2) This order forbids the beginning of certain kinds of work. To "begin" work on a structure means to incorporate into a structure on the site materials which are to be an integral part of the structure in question. Demolition, excavation and similar site preparation do not constitute beginning construction. The order does not apply to work which was begun before March 26, 1946, and which was being carried on on that date and which is carried on normally after that date. However, this rule only applies to the particular building or other structure begun before March 26, 1946. It does not apply to any other building or structure which had not itself been begun by that date even though the two are closely related.

(d) *Exemption for small jobs.* (1) This order does not restrict a construction, repair, alteration or installation job, the cost of which does not exceed the allowance given below for the particular kind of structure involved:

(i) $400 for a house or other structure (such as a garage) on residential property designed for occupancy by five families or less. This allowance also applies to farmhouses and other housing accommodations on farms, except bunkhouses and other accommodations for transitory farm laborers.

(ii) $1,000 for a hotel, resort, apartment house, or other residential building designed for occupancy by more than five families.

(iii) $1,000 for a building used primarily for one or more commercial or service establishments such as offices, banks, stores, laundries, garages, restau-

rants, night clubs, theaters, repair shops, warehouses, frozen food locker plants and radio stations.

(iv) $1,000 for a farm, excluding farmhouses which are covered by paragraph (d) (1) (i) above. A farm means a place used primarily for raising crops, livestock, dairy products or poultry for the market.

(v) $1,000 for a church, hospital, school, college or a publicly owned building used for public purposes, or for an orphanage or other building used exclusively for charitable purposes.

(vi) $15,000 for a factory, plant or other industrial structure which is used for the manufacturing, processing, or assembling of any goods or materials, for a logging and lumber camp, for a pier (other than a pier designed for amusement, entertainment or other commercial purposes), for a structure used for or in connection with a railroad or street railway, or a commercial airport, for a bus terminal, for a truck terminal operated by a common or contract carrier by truck, or for a research laboratory or pilot plant or for a motion picture set. This allowance is applicable to structures used for oil, gas or petroleum producing, refining, or distributing (except service stations and garages which are covered by paragraphs (d) (1) (iii) above). It is also applicable to utility structures (public or private) providing for electric, gas, sewerage, water, central steam heating, or telephone or telegraph communication services.

(vii) $200 for a structure covered by this order which does not fall within one of the classes listed above.

(2) For the purpose of determining whether a particular job is exempted from this order by paragraph (d), the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. This includes the cost of paid labor engaged in the construction work, regardless of who pays for it, the cost or value of new fixtures, mechanical equipment and materials incorporated in the structure, whether or not obtained without paying for them, and the amount paid for contractors' fees. It does not include the cost or value of previously used fixtures, mechanical equipment and materials, the value of unpaid labor, or the cost or value of machinery and equipment (other than mechanical equipment) or the cost of labor engaged in assembling and installing the machinery and equipment.

(3) For the purpose of this exemption, a related series of operations which are performed at or about the same time or as part of a single plan or program constitute a single job. No job which would ordinarily be done as a single piece of work may be sub-divided for the purpose of coming within this exemption. When a building or part of a building is converted from one purpose to another, all work incidental to and done in connection with the conversion must be counted as one job. So also if a building is being renovated, improved or modernized over an extended period, all work done in connection with the modernization (other than work done before March 26, 1946) must be considered as part of one job, even though separate contracts are let for the different parts of the work. The definition of a job given in this paragraph may not be used in determining whether construction has started prior to the issuance of the order under paragraph (c) (2).

(4) If a structure is used for more than one purpose and might therefore fall within more than one of the classes indicated, the use to which the greatest part of the structure will be put (computed on the basis of the floor area where applicable) determines the allowance. If a structure is being converted from one purpose to another, the allowance applicable to the structure after the conversion is the maximum allowance for the conversion. The allowances given for jobs on a structure apply to all subordinate or related structures situated near and used in connection with the structure.

(e) *Exemption for repair and maintenance work in industrial, utility and transportation buildings and structures.* The prohibitions of this order do not apply to maintenance and repair work in structures covered by paragraph (d) (1) (vi) of this order. For the purpose of the exemption given by this paragraph, "maintenance" means the minimum upkeep necessary to keep a structure in sound working condition and "repair" means the restoration of a structure to sound working condition when the structure has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. However, neither maintenance nor repair includes the improvement of any structure by replacing material which is still usable with material of a better kind, quality or design. No maintenance or repair work which is capitalized by the person doing the maintenance or repair work may be performed under this exemption. Alterations to a building or other structure covered by paragraph (d) (1) (vi), including alterations incidental to installation of equipment, are not exempted by this paragraph, even though they are not capitalized, and may only be done when and to the extent permitted under paragraph (d) or when specifically authorized.

(f) *Other exemptions*—(1) *Disasters.* (i) The prohibitions of this order do not apply to the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by flood, fire, tornado, or similar disaster. This does not include the restoration of the structure to its former condition.

(ii) The prohibitions of this order do not apply to the repair, rebuilding or reconstruction of any house (including a farmhouse) or any farm building which was destroyed or damaged by fire, flood, tornado or similar disaster, if the total cost of the repairs, rebuilding or reconstruction does not exceed $6,000 and if the reconstruction is started within sixty days of the occurrence of the disaster.

(2) *Military construction.* The prohibitions of this order do not apply to work by or for the account of the U. S. Army or Navy.

(3) *Veterans' Administration.* The prohibitions of this order do not apply to work on construction projects of the Veterans' Administration, including projects being built by the Corps of Engineers for the Veterans' Administration, or to the remodeling of a building or any part of a building which has been leased to the Veterans' Administration or to Public Buildings Administration for occupancy or use by the Veterans' Administration.

(g) *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order.

(h) *Authorizations.* Persons who wish to begin work which is prohibited by this order may apply for authorization. If the application covers housing accommodations under Priorities Regulation 33 (including farm dwellings), it should be made on Form CPA–4386. Applications for nonfarm housing accommodations should be filed with the local office of the Federal Housing Administration. Applications covering housing accommodations on a farm should be filed with the appropriate County Agricultural Conservation Committee. The assignment of ratings for or approval of housing accommodations under Priorities Regulation 33, whether before or after the issuance of this order, constitutes an authorization under this order to do the work for which priority assistance or approval was given under that regulation. If the application covers work on a farm (other than farm dwellings), the application should be made on Form CPA–4423 and should be filed with the appropriate County Agricultural Conservation Committee. If work on any other kind of structure is involved, the application should be filed on Form CPA–4423 with the appropriate Construction Field Office of the Civilian Production Administration. Applications will be reviewed to see whether and how much the proposed construction would interfere with the Veterans' Emergency Housing Program. In addition, the essentiality of the proposed work in relation to the Veterans' Emergency Housing Program, to the elimination of a bottleneck to the reconversion of the national economy from a wartime to a peacetime basis, to the public health and safety of the community, or to eliminate an unusual and extreme hardship will be taken into consideration in determining whether the application should be approved. In case of emergency, a request for authorization may be made by telegram to the appropriate Civilian Production Administration Construction Field Office. The telegram should state the nature of the emergency (fire, flood, etc.), the use to which the building will be put, the type of construction, the estimated cost of construction and the reasons why immediate reconstruction is necessary.

(i) *Construction under authorizations.* When a person is specifically authorized, either by approval of Form CPA–4423 or Form CPA–4386 or otherwise, to do work restricted by this order, he must observe the restrictions imposed on him by the authorization, and in doing the authorized work, he must not do any work of the kinds covered by the order unless it is specifically covered by the authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the exemption given by paragraph (d). When an application on Form CPA–4423 has been approved a placard will be sent to the applicant stating that the construction has been approved under this order. The applicant must place in the placard the project serial number and must set up the placard in front of the project site in a conspicuous location within five days after construction has been started and he must keep the placard there until completion of the work.

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

(k) *Communications.* All communications concerning this order should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: VHP–1.

(l) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the Civilian Production Administration, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of March 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: VHP-1, Amended 10-7-46 1/
General Restrictions on Construction and Repairs

VHP-1 forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization, with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f) of the Order. The purpose of Order VHP-1 is to fulfill the requirements of the Veterans' Emergency Housing Program, by diverting critical materials from deferrable or less essential work.

This amendment revises in paragraphs (b) (1) and (b) (2) the provisions relative to the kinds of structures and the kinds of work to which the restrictions apply. Another revision provides, in paragraph (k), for addressing correspondence to the CPA District Construction Offices rather than to the CPA Construction Field Offices.

The provisions of VHP-1 affect the development and maintenance operations of FPHA projects, and except for small jobs and disaster repairs described in the Order, an authorization is required for construction, conversions, repairs, improvements, alterations, additions, and installations or relocation of fixtures or mechanical equipment. Paragraph (h) provides that an approval under HEPR-5 is an approval under VHP-1.

1/ Supersedes VHP-1, dated 8-27-46

Superseded 8-27-46.

CIVILIAN PRODUCTION ADMINISTRATION

VHP-1
JULY 2, 1946
[As Amended]
Incl. Int. 1–3

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, as Amended July 2, 1946]

GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIRS

The Veterans Emergency Housing Program, set forth February 7, 1946, by the Housing Expediter in his report to the President, calls for the construction of an unprecedented number of moderate and low-cost housing accommodations to meet the needs of returning veterans. The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities required for construction, for defense, for private account and for export. It will be impossible to carry out the Veterans' Emergency Housing Program without diverting critical materials from deferrable or less essential construction. The following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 4700.1 *Veterans' Housing Program Order 1*—(a) *What this order does.* In order to carry out the Veterans' Emergency Housing Program, this order forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization under paragraph (h) of the order, with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f). The restrictions of the order apply whether or not the materials needed are on hand or are available without priorities assistance.

(b) *Structures and work covered by this order*—(1) *Kind of structures.* The restrictions of this order apply to certain kinds of work on structures. As used in the order, "structure" means any building, arena, stadium, grandstand, pier, moving picture set or billboard, whether of a permanent or temporary nature (however, the erection of stands or other structures which have been used before and are being erected only for a temporary purpose and are to be taken down after the temporary purpose is served is not covered by the order). The term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not it is inside a structure. Supplement 4 to VHP–1 contains examples of things which do not fall within the term "structure" as defined above.

(2) *Kinds of work.* The restrictions of this order apply to constructing, repairing, making additions or alterations (including alterations incidental to installing any kind of equipment), improving or converting structures, or installing or relocating fixtures or mechanical equipment in structures. These terms include any kind of work on a structure which involves the putting up or putting together of processed materials, products, fixtures or mechanical equipment, if the processed materials, products, fixtures or mechanical equipment are attached to the land, or are attached to a structure and used as a functional part of the structure, or are attached so firmly to the land or structure that removal would injure the material, product, fixture or mechanical equipment or the structure. The laying of asphalt or other tile or linoleum cemented or otherwise attached to the structure is covered by the order. However, the following kinds of work are not covered by the order:

Greasing, overhauling or repairing existing mechanical equipment or installing repair or replacement parts in existing mechanical equipment

Sanding floors and sand blasting buildings

Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying, where no change in the structure is made in connection with the waterproofing, painting or papering (Pointing bricks, sparkling plaster or caulking windows are not considered making a change in a structure).

Installing loose fill, blanket, or batt insulation in existing buildings or installing mineral wool insulation on existing equipment or piping.

(3) *Fixtures and mechanical equipment.* In general the term "fixture" means any article attached to a building or structure and used as part of it and the term "mechanical equipment" means plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it. Supplement 1 to VHP–1 contains lists of articles which are considered fixtures or mechanical equipment when attached to a structure in the manner described in that supplement and a list of other articles which are never considered fixtures or mechanical equipment.

(c) *Prohibited construction.* (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate fixtures or mechanical equipment in, any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands or the Territory of Hawaii, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h). No person shall carry on or participate in any construction, repair work, addition, improvement, conversion, alteration, installation or relocation of fixtures or mechanical equipment prohibited by this order. The prohibitions of this paragraph apply to a person who does his own construction work, to a person who gets a contractor to do the work, to contractors, sub-contractors, architects and engineers working on a job which is being carried on in violation of this order or getting others to work on it or to supply materials for it.

(2) This order forbids the beginning of certain kinds of work. To "begin" work on a structure means to incorporate into a structure on the site materials which are to be an integral part of the structure in question. Demolition, excavation and similar site preparation do not constitute beginning construction. The order does not apply to work which was begun before the order became effective and which was being carried on on that date and which is carried on normally after that date. However, this rule only applies to the particular building or other structure begun at that time. It does not apply to any other building or structure which had not itself been begun by that date even though the two are closely related. Supplement 2 to this order contains further provisions concerning the effective date of the order and concerning the beginning of construction. It also contains examples of work which constitute beginning construction, and the examples of other work which do not constitute beginning construction.

(3) [Deleted July 2, 1946.]

(d) *Allowances for small jobs.* This order does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given in Supplement 3 to VHP–1 for the particular kind of structure or job involved. Supplement 3 lists various kinds of structures and states what the small job allowance is for each kind of structure or job. Supplement 3 also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and also provides when a job is a separate job.

(e) *Exemption for repair and maintenance work in industrial utility and transportation buildings and structures.* The prohibitions of this order do not apply to maintenance and repair work in structures covered by paragraph (b) (3) of Supplement 3 to this order. For the purpose of the exemption given by this paragraph, "maintenance" means the minimum upkeep necessary to keep a structure in sound working condition and "repair" means the restoration of a structure to sound working condition when the structure has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. However, neither maintenance nor repair includes the improvement of any

structure by replacing material which is still usable with material of a better kind, quality or design. Alterations to a building or other structure covered by paragraph (b) (3) of Supplement 3, including alterations incidental to installation of equipment, are not exempted by this paragraph, even though they are not capitalized, and may only be done when and to the extent permitted under Supplement 3 or when specifically authorized.

(f) *Other exemptions*—(1) *Disasters.* (i) The prohibitions of this order do not apply to the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by flood, fire, tornado, or similar disaster. This does not include the restoration of the structure to its former condition.

(ii) The prohibitions of this order do not apply to the repair, rebuilding or reconstruction of any house (including a farmhouse) or any farm building which was destroyed or damaged by fire, flood, tornado or similar disaster, if the total cost of the repairs, rebuilding or reconstruction does not exceed $6,000 and if the reconstruction is started within sixty days of the occurrence of the disaster.

(2) *Military construction.* The prohibitions of this order do not apply to work by or for the account of the U. S. Army or Navy.

(3) *Veterans' Administration.* The prohibitions of this order do not apply to work on construction projects of the Veterans' Administration, including projects being built by the Corps of Engineers for the Veterans' Administration, or to the remodelling of a building or any part of a building which has been leased to the Veterans' Administration or to Public Buildings Administration for occupancy or use by the Veterans' Administration.

(g) *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order.

(h) *Authorizations.* Persons who wish to begin work which is prohibited by this order may apply for authorization. If the application covers housing accommodations under Priorities Regulation 33 (including farm dwellings), it should be made on Form CPA-4386. Applications for non-farm housing accommodations should be filed with the local office of the Federal Housing Administration. Applications covering housing accommodations on a farm should be filed with the appropriate County Agricultural Conservation Committee. The assignment of ratings for or approval of housing accommodations under Priorities Regulation 33, whether before or after the issuance of this order, constitutes an authorization under this order to do the work for which priority assistance or approval was given under that regulation. If the application covers work on a farm (other than farm dwellings), the application should be made on Form CPA-4423 and should be filed with the appropriate County Agricultural Conservation Committee. If work on any other kind of structure is involved, the application should be filed on Form CPA-4423 with the appropriate Construction Field Office of the Civilian Production Administration. Applications will be reviewed to see whether and how much the proposed construction would interfere with the Veterans' Emergency Housing Program. In addition, the essentiality of the proposed work in relation to the Veterans' Emergency Housing Program, to the elimination of a bottleneck to the reconversion of the national economy from a wartime to a peacetime basis, to the public health and safety of the community, or to eliminate an unusual and extreme hardship will be taken into consideration in determining whether the application should be approved. In case of emergency, a request for authorization may be made by telegram to the appropriate Civilian Production Administration Construction Field Office. The telegram should state the nature of the emergency (fire, flood, etc.), the use to which the building will be put, the type of construction, the estimated cost of construction and the reasons why immediate reconstruction is necessary.

(i) *Construction under authorizations.* When a person is specifically authorized, either by approval of Form CPA-4423 or Form CPA-4386 or otherwise, to do work restricted by this order, he must observe the restrictions imposed on him by the authorization, and in doing the authorized work, he must not do any work of the kinds covered by the order unless it is specifically covered by the authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the exemption given by Supplement 3 to VHP-1. When an application on Form CPA-4423 has been approved a placard will be sent to the applicant stating that the construction has been approved under this order. The applicant must place in the placard the project serial number and must set up the placard in front of the project site in a conspicuous location within five days after construction has been started and he must keep the placard there until completion of the work.

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

(k) *Communications.* All communications concerning this order should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: VHP-1.

(l) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the Civilian Production Administration, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Revocation of Interpretation 1]

WATERPROOFING

Interpretation 1 to Veterans' Housing Program Order 1 is hereby revoked. The substance of that interpretation is incorporated in paragraph (b) (2) of VHP-1 as amended.

Issued this 2d day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary

INTERPRETATION 2

PROHIBITED DELIVERIES

Paragraph (g) of Order VHP-1 provides that "No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order"

The purpose of this provision is to prohibit the sale or delivery of materials by a supplier if he knows or has reason to believe that the materials supplied will be used in violation of VHP-1. This provision does not impose upon a fabricator or supplier any duty to investigate whether a proposed construction job for which he is asked to supply materials will be begun or carried on in violation of Veterans' Housing Program Order 1, or whether it has been specifically authorized or is exempt under that order. Mere knowledge that the kind of work involved is a kind which ordinarily would require authorization under the order does not constitute reason to believe that the work will be begun or carried on in violation of the order and, in the absence of information to the contrary, the supplier may rely on the builder to get an authorization for the job if authorization is required.

Paragraph (g) of VHP-1 does not require a supplier to get from a customer a certificate to the effect that the customer is not violating and will not violate VHP-1, or a certificate to the effect that the job for which the materials will be used is exempt under the order or has been authorized under the order.

Section 944.14a of Priorities Regulation 1 contains a provision, similar to that in paragraph (g) of VHP-1, with respect to all Civilian Production Administration orders and regulations. In addition, Priorities Regulation 32, which controls inventories, contains a similar provision affecting suppliers, in paragraph (b), which is explained in detail in Interpretation 3 to that regulation. (Issued Apr. 29, 1946.)

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Interpretation 3, as Amended July 2, 1946]

PORTABLE AND PREFABRICATED STRUCTURES

(a) The erection of a "portable" or prefabricated building or other structure is construction and is restricted by Veterans' Housing Program Order 1, if the structure is placed on a foundation constructed on the site, or if the structure is connected to the ground by plumbing, wiring or other utility connection, or if the structure is placed on the ground on a spot where it is intended to remain for an undetermined time.

(b) Erection of a "portable" or prefabricated structure is not construction and is not covered by VHP-1 only if the structure is placed on a temporary site for the purpose of moving it from time to time, without any foundation or other connection with the ground. For example, the erection of a shelter to be moved around frequently for use on different parts of a farm from time to time is not construction, while the erection of a prefabricated or "portable" structure for use as a garage on a house lot is construction, and is restricted by VHP-1.

(c) If the erection of a "portable" or prefabricated building constitutes construction, as indicated above, the cost of the job must be computed in accordance with Supplement 3 to VHP-1. If the cost of the job exceeds the applicable allowance under that supplement, authorization for the job must be obtained.

Issued this 2d day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 10-7-47

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, as Amended August 27, 1946]

GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIRS

The Veterans' Emergency Housing Program, set forth February 7, 1946, by the Housing Expediter in his report to the President, calls for the construction of an unprecedented number of moderate and low-cost housing accommodations to meet the needs of returning veterans. The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities required for construction, for defense, for private account and for export. It will be impossible to carry out the Veterans' Emergency Housing Program without diverting critical materials from deferrable or less essential construction. The following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 4700.1 *Veterans' Housing Program Order 1*—(a) *What this order does.* In order to carry out the Veterans' Emergency Housing Program, this order forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization under paragraph (h) of the order, with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f). The restrictions of the order apply whether or not the materials needed are on hand or are available without priorities assistance.

(b) *Structures and work covered by this order*—(1) *Kind of structures.* The restrictions of this order apply to certain kinds of work on structures. As used in the order, "structure" means any building, arena, stadium, grandstand, (including bleachers and other seating arrangements), pier, moving picture set or billboard, whether of a permanent or temporary nature (however, the erection of stands or other structures which have been used before and are being erected only for a temporary purpose and are to be taken down after the temporary purpose is served is not covered by the order). The term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not it is inside a structure. Supplement 4 to VHP–1 contains examples of things which do not fall within the term "structure" as defined above.

(2) *Kinds of work.* The restrictions of this order apply to constructing, repairing, making additions or alterations (including alterations incidental to installing any kind of equipment), improving or converting structures, or installing or relocating fixtures or mechanical equipment in structures. These terms include any kind of work on a structure which involves the putting up or putting together of processed materials, products, fixtures or mechanical equipment, if the processed materials, products, fixtures or mechanical equipment are attached to a structure and used as a functional part of the structure, or are attached so firmly to the structure that removal would injure the material, product, fixture or mechanical equipment or the structure. The laying of asphalt or other tile or linoleum cemented or otherwise attached to the structure is covered by the order. However, the following kinds of work are not covered by the order:

Greasing, overhauling or repairing existing mechanical equipment or installing repair or replacement parts in existing mechanical equipment

Sanding floors and sand blasting buildings

Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying, where no change in the structure is made in connection with the waterproofing, painting or papering (Pointing bricks, sparkling plaster or caulking windows are not considered making a change in a structure).

Installing loose fill, blanket, or batt insulation in existing buildings or installing insulation on existing equipment or piping.

(3) *Fixtures and mechanical equipment.* In general the term "fixture" means any article attached to a building or structure and used as part of it and the term "mechanical equipment" means plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it. Supplement 1 to VHP–1 contains lists of articles which are considered fixtures or mechanical equipment when attached to a structure in the manner described in that supplement and a list of other articles which are never considered fixtures or mechanical equipment.

(c) *Prohibited construction.* (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate fixtures or mechanical equipment in, any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands or the Territory of Hawaii, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h). No person shall carry on or participate in any construction, repair work, addition, improvement, conversion, alteration, installation or relocation of fixtures or mechanical equipment prohibited by this order. The prohibitions of this paragraph apply to a person who does his own construction work, to a person who gets a contractor to do the work, to contractors, sub-contractors, architects and engineers working on a job which is being carried on in violation of this order or getting others to work on it or to supply materials for it.

(2) This order forbids the beginning of certain kinds of work. To "begin" work on a structure means to incorporate into a structure on the site materials which are to be an integral part of the structure in question. Demolition, excavation and similar site preparation do not constitute beginning construction. The order does not apply to work which was begun before the order became effective and which was being carried on on that date and which is carried on normally after that date. However, this rule only applies to the particular building or other structure begun at that time. It does not apply to any other building or structure which had not itself been begun by that date even though the two are closely related. Supplement 2 to this order contains further provisions concerning the effective date of the order and concerning the beginning of construction. It also contains examples of work which constitute beginning construction, and the examples of other work which do not constitute beginning construction.

(3) [Deleted July 2, 1946.]

(d) *Allowances for small jobs.* This order does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given in Supplement 3 to VHP–1 for the particular kind of structure or job involved. Supplement 3 lists various kinds of structures and states what the small job allowance is for each kind of structure or job. Supplement 3 also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and also provides when a job is a separate job.

(e) *Exemption for repair and maintenance work in industrial utility and transportation buildings and structures.* The prohibitions of this order do not apply to maintenance and repair work in structures covered by paragraph (b) (3) of Supplement 3 to this order. For the purpose of the exemption given by this paragraph, "maintenance" means the minimum upkeep necessary to keep a structure in sound working condition and "repair" means the restoration of a structure to sound working condition when the structure has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. However, neither maintenance nor repair includes the improvement of any structure by replacing material which is still usable with material of a better kind, quality or design. Alterations to a building or other structure covered by paragraph (b) (3) of Supplement 3, including alterations incidental to installation of equipment, are not exempted by this paragraph, and may

only be done when and to the extent permitted under Supplement 3 or when specifically authorized.

(f) *Other exemptions*—(1) *Disasters.* (i) The prohibitions of this order do not apply to the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by flood, fire, tornado, or similar disaster. This does not include the restoration of the structure to its former condition.

(ii) The prohibitions of this order do not apply to the repair, rebuilding or reconstruction of any house (including a farmhouse) or any farm building which was destroyed or damaged by fire, flood, tornado or similar disaster, if the total cost of the repairs, rebuilding or reconstruction does not exceed $6,000 and if the reconstruction is started within sixty days of the occurrence of the disaster.

(2) *Military construction.* The prohibitions of this order do not apply to work by or for the account of the U. S. Army or Navy.

(3) *Veterans' Administration.* The prohibitions of this order do not apply to work on construction projects of the Veterans' Administration, including projects being built by the Corps of Engineers for the Veterans' Administration, or to the remodelling of a building or any part of a building which has been leased to the Veterans' Administration or to Public Buildings Administration for occupancy or use by the Veterans' Administration.

(g) *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order.

(h) *Authorizations.* Persons who wish to begin work which is prohibited by this order may apply for authorization. Supplement 5 to this order states what forms should be used and where the applications should be filed. The assignment of priorities assistance or the approval of housing accommodations under Priorities Regulation 33, whether before or after the time when this order became effective, or under Housing Expediter Priorities Regulation 5 or other applicable regulation of the Housing Expediter, constitutes an authorization under this order to do the work for which priorities assistance or approval was given. Applications for non-housing construction will be reviewed to see whether and how much the proposed construction would interfere with the Veterans' Emergency Housing Program. In addition the essentiality of the proposed work in relation to the Veterans' Emergency Housing Program, to the elimination of a bottleneck to the reconversion of the national economy from a wartime to a peacetime basis, to the public health and safety of the community, or to eliminate an unusual and extreme hardship will be taken into consideration in determining whether the application should be approved.

(i) *Construction under authorizations.* When a person is specifically authorized, either by approval of Form CPA–4423 or Form CPA–4386 or otherwise, to do work restricted by this order, he must observe the restrictions imposed on him by the authorization, and in doing the authorized work, he must not do any work of the kinds covered by the order unless it is specifically covered by the authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the exemption given by Supplement 3 to VHP–1. When an application on Form CPA–4423 has been approved a placard will be sent to the applicant stating that the construction has been approved under this order. The applicant must place in the placard the project serial number and must set up the placard in front of the project site in a conspicuous location within five days after construction has been started and he must keep the placard there until completion of the work.

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

(k) *Communications.* All communications concerning this order, except communications about applications for housing accommodations filed with the Housing Expediter or an agency acting for him, should be addressed to the appropriate Construction Field office of the Civilian Production Administration, Washington, D. C., Ref: VHP–1.

(l) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the Civilian Production Administration, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Revoked July 2, 1946

INTERPRETATION 2

PROHIBITED DELIVERIES

Paragraph (g) of Order VHP–1 provides that "No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order"

The purpose of this provision is to prohibit the sale or delivery of materials by a supplier if he knows or has reason to believe that the materials supplied will be used in violation of VHP–1. This provision does not impose upon a fabricator or supplier any duty to investigate whether a proposed construction job for which he is asked to supply materials will be begun or carried on in violation of Veterans' Housing Program Order 1, or whether it has been specifically authorized or is exempt under that order. Mere knowledge that the kind of work involved is a kind which ordinarily would require authorization under the order does not constitute reason to believe that the work will be begun or carried on in violation of the order and, in the absence of information to the contrary, the supplier may rely on the builder to get an authorization for the job if authorization is required.

Paragraph (g) of VHP–1 does not require a supplier to get from a customer a certificate to the effect that the customer is not violating and will not violate VHP–1, or a certificate to the effect that the job for which the materials will be used is exempt under the order or has been authorized under the order.

Section 944.14a of Priorities Regulation 1 contains a provision, similar to that in paragraph (g) of VHP–1, with respect to all Civilian Production Administration orders and regulations. In addition, Priorities Regulation 32, which controls inventories, contains a similar provision affecting suppliers, in paragraph (b), which is explained in detail in Interpretation 3 to that regulation. (Issued Apr. 29, 1946.)

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, as Amended Oct. 7, 1946]

GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIRS

The Veterans' Emergency Housing Program, set forth February 7, 1946, by the Housing Expediter in his report to the President, calls for the construction of an unprecedented number of moderate and low-cost housing accommodations to meet the needs of returning veterans. The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities required for construction, for defense, for private account and for export. It will be impossible to carry out the Veterans' Emergency Housing Program without diverting critical materials from deferrable or less essential construction. The following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 4700.1 *Veterans' Housing Program Order 1*—(a) *What this order does.* In order to carry out the Veterans' Emergency Housing Program, this order forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization under paragraph (h) of the order, with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f). The restrictions of the order apply whether or not the materials needed are on hand or are available without priorities assistance.

(b) *Structures and work covered by this order*—(1) *Kind of structures.* The restrictions of this order apply to certain kinds of work on structures.

As used in the order, "structure" means any of the following, whether of a temporary or permanent nature (See Interpretation 3 as to portable structures):

A building.
An arena, stadium or grandstand, including bleachers or similar seating arrangements.
A pier or dock.
A billboard.
A boardwalk (not including wooden walks used in winter or bad weather).
A concrete surface or base for a drive-in theatre, parking lot or tennis court.
A moving picture set.
A roller coaster or similar device of a kind ordinarily used in amusement parks.
A swimming pool.
A wall or fence built primarily of wood, brick or concrete or concrete blocks.

The erection of stands or other structures which have been used before and are being erected only for a temporary purpose and are to be taken down after the temporary purpose is served is not covered by the order.

The term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not it is inside a structure. Supplement 4 to VHP–1 contains examples of things which do not fall within the term "structure" as defined above.

(2) *Kinds of work.* The restrictions of this order apply to constructing, repairing, making additions or alterations (including alterations incidental to installing any kind of equipment), improving or converting structures, or installing or relocating fixtures or mechanical equipment in structures. These terms include any kind of work on a structure which involves the putting up or putting together of processed materials, products, fixtures or mechanical equipment, if the processed materials, products, fixtures or mechanical equipment are attached to a structure and used as a functional part of the structure, or are attached so firmly to the structure that removal would injure the material, product, fixture or mechanical equipment or the structure. The laying of asphalt or other tile or linoleum cemented or otherwise attached to the structure is covered by the order. However, the following kinds of work are not covered by the order:

Greasing, overhauling or repairing existing mechanical equipment or installing repair or replacement parts in existing mechanical equipment.
Sanding floors and sand blasting buildings.
Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying where no work covered by the order is done in connection with the painting, papering or waterproofing.
Pointing bricks, sparkling plaster and caulking windows.
Installing loose fill, blanket, or batt insulation in existing buildings or installing insulation on existing equipment or piping.

(3) *Fixtures and mechanical equipment.* In general the term "fixture" means any article attached to a building or structure and used as part of it and the term "mechanical equipment" means plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it. Supplement 1 to VHP–1 contains lists of articles which are considered fixtures or mechanical equipment when attached to a structure in the manner described in that supplement and a list of other articles which are never considered fixtures or mechanical equipment.

(c) *Prohibited construction.* (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate fixtures or mechanical equipment in, any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands or the Territory of Hawaii, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h). No person shall carry on or participate in any construction, repair work, addition, improvement, conversion, alteration, installation or relocation of fixtures or mechanical equipment prohibited by this order. The prohibitions of this paragraph apply to a person who does his own construction work, to a person who gets a contractor to do the work, to contractors, sub-contractors, architects and engineers working on a job which is being carried on in violation of this order or getting others to work on it or to supply materials for it.

(2) This order forbids the beginning of certain kinds of work. To "begin" work on a structure means to incorporate into a structure on the site materials which are to be an integral part of the structure in question. Demolition, excavation and similar site preparation do not constitute beginning construction. The order does not apply to work which was begun before the order became effective and which was being carried on on that date and which is carried on normally after that date. However, this rule only applies to the particular building or other structure begun at that time. It does not apply to any other building or structure which had not itself been begun by that date even though the two are closely related. Supplement 2 to this order contains further provisions concerning the effective date of the order and concerning the beginning of construction. It also contains examples of work which constitute beginning construction, and the examples of other work which do not constitute beginning construction.

(3) [Deleted July 2, 1946.]

(d) *Allowances for small jobs.* This order does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given in Supplement 3 to VHP–1 for the particular kind of structure or job involved Supplement 3 lists various kinds of structures and states what the small job allowance is for each kind of structure or job. Supplement 3 also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and also provides when a job is a separate job.

(e) *Exemption for repair and maintenance work in industrial utility and transportation buildings and structures.* The prohibitions of this order do not apply to maintenance and repair work in structures listed in paragraph (b) (3) of Supplement 3 to this order. For the purpose of the exemption given by this paragraph, "maintenance" means the minimum upkeep necessary to keep a

structure in sound working condition and "repair" means the restoration of a structure to sound working condition when the structure has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. However, neither maintenance nor repair includes the improvement of any structure by replacing material which is still usable with material of a better kind, quality or design. Alterations to a building or other structure covered by paragraph (b) (3) of Supplement 3, including alterations incidental to installation of equipment, are not exempted by this paragraph, and may only be done when and to the extent permitted under Supplement 3 or when specifically authorized.

(f) *Other exemptions*—(1) *Disasters.* (i) The prohibitions of this order do not apply to the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by flood, fire, tornado, or similar disaster. This does not include the restoration of the structure to its former condition.

(ii) The prohibitions of this order do not apply to the repair, rebuilding or reconstruction of any house (including a farmhouse) or any farm building which was destroyed or damaged by fire, flood, tornado or similar disaster, if the total cost of the repairs, rebuilding or reconstruction does not exceed $6,000 and if the reconstruction is started within sixty days of the occurrence of the disaster.

(2) *Military construction.* The prohibitions of this order do not apply to work by or for the account of the U. S. Army or Navy.

(3) *Veterans' Administration.* The prohibitions of this order do not apply to work on construction projects of the Veterans' Administration, including projects being built by the Corps of Engineers for the Veterans' Administration, or to the remodelling of a building or any part of a building which has been leased to the Veterans' Administration or to Public Buildings Administration for occupancy or use by the Veterans' Administration.

(g) *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order.

(h) *Authorizations.* Persons who wish to begin work which is prohibited by this order may apply for authorization. Supplement 5 to this order states what forms should be used and where the applications should be filed. The assignment of priorities assistance or the approval of housing accommodations under Priorities Regulation 33, whether before or after the time when this order became effective, or under Housing Expediter Priorities Regulation 5 or other applicable regulation of the Housing Expediter, constitutes an authorization under this order to do the work for which priorities assistance or approval was given. Applications for non-housing construction will be reviewed to see whether and how much the proposed construction would interfere with the Veterans' Emergency Housing Program. In addition the essentiality of the proposed work in relation to the Veterans' Emergency Housing Program, to the elimination of a bottleneck to the reconversion of the national economy from a wartime to a peacetime basis, to the public health and safety of the community, or to eliminate an unusual and extreme hardship will be taken into consideration in determining whether the application should be approved.

(i) *Construction under authorizations.* When a person is specifically authorized, either by approval of Form CPA–4423 or Form CPA–4386 or otherwise, to do work restricted by this order, he must observe the restrictions imposed on him by the authorization, and in doing the authorized work, he must not do any work of the kinds covered by the order unless it is specifically covered by the authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the exemption given by Supplement 3 to VHP–1. When an application on Form CPA–4423 has been approved a placard will be sent to the applicant stating that the construction has been approved under this order. The applicant must place in the placard the project serial number and mu t set up the placard in front of the project site in a conspicuous location within five days after construction has been started and he must keep the placard there until completion of the work.

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

(k) *Communications.* All communications concerning this order, except communications about applications filed with the Housing Expediter or an agency acting for him, should be addressed to the appropriate District Construction Office of the CPA or to the Civilian Production Administration, Washington 25, D. C., Ref.: VHP–1.

(l) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the Civilian Production Administration, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Revoked July 2, 1946

INTERPRETATION 2

PROHIBITED DELIVERIES

Paragraph (g) of Order VHP–1 provides that "No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order"

The purpose of this provision is to prohibit the sale or delivery of materials by a supplier if he knows or has reason to believe that the materials supplied will be used in violation of VHP–1. This provision does not impose upon a fabricator or supplier any duty to investigate whether a proposed construction job for which he is asked to supply materials will be begun or carried on in violation of Veterans' Housing Program Order 1, or whether it has been specifically authorized or is exempt under that order. Mere knowledge that the kind of work involved is a kind which ordinarily would require authorization under the order does not constitute reason to believe that the work will be begun or carried on in violation of the order and, in the absence of information to the contrary, the supplier may rely on the builder to get an authorization for the job if authorization is required.

Paragraph (g) of VHP–1 does not require a supplier to get from a customer a certificate to the effect that the customer is not violating and will not violate VHP–1, or a certificate to the effect that the job for which the materials will be used is exempt under the order or has been authorized under the order.

Section 944.14a of Priorities Regulation 1 contains a provision, similar to that in paragraph (g) of VHP–1, with respect to all Civilian Production Administration orders and regulations. In addition, Priorities Regulation 32, which controls inventories, contains a similar provision affecting suppliers, in paragraph (b), which is explained in detail in Interpretation 3 to that regulation. (Issued Apr. 29, 1946.)

INTERPRETATION 3

PORTABLE AND PREFABRICATED STRUCTURES

(a) The erection of a "portable" or prefabricated building or other structure is construction and is restricted by Veterans' Housing Program Order 1, if the structure is placed on a foundation constructed on the site, or if the structure is connected to the ground by plumbing, wiring or other utility connection, or if the structure is placed on the ground on a spot where it is intended to remain for an undetermined time.

(b) Erection of a "portable" or prefabricated structure is not construction and is not covered by VHP–1 only if the structure is placed on a temporary site for the purpose of moving it from time to time, without any foundation or other connection with the ground. For example, the erection of a shelter to be moved around frequently for use on different parts of a farm from time to time is not construction, while the erection of a prefabricated or "portable" structure for use as a garage on a house lot is construction, and is restricted by VHP–1.

(c) If the erection of a "portable" or prefabricated building constitutes construction, as indicated above, the cost of the job must be computed in accordance with Supplement 3 to VHP–1. If the cost of the job exceeds the applicable allowance under that supplement, authorization for the job must be obtained. (Issued July 2, 1946.)

SUBJECT: Supplement 1 to VHP-1, Amended 7-2-46 1/
Fixtures and Equipment

1. Substance. Supplement 1 explains further the provisions of VHP-1, which restricts the installation or relocation of fixtures and mechanical equipment. In explanation of the definitions of "fixtures" and "mechanical equipment", this supplement contains lists of specific articles indicating the items which require an authorization for installation, and items which are exempt, under VHP-1.

2. Applicability to FPHA Projects. The provisions of this supplement affect RM&R activities on FPHA projects, to the extent that any fixtures or mechanical equipment to be installed in a project will necessitate referral to this supplement, to determine their classification and the necessity for obtaining an authorization for the work.

1/ Supersedes Supplement 1 to VHP-1, dated 5-2-46.

SUBJECT: Supplement 1 to VHP-1, Amended 8-30-46 1/
Fixtures and Equipment

Supplement 1 explains further the provisions of VHP-1, which restricts the installation or relocation of fixtures and mechanical equipment.

This regulation has been amended to conform with the revised method of figuring the cost of a job under Supplement 3.

In explanation of the definitions of "fixtures" and "mechanical equipment", this supplement contains lists of specific articles indicating the items which require an authorization for installation, and items which are exempt, under VHP-1.

The provisions of this supplement affect RM&R activities on FPHA projects, to the extent that any fixtures or mechanical equipment to be installed in a project will necessitate referral to this supplement, to determine their classification and the necessity for obtaining an authorization for the work.

1/ Supersedes Supplement 1 to VHP-1, dated 7-2-46

Revised 9/2/46

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[VHP–1, Supp. 1]

FIXTURES AND EQUIPMENT

§ 4700.2 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts construction and alterations of buildings and certain other structures, including alterations incidental to the installation of equipment. It also restricts the installation of fixtures and mechanical equipment, whether or not alterations to the structure are involved. The installation of other machinery and equipment is not restricted by the order. Paragraph (b) (3) of VHP–1 defines a fixture as "any article attached to a building or structure and used as a part of the building or structure", and defines mechanical equipment as "any equipment which is used to operate a building or other structure". Several specific articles are listed in paragraph (b) (3) of VHP–1 as coming within these terms and certain other items are listed as not being covered by these terms. This supplement lists these and other specific items, indicating whether or not they are fixtures and mechanical equipment under VHP–1. It also explains other provisions of VHP–1 applying to these installations.

(b) *Fixtures and mechanical equipment.* (1) The following articles are considered fixtures and mechanical equipment if they are attached to a building or structure by nails or screws if they are connected with the plumbing or other piping system of the structure, if they are connected to the lighting system of the structure (except by connection to an existing outlet without installing new wires or a new outlet), if a base or foundation is built for the item, or if the item is cemented to the building or structure:

Air conditioning equipment (except when used for humidity or temperature control in industrial processing or as refrigeration equipment in a cold storage warehouse or a frozen food locker plant and except self-contained individual units with no duct systems).
Bars.
Bookcases.
Booths.
Counters.
Furnaces and furnace burner or boiler burner units.
Heating equipment.
Kitchen cabinets.
Lighting equipment.
Marquees.
Panelling.
Partitions, wood or metal.
Plumbing equipment.
Signs, electric and other.
Show cases.
Soda fountains.
Ventilating equipment.
Any other article falling within the definitions of fixture and mechanical equipment stated in paragraph (a) of this supplement.
(None of the above items include any item specifically listed in paragraph (b) (2) of this supplement.)

(2) the following articles are never considered fixtures or mechanical equipment:

Air conditioning equipment where required to provide humidity or temperature control for industrial processing and self-contained individual units with no duct systems.
Airport equipment such as cargo and passenger handling equipment, signalling equipment, obstruction marking equipment and equipment used for lighting runways or for signalling.
Altars, choir stalls and church pews.
Automatic fire protection sprinkler systems.
Barn equipment such as milking machines, hay or litter conveyors, stanchions and stalls.
Blast furnaces.
Control or testing equipment used for industrial or utility purposes or in a laboratory or hospital.
Conversion oil or gas burners.
Conveyors.
Desks, chairs and cafeteria and gymnasium equipment in a school or college.
Escalators, elevators and dumb waiters.
Food warming, dishwashing and food preparation equipment in a restaurant or institution.
Furnaces for heat treating or similar industrial purposes.
Hospital equipment such as X-ray machines and operating tables.
Lighting equipment for flood lighting airports, railroads or other outdoor operations.
Machine tools.
Post-office equipment such as letter boxes and letter drops.
Power generating or transmitting equipment such as boilers, generators, and transformers (except where the primary purpose of the equipment is to provide electricity or steam for lighting or heating the building in wrich they are installed).
Projection and sound equipment.
Radio towers and other transmitting and receiving equipment.
Refrigeration equipment, such as compressors, in a cold storage warehouse or a frozen food locker plant.
Refrigerators (except where built as an integral part of the building).
Scales.
Service station equipment such as gasoline pumps, hydraulic lifts, battery chargers.
Stokers.
Storm windows, storm doors, screens and awnings.
Stoves.
Theatre seats.
Washing machines or dryers in a commercial laundry.
Other processing machinery and equipment.
Other machinery and equipment installed to provide a special service in a structure and not installed merely to operate the structure.

(c) *Cost of an installation of fixtures or mechanical equipment.* If any item covered by paragraph (b) (1) of this supplement is being installed in or on a building or other structure covered by the order, the cost of the job for the purpose of determining whether it is under the applicable allowance given in paragraph (d) (1) of VHP–1 must include the cost or value of the item (unless it has been previously used), in addition to the cost of new materials, the cost of paid labor engaged in the work and the amount paid for contractor's fees. The cost or value of previously used mechanical equipment and previously used fixtures need not be included in the cost of the job for this purpose. Paragraph (d) (3) of VHP–1 contains additional provisions prohibiting the splitting of a job for the purpose of coming within the exemptions of paragraph (d) (1) of the order.

(d) *Repairs to mechanical equipment.* Paragraph (b) (2) of VHP–1 provides that greasing, overhauling, repairing, or installing replacement parts in existing mechanical equipment in all types of structures, where no change in the structure is made, is not covered by the order, regardless of whether the cost of the job is within the applicable allowance under paragraph (d) (1) of the order, and the cost of such work need not be included in the cost of a job for the purpose of determining whether the job is within the applicable allowance under that paragraph. This provision applies to plumbing, heating, ventilating and lighting equipment. This provision covers the replacement of parts in a piece of mechanical equipment when the present parts are no longer serviceable but does not cover the replacement of an entire piece of equipment. For example, it is permissible, under this provision, to replace the grates in a furnace but not to replace the entire furnace; to replace the tubes in a boiler but not to replace the entire boiler, unless the total cost of the replacement is within the applicable job allowance under paragraph (d) (1) of VHP–1.

(e) *Installation of exempt machinery and equipment.* VHP–1 does not restrict the installation of machinery and equipment other than mechanical equipment. Paragraph (b) (2) of this supplement explains what equipment may be installed without regard to the provisions of the order. VHP–1 does, however, restrict the making of alterations to a building or other structure covered by the order in connection with the installation of such exempt machinery and equipment. For example, if a foundation is built inside a building to receive the equipment, or if partitions or new walls are installed to separate a machine from the rest of the plant, the cost of these building alterations must be computed in accordance with paragraph (d) (2) of VHP–1 and if the cost exceeds the applicable allowance for the building involved under paragraph (d) (1) of VHP–1, authorization must be obtained for the work. In computing the cost of the building alterations, the cost of new materials and paid labor and the amount paid for contractor's fees for the building alteration must be counted (together with the cost of any new fixtures or new mechanical equipment covered by paragraph (b) (1) of this supplement which may be installed at the same time), but the cost of the exempt machinery or equipment, whether new or used, need not be included nor need the cost of labor

engaged in assembling the exempt machinery or equipment or in setting it in place and connecting it up. For example, in installing elevators which are listed in paragraph (b) (2) of this supplement, it would be necessary to count toward the cost of the job, the cost of new materials and paid labor and contractor's fees involved in preparing the shaft, in strengthening the building to support the elevator and in constructing a penthouse or bulkhead on the roof of the building or a room in the basement to enclose the motors. It would not, however, be necessary to include in the cost of the job the cost of the elevator car, the guide rails between which the car runs, the sheaves, the motors, the cables or the doors or frames to the elevator shaft or the cost of labor engaged in assembling and installing this equipment.

(f) *Installation of equipment outside and not attached to a building.* Under paragraph (b) (1) of VHP–1, the installation of any kind of equipment outside of and not attached to a building or other structure covered by the order is not restricted by the order. This exemption applies to mechanical equipment such as a fuel oil tank installed in the ground outside of a house or any other kind of machinery or equipment which is installed outside of and not attached to a building. The exemption is applicable whether or not a foundation must be built for the piece of equipment and whether or not the equipment is connected to a building by pipes or pipe lines, wires, or the like. The following items are examples of equipment exempt completely from the order if installed outside of and not attached to a building:

Blast furnaces.
Brick or lumber or pottery kilns.
Chimneys of industrial or utility type, constructed of radial brick, reinforced concrete or steel.
Coke ovens.
Fueling equipment.
Lighting systems.
Oil refinery processing equipment such as towers, reactors, heat exchangers and furnaces.
Radio towers.
Scales.
Signalling equipment.
Tanks.
Turntables.

Issued this 2d day of May 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 8-30-46

Supp. 1 to VHP-1

CIVILIAN PRODUCTION ADMINISTRATION

JULY 2, 1946
[As Amended]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 1, as Amended July 2, 1946]

FIXTURES AND EQUIPMENT

§ 4700.2 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts construction and alterations of buildings and certain other structures, including alterations incidental to the installation of equipment. It also restricts the installation of fixtures and mechanical equipment, whether or not alterations to the structure are involved. The installation of other machinery and equipment is not restricted by the order. Paragraph (b) (3) of VHP–1 defines a fixture as "any article attached to a building or structure and used as part of it", and defines mechanical equipment as "plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it." This supplement lists various specific items indicating whether or not they are fixtures or mechanical equipment under VHP–1. It also explains other provisions of VHP–1 applying to these installations.

(b) *Fixtures and mechanical equipment.* (1) The following articles are considered fixtures and mechanical equipment if they are attached to a building or structure by nails or screws, or bolts, if they are connected with the plumbing or other piping system of the structure, if they are connected to the lighting system of the structure (except by connection to an existing outlet without installing new wires or a new outlet), if a base or foundation is built for the item, or if the item is cemented to the building or structure:

- Air conditioning equipment (except when used for humidity or temperature control in industrial processing or as refrigeration equipment in a cold storage warehouse or a frozen food locker plant and except self-contained individual units with no duct systems).
- Furnaces and furnace burner or boiler burner units.
- Heating equipment.
- Kitchen cabinets.
- Lighting equipment.
- Marquees.
- Panelling.
- Partitions, wood or metal.
- Plumbing equipment.
- Signs, electric and other.
- Ventilating equipment.
- Any other article falling within the definitions of fixture and mechanical equipment stated in paragraph (a) of this supplement.
- (None of the above items include any item specifically listed in paragraph (b) (2) of this supplement.)

(2) The following articles are never considered fixtures or mechanical equipment:

NOTE: "Refrigerators . . ." deleted from list July 2, 1946.

- Air conditioning equipment where required to provide humidity or temperature control for industrial processing and self-contained individual units with no duct systems.
- Airport equipment such as cargo and passenger handling equipment, signalling equipment, obstruction marking equipment and equipment used for lighting runways or for signalling.
- Altars, choir stalls and church pews.
- Automatic fire protection sprinkler systems.
- Barn equipment such as milking machines, hay or litter conveyors, stanchions and stalls.
- Blast furnaces.
- Control or testing equipment used for industrial or utility purposes or in a laboratory or hospital.
- Conversion oil or gas burners installed in or attached to a furnace or boiler already in use in the building.
- Conveyors.
- Desks, chairs and cafeteria and gymnasium equipment in a school or college.
- Electrical precipitators.
- Escalators, elevators and dumb waiters.
- Food warming, dishwashing and food preparation equipment in a restaurant or institution.
- Furnaces for heat treating or similar industrial purposes.
- Hospital equipment such as X-ray machines and operating tables.
- Lighting equipment for flood lighting airports, railroads or other outdoor operations.
- Machine tools.
- Post-office equipment such as letter boxes and letter drops.
- Power generating or transmitting equipment such as boilers, generators, and transformers (except where the primary purpose of the equipment is to provide electricity or steam for lighting or heating the building in which they are installed).
- Projection and sound equipment.
- Radio towers and other transmitting and receiving equipment.
- Refrigeration equipment, such as compressors, in a cold storage warehouse or a frozen food locker plant.
- Scales.
- Service station equipment such as gasoline pumps, hydraulic lifts, battery chargers.
- Stokers installed in connection with heating equipment already installed in a building.
- Storm windows, storm doors, screens, awnings and venetian blinds.
- Stoves.
- Theatre seats.
- Washing machines or dryers in a commercial laundry.
- Other processing machinery and equipment.
- Other machinery and equipment installed to provide a special service in a structure and not installed merely to operate the structure.

(3) The following articles are considered fixtures only if they are constructed as an integral part of the building or structure and cannot be removed without demolition of the article or substantial injury to the building or structure:

- Bars
- Bins
- Bookcases
- Booths
- Cooling towers
- Counters
- Refrigerators
- Show cases, including refrigerated show cases
- Soda fountains
- Storage racks
- Water coolers

(c) *Cost of an installation of fixtures or mechanical equipment.* If any item covered by paragraph (b) (1) of this supplement is being installed in or on a building or other structure covered by the order, the cost of the job for the purpose of determining whether it is under the applicable allowance given in Supplement 3 to VHP–1 must include the cost or value of the item (unless it has been previously used), in addition to the cost of new materials, the cost of paid labor engaged in the work and the amount paid for contractor's fees. The cost or value of previously used mechanical equipment and previously used fixtures need not be included in the cost of the job for this purpose. Paragraph (f) of Supplement 3 to VHP–1 contains additional provisions prohibiting the splitting of a job for the purpose of coming within the applicable small job allowance under that supplement.

(d) *Repairs to mechanical equipment.* Paragraph (b) (2) of VHP–1 provides that greasing, overhauling, repairing, or installing replacement parts in existing mechanical equipment in all types of structures, where no change in the structure is made, is not covered by the order, regardless of whether the cost of the job is within the applicable allowance, under Supplement 3 to VHP–1, and the cost of such work need not be included in the cost of a job for the purpose of determining whether the job is within the applicable allowance under that supplement. This provision applies to plumbing, heating, ventilating and lighting equipment. This provision covers the replacement of parts in a piece of mechanical equipment when the present parts are no longer serviceable but does not cover the replacement of an entire piece of equipment. For example, it is permissible, under this provision, to replace the grates in a furnace but not to replace the entire furnace; to replace the tubes in a boiler but not to replace the entire boiler, unless the total cost of the replacement is within the applicable job allowance under Supplement 3 to VHP–1.

(e) *Installation of exempt machinery and equipment.* VHP–1 does not restrict the installation of machinery and equipment other than mechanical equipment. Paragraph (b) (2) of this supplement explains what equipment may be installed without regard to the provisions of the order. VHP–1 does, however, restrict the making of alterations to a building or other structure covered by the order in connection with the installation of such exempt machinery and equipment. For example, if a foundation is built inside a building to receive the equipment, or if partitions or new walls are installed to separate a machine from the rest of the plant, the cost of these building alterations must be computed in accordance with Supplement 3 to VHP–1 and if the cost exceeds the applicable allowance for the building involved under that supplement, authorization must be obtained for the work. In computing the cost of the building alterations, the cost of new materials and paid labor and the amount paid for contractor's fees for the building alteration must be counted (together with the cost of any new fixtures or new mechanical equipment covered by paragraph (b) (1) of this supplement which may be installed at the same time), but the cost of the exempt machinery or equipment, whether new or used, need not be included nor need the cost of labor engaged in assembling the exempt machinery or equipment or in setting it in place and connecting it up. For example, in installing elevators which are listed in paragraph (b) (2) of this supplement, it would be necessary to count toward the cost of the job, the cost of new materials and paid labor and contractor's fees involved in preparing the shaft, in strengthening the building to support the elevator and in constructing a penthouse or bulkhead on the roof of the building or a room in the basement to enclose the motors. It would not, however, be necessary to include in the cost of the job the cost of the elevator car, the guide rails between which the car runs, the sheaves, the motors, the cables or the doors or frames to the elevator shaft or the cost of labor engaged in assembling and installing this equipment.

NOTE: The provisions formerly in paragraph (f) are now set forth in Supplement 4.

Issued this 2d day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

CIVILIAN PRODUCTION ADMINISTRATION

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 1, as Amended Aug. 30, 1946]

FIXTURES AND EQUIPMENT

§ 4700.2 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts construction and alterations of buildings and certain other structures, including alterations incidental to the installation of equipment. It also restricts the installation of fixtures and mechanical equipment, whether or not alterations to the structure are involved. The installation of other machinery and equipment is not restricted by the order. Paragraph (b) (3) of VHP–1 defines a fixture as "any article attached to a building or structure and used as part of it", and defines mechanical equipment as "plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it." This supplement lists various specific items indicating whether or not they are fixtures or mechanical equipment under VHP–1. It also explains other provisions of VHP–1 applying to these installations.

(b) *Fixtures and mechanical equipment.* (1) The following articles are considered fixtures and mechanical equipment if they are attached to a building or structure by nails or screws, or bolts, if they are connected with the plumbing or other piping system of the structure, if they are connected to the lighting system of the structure (except by connection to an existing outlet without installing new wires or a new outlet), if a base or foundation is built for the item, or if the item is cemented to the building or structure:

Air conditioning equipment (except when used for humidity or temperature control in industrial processing or as refrigeration equipment in a cold storage warehouse or a frozen food locker plant and except self-contained individual units with no duct systems).
Furnaces and furnace burner or boiler burner units.
Heating equipment.
Kitchen cabinets.
Lighting equipment.
Marquees.
Panelling.
Partitions, wood or metal.
Plumbing equipment.
Signs, electric and other.
Ventilating equipment.
Any other article falling within the definitions of fixture and mechanical equipment stated in paragraph (a) of this supplement.
(None of the above items include any item specifically listed in paragraph (b) (2) of this supplement.)

(2) The following articles are never considered fixtures or mechanical equipment:

Air conditioning equipment where required to provide humidity or temperature control for industrial processing and self-contained individual units with no duct systems.
Airport equipment such as cargo and passenger handling equipment, signalling equipment, obstruction marking equipment and equipment used for lighting runways or for signalling.
Altars, choir stalls and church pews.
Automatic fire protection sprinkler systems.
Barn equipment such as milking machines, hay or litter conveyors, stanchions and stalls.
Blast furnaces.
Control or testing equipment used for industrial or utility purposes or in a laboratory or hospital.
Conversion oil or gas burners installed in or attached to a furnace or boiler already in use in the building.
Conveyors.
Desks, chairs and cafeteria and gymnasium equipment in a school or college.
Electrical precipitators.
Escalators, elevators and dumb waiters.
Food warming, dishwashing and food preparation equipment in a restaurant or institution.
Furnaces for heat treating or similar industrial purposes.
Hospital equipment such as X-ray machines and operating tables.
Lighting equipment for flood lighting airports, railroads or other outdoor operations.
Machine tools.
Post-office equipment such as letter boxes and letter drops.
Power generating or transmitting equipment such as boilers, generators, and transformers (except where the primary purpose of the equipment is to provide electricity or steam for lighting or heating the building in which they are installed).
Projection and sound equipment.
Radio towers and other transmitting and receiving equipment.
Refrigeration equipment, such as compressors, in a cold storage warehouse or a frozen food locker plant.
Scales.
Service station equipment such as gasoline pumps, hydraulic lifts, battery chargers.
Stokers installed in connection with heating equipment already installed in a building.
Storm windows, storm doors, screens, awnings and venetian blinds.
Stoves.
Theatre seats.
Washing machines or dryers.
Other processing machinery and equipment.
Other machinery and equipment installed to provide a special service in a structure and not installed merely to operate the structure.

(3) The following articles are considered fixtures only if they are constructed as an integral part of the building or structure and cannot be removed without demolition of the article or substantial injury to the building or structure:

Bars
Bins
Bookcases
Booths
Cooling towers
Counters
Refrigerators
Show cases, including refrigerated show cases
Soda fountains
Storage racks
Water coolers

(c) [Deleted Aug. 30, 1946.]

(d) *Repairs to mechanical equipment.* Paragraph (b) (2) of VHP–1 provides that greasing, overhauling, repairing, or installing replacement parts in existing mechanical equipment in all types of structures, is not covered by the order, regardless of whether the cost of the job is within the applicable allowance, under Supplement 2 to VHP–1, and the cost of such work need not be included in the cost of a job for the purpose of determining whether the job is within the applicable allowance under that supplement. This provision applies to plumbing, heating, ventilating and lighting equipment. This provision covers the replacement of parts in a piece of mechanical equipment when the present parts are no longer serviceable but does not cover the replacement of an entire piece of equipment. For example, it is permissible, under this provision, to replace the grates in a furnace but not to replace the entire furnace; to replace the tubes in a boiler but not to replace the entire boiler, unless the total cost of the replacement is within the applicable job allowance under Supplement 3 to VHP–1.

(e) *Installation of exempt machinery and equipment.* VHP–1 does not restrict the installation of machinery and equipment other than mechanical equipment. Paragraphs (b) (2) and (b) (3) of this supplement explains what equipment may be installed without regard to the provisions of the order. VHP–1 does, however, restrict the making of alterations to a building or other structure covered by the order in connection with the installation of such exempt machinery and equipment. For example, if a foundation is built inside a building to receive the equipment, or if partitions or new walls are installed to separate a ma-

chine from the rest of the plant, the cost of these building alterations must be computed in accordance with Supplement 3 to VHP–1 and if the cost exceeds the applicable allowance for the building involved under that supplement, authorization must be obtained for the work. However, it is not necessary to include in the cost of the building alterations the cost of the exempt machinery or equipment or the cost of labor engaged in installing the exempt machinery and equipment. For example, in installing elevators, which are covered by paragraph (b) of this Supplement, it would be necessary to count toward the cost of the job the cost (computed in accordance with paragraph (g) of Supplement 3) of preparing the shaft, of strengthening the building to support the elevator, and of constructing a penthouse or bulkhead on the roof of the building or a room in the basement to enclose the motors. It would not, however, be necessary to include in the cost of the job the cost of the elevator car, the guide rails between which the car runs, the sheaves, the motors, the cables or the doors or frames to the elevator shaft or the cost of labor engaged in assembling and installing this equipment.

Issued this 30th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Supplement 2 to VHP-1, Amended 7-2-46 1/
Beginning Construction

1. Substance. Supplement 2 explains further the provisions of VHP-1 relating to the effective date of the regulation and the term "beginning of construction". It contains examples of work which constitute beginning construction, and the examples of other work which do not constitute beginning construction.

2. Applicability to FPHA Projects. Generally, site preparation and improvements can be done without need for authorization under VHP-1. However, when the proposed work involves construction, relocation, repair or alteration of a building, the restrictions of VHP-1 operate to require an authorization of the work.

1/ Supersedes Supplement 2 to VHP-1, dated 5-23-46.

Received 7/2/46

Supp. 2 to VHP-1

CIVILIAN PRODUCTION ADMINISTRATION

MAY 23, 1946
[As Amended]

PART 4700--VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 2, as Amended May 23, 1946]

BEGINNING CONSTRUCTION

§ 4700.3 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts the "beginning" of certain kinds of work on structures. "To begin work on a structure" is defined in paragraph (c) (2) as "to incorporate into a structure on the site materials which are to be an integral part of the structure." The restrictions of VHP–1 on the beginning of construction do not apply to work which takes place before construction has begun. VHP–1 also does not apply to work which was begun before it became effective and which was being carried on at the time it became effective and is carried on normally after that time. This supplement explains these provisions of the order and gives examples of their application.

(b) *Beginning construction.* Materials which are to be an integral part of a structure are considered to have been incorporated in the structure on the site only when they are placed in the position in which they are to remain permanently as a part of the structure. Furthermore, materials are considered to be an integral part of a proposed structure only if they will be physically attached to the building or structure and will be permanently located within the boundary lines of its walls. Construction is not "begun" under VHP–1 unless both these conditions are met. Paragraphs (c) and (d) below list examples of cases where construction has not begun and has begun.

(c) *Cases where construction has not begun.* (1) The following kinds of work do not constitute beginning construction on a proposed structure and the cost of such work need not be included in computing the cost of a job under paragraph (d) (2) of VHP–1 to determine whether the job comes within the applicable allowance under paragraph (d) (1) of the order:

- Demolition of buildings.
- Tearing out partitions or walls in a building which is being altered.
- Site preparation such as excavating, grading, filling with dirt, gravel or crushed stone.
- Laying down driveways, walks, railroad sidings, etc.
- Erecting fences, work sheds and construction shanties.
- Laying pipes, conduits and wires outside the boundary lines of the walls of the structure.
- Building retaining walls not physically incorporated within the structure.
- Driving sheet piling to prevent cave-ins.
- Constructing or erecting forms for concrete.

(2) The following operations do not constitute beginning construction on a proposed structure but the cost or value of the fabricated items or the materials must be included in computing the cost of a job in accordance with paragraph (d) (2) of VHP–1:

- Fabricating structural steel shapes or other prefabricated sections, panels or buildings, whether off-site or on the site.
- Purchasing materials or receiving delivery of materials on or off the site.

(d) *Cases where construction has begun.* The following kinds of work constitute the beginning of construction on a proposed structure:

- Pouring concrete footings or other foundations.
- Placing reinforcing rods or mats in place in an excavation preparatory to pouring concrete.
- Driving permanent bearing piles or caissons.
- Installing pipes, conduits or wires in the place where they will remain permanently as part of the building, if located within the boundary lines of the walls of the proposed structure.
- Building foundation walls whether laid dry or with mortar.
- Incorporating permanently in place additional building materials in a building which is being remodelled, whether the incorporation is for the purpose of repairing the parts of the building left standing or as part of the new alterations.

(e) *Carrying on construction.* The exemption from VHP–1 for work begun before the issuance of the order applies only to work which was being carried on when the order was issued and which is carried on normally afterward. This means that if a job was started before the issuance of the order, but was abandoned or discontinued either before or after the issuance of the order, it is not exempt from the order by reason of the earlier beginning. However, this does not mean that work must be carried on every day. If construction was or is suspended temporarily for reasons beyond the builder's control such as inability to get materials or labor, or a work stoppage, or unfavorable weather conditions, the construction job is considered to have been carried on normally within the meaning of VHP–1. However, a suspension of work for more than 3 months is not considered a temporary suspension regardless of the reasons for the suspension. Application must be made to proceed with any construction on which work has been suspended for more than 3 months.

(f) *Scope of work begun.* The exemption for a structure begun before the issuance of VHP–1 is limited to the structure which was under construction at the issuance of the order. It does not apply to any other structure, even though the two are to be used together and one would be useless without the other, or even though the two structures have common heating systems or other common services, or even though the two are connected by pipes, wires, connecting passageways, bridges or the like. Furthermore, the exemption only applies to a structure of the kind and size which was under construction at the issuance of the order. For example, if a builder has begun a 3-story building 100 feet by 100 feet before the issuance of the order and was constructing this building at the time the order was issued, he would be permitted to complete this building, but he would have to get authorization if he later decided to redesign the proposed structure and build a 5-story building 100 feet by 500 feet. The exemption is limited to the building which he was in fact building when the order was issued. This rule also applies to modernization jobs. (The requirement of paragraph (d) (3) of VHP–1 that all related modernization work be considered a single job does not exempt all modernization work merely because one part of it has been started before the issuance of the order.) When one part of a modernization program has been started before the issuance of the order, a later part of the program can be considered to have been started by that time only if the two parts of the program are so closely related in space, purpose and performance as to be inseparable.

(g) *When the order took effect.* VHP–1 was filed in the Division of the Federal Register and was made available for public inspection at 11:54 a. m., eastern standard time, on March 26, 1946. VHP–1 became effective at that time with respect to the 48 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Amendment 1 to VHP–1 extending the applicability of the order to the Territory of Hawaii was filed in the Division of the Federal Register and made available to the public at 10:04 a. m., eastern standard time on April 12, 1946. Therefore, the order became effective in the Territory of Hawaii at 4:34 a. m., Hawaiian standard time, on April 12, 1946.

Issued this 23d day of May 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 2, as Amended July 2, 1946]

BEGINNING CONSTRUCTION

§ 4700.3 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts the "beginning" of certain kinds of work on structures. "To begin work on a structure" is defined in paragraph (c) (2) as "to incorporate into a structure on the site materials which are to be an integral part of the structure." The restrictions of VHP–1 on the beginning of construction do not apply to work which takes place before construction has begun. VHP–1 also does not apply to work which was begun before it became effective and which was being carried on at the time it became effective and is carried on normally after that time. This rule applies to work which was exempt under the order or a supplement to it when the work was begun, even though a later and more restrictive amendment would prevent the beginning of the job after the issuance of the amendment. This supplement explains these provisions of the order and gives examples of their application.

(b) *Beginning construction.* Materials which are to be an integral part of a structure are considered to have been incorporated in the structure on the site only when they are placed in the position in which they are to remain permanently as a part of the structure. Furthermore, materials are considered to be an integral part of a proposed structure only if they will be physically attached to the building or structure and will be permanently located within the boundary lines of its walls. Construction is not "begun" under VHP–1 unless both these conditions are met. Paragraphs (c) and (d) below list examples of cases where construction has not begun and has begun.

(c) *Cases where construction has not begun.* (1) The following kinds of work do not constitute beginning construction on a proposed structure and the cost of such work need not be included in computing the cost of a job under paragraph (g) of Supplement 3 to VHP–1 to determine whether the job comes within the applicable allowance under paragraph (g) of Supplement 3.

- Demolition of buildings.
- Tearing out partitions or walls in a building which is being altered.
- Site preparation such as excavating, grading, filling with dirt, gravel or crushed stone.
- Laying down driveways, walks, railroad sidings, etc.
- Erecting fences, work sheds and construction shanties.
- Laying pipes, conduits and wires outside the boundary lines of the walls of the structure.
- Building retaining walls not physically incorporated within the structure.
- Driving sheet piling to prevent cave-ins.
- Constructing or erecting forms for concrete.

(2) The following operations do not constitute beginning construction on a proposed structure but the cost or value of the fabricated items or the materials must be included in computing the cost of a job in accordance with paragraph (g) of Supplement 3 to VHP–1:

- Fabricating structural steel shapes or other prefabricated sections, panels or buildings, whether off-site or on the site.
- Purchasing materials or receiving delivery of materials on or off the site.

(d) *Cases where construction has begun.* The following kinds of work constitute the beginning of construction on a proposed structure:

- Pouring concrete footings or other foundations.
- Placing reinforcing rods or mats in place in an excavation preparatory to pouring concrete.
- Driving permanent bearing piles or caissons.
- Installing pipes, conduits or wires in the place where they will remain permanently as part of the building, if located within the boundary lines of the walls of the proposed structure.
- Building foundation walls, whether laid dry or with mortar.
- Incorporating permanently in place additional building materials in a building which is being remodelled, whether the incorporation is for the purpose of repairing the parts of the building left standing or as part of the new alterations.

(e) *Carrying on construction.* The exemption from VHP–1 for work begun before the issuance of the order applies only to work which was being carried on when the order was issued and which is carried on normally afterward. This means that if a job was started before the issuance of the order, but was abandoned or discontinued either before or after the issuance of the order, it is not exempt from the order by reason of the earlier beginning. However, this does not mean that work must be carried on every day. If construction was or is suspended temporarily for reasons beyond the builder's control such as inability to get materials or labor, or a work stoppage, or unfavorable weather conditions, the construction job is considered to have been carried on normally within the meaning of VHP–1. However, a suspension of work on the site for more than 3 months is not considered a temporary suspension regardless of the reasons for the suspension. Application must be made to proceed with any construction on which work has been suspended for more than 3 months.

(f) *Scope of work begun.* The exemption for a structure begun before the issuance of VHP–1 is limited to the structure which was under construction at the issuance of the order. It does not apply to any other structure, even though the two are to be used together and one would be useless without the other, or even though the two structures have common heating systems or other common services, or even though the two are connected by pipes, wires, connecting passageways, bridges or the like. Furthermore, the exemption only applies to a structure of the kind and size which was under construction at the issuance of the order. For example, if a builder has begun a 3-story building 100 feet by 100 feet before the issuance of the order and was constructing this building at the time the order was issued, he would be permitted to complete this building, but he would have to get authorization if he later decided to redesign the proposed structure and build a 5-story building 100 feet by 500 feet. The exemption is limited to the building which he was in fact building when the order was issued. This rule also applies to modernization jobs. (The requirement of paragraph (g) of Supplement 3 to VHP–1 that all related modernization work be considered a single job does not exempt all modernization work merely because one part of it has been started before the issuance of the order. When one part of a modernization program has been started before the issuance of the order, a later part of the program can be considered to have been started by that time only if the two parts of the program are so closely related in space, purpose and performance as to be inseparable.

(g) *When the order took effect.* VHP–1 was filed in the Division of the Federal Register and was made available for public inspection at 11:54 a. m., eastern standard time, on March 26, 1946. VHP–1 became effective at that time with respect to the 48 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Amendment 1 to VHP–1 extending the applicability of the order to the Territory of Hawaii was filed in the Division of the Federal Register and made available to the public at 10:04 a. m., eastern standard time on April 12, 1946. Therefore, the order became effective in the Territory of Hawaii at 4:34 a. m., Hawaiian standard time, on April 12, 1946.

Issued this 2d day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Supplement 3 to VHP-1, Amended 7-2-46 1/
Small Job Allowances and Classification of Structures

1. Substance. VHP-1 does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance for the particular kind of structure or job involved. This Supplement lists various kinds of structures and states what the small job allowance is for each kind of structure or job. It also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and describes when a job is a separate job.

2. Applicability to FPHA Projects. The provisions of this supplement affect principally RM&R activities, to the extent that proposed additional construction, repairs, alterations or installations of fixtures and mechanical equipment, necessitate a computation of the cost of the work, as provided in paragraph (g) of the supplement. If the cost will exceed the applicable allowance, an authorization for the work is required under VHP-1.

1/ Supersedes Supplement 3 to VHP-1, dated 5-28-46.

Superseded 10-30-46

SUBJECT: Supplement 3 to VHP-1, Amended 9-12-46 1/
Small Job Allowances and Classification of Structures

VHP-1 does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance for the particular kind of structure or job involved.

This Supplement lists various kinds of structures and states what the small job allowance is for each kind of structure or job. It also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and describes when a job is a separate job.

Paragraph (f) clarifies that small job allowances apply to each individual structure, and not to two or more structures used for a common purpose.

The method of calculating the cost of small construction jobs to determine whether they are exempt from authorization requirements of VHP-1 has been revised to exclude the cost of all paid labor used in work on exempt materials, equipment or fixtures. This action makes a difference in the job allowance for structures of alterations to structures where the materials are not subject to the restrictions of VHP-1.

The provisions of this supplement affect principally RM&R activities, to the extent that proposed additional construction, repairs, alterations, or installations of fixtures and mechanical equipment, necessitate a computation of the cost of the work, as provided in paragraph (g) of the supplement. If the cost will exceed the applicable allowance, an authorization for the work is required under VHP-1.

1/ Supersedes Supplement 3 to VHP-1, dated 7-2-46.

SUBJECT: Supplement 3 to VHP-1, Amended 10-7-46 1/
Small Job Allowances and Classification of Structures

VHP-1 does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance for the particular kind of structure or job involved.

This Supplement lists various kinds of structures and states what the small job allowance is for each kind of structure or job. It also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and describes when a job is a separate job.

This amendment of Supplement 3 clarifies and expands the definitions as to small job allowances, and adds further restrictions on the exemptions permitted under VHP-1.

Paragraph (f) provides that small job allowances apply to each individual structure, and not to two or more structures used for a common purpose.

The method of calculating the cost of small construction jobs to determine whether they are exempt from authorization requirements of VHP-1 excludes the cost of all paid labor used in work on exempt materials, equipment or fixtures. This action makes a difference in the job allowance for structures or alterations to structures where the materials are not subject to the restrictions of VHP-1.

The provisions of this supplement affect principally RM&R activities, to the extent that proposed additional construction, repairs, alterations, or installations of fixtures and mechanical equipment, necessitate a computation of the cost of the work, as provided in paragraph (g) of the supplement. If the cost will exceed the applicable allowance, an authorization for the work is required under VHP-1.

1/ Supersedes Supplement 3 to VHP-1, dated 9-12-46

Revised 7/7/46

Supp. 3 to VHP-1

MAY 28, 1946

CIVILIAN PRODUCTION ADMINISTRATION

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 3]

CLASSIFICATION OF STRUCTURES UNDER VHP–1 AND CONSTRUCTION NOT COVERED BY VHP–1

(a) *What this supplement does.* Paragraph (d) (1) of Veterans' Housing Program Order 1 provides that it is not necessary to get permission under the order to do one or more jobs on a structure if the cost of each job does not exceed the allowance given for that class of structure. Different classes of structures are listed in the order, each with a specific job allowance. This supplement lists certain kinds of buildings and states the classes into which the various buildings fall. This supplement also explains the rules applying to buildings used for more than one purpose. In addition, this supplement lists certain items which do not come within the definition of "structure" given in the order and which are therefore wholly exempt from the order.

(b) *Classification of structures.* Paragraph (d) (1) of VHP–1 provides for an allowance of $400 per job for certain kinds of structures, an allowance of $1,000 per job for other kinds of structures, an allowance of $15,000 per job for other kinds of structures, and an allowance of $200 per job for stuctures not covered by the previous classes. The provisions of VHP–1 are quoted below and additional examples of structures falling within each class are listed.

(1) "$400 for a house or other structure (such as a garage) on residential property designed for occupancy by five families or less. This allowance also applies to farmhouses and other housing accommodations on farms, except bunkhouses and other accommodations for transitory farm laborers". (Paragraph (d). (1) (i) of VHP–1.)

The following kinds of structures are included in this classification:

- Any individual house designed for occupancy by 5 families or less even though it is on the property of a commercial, utility, institutional or industrial concern and used for the purpose of housing employees of the commercial, utility, institutional or industrial concern.
- A rectory or parsonage even though near a church and owned by a church.
- A house on a campus owned by a college and occupied by a college official.
- A boarding or rooming house designed for occupancy by 10 boarders or roomers or less.
- Row houses separated by party walls are considered separate houses.
- All private structures situated near and used in connection with one to five family houses, such as garages, piers, tool sheds and the like (except on farms, see paragraph (b) (2) of this supplement).

(2) "$1,000 for a hotel, resort, apartment house, or other residential building designed for occupancy by more than five families". (Paragraph (d) (1) (ii) of VHP–1).

"$1,000 for a building used primarily for one or more commercial or service establishments such as offices, banks, stores, laundries, garages, restaurants, night clubs, theaters, repair shops, warehouses, frozen food locker plants and radio stations". (Paragraph (d) (1) (iii) of VHP–1).

"$1,000 for a farm, excluding farmhouses. . . . A farm means a place used primarily for raising crops, livestock, dairy products or poultry for the market". (Paragraph (d) (1) (iv) of VHP–1).

"$1,000 for a church, hospital, school, college or a publicly owned building used for public purposes, or for an orphanage or other building used exclusively for charitable purposes". (Paragraph (d) (1) (v) of VHP–1).

The following kinds of structures are included in this classification:

- A boarding or rooming house designed for occupancy by more than 10 boarders or roomers.
- A dormitory or fraternity.
- A building used for a social club.
- A service station or garage.
- A butcher shop or bakery where most of the meat which is butchered or the products which are baked in the building are sold at retail in the building.
- A funeral parlor or funeral home.
- A radio broadcasting station.
- A building in a drive-in theater, such as an enclosed projection room or a screen forming an enclosure for storage purposes, for rest rooms or for other purposes.
- An individual barn or a farm building on a farm (other than a farmhouse).
- A greenhouse whether on-farm (agricultural) or off-farm (commercial).
- A building used for a nursery growing trees.
- A bunkhouse for labor on a farm or on the site of another establishment having a $1,000 allowance.
- A building on an experimental farm.
- A parish house.
- A college or university laboratory, field house or class room building.
- A grain elevator.
- A building in a retail or wholesale lumber yard.
- A repair shop, except a plant primarily engaged in reconditioning or rebuilding equipment or articles for resale.
- A drycleaning or laundering establishment, whether wholesale or retail.
- An office building, whether or not owned and occupied exclusively by a transportation, utility or industrial concern (except where situated on the immediate premises of a plant having a $15,000 allowance; see paragraph (e) below).
- A publicly owned pier not used for steamship or railway purposes.
- Other commercial piers and piers situated near and used in connection with structures entitled to a $1,000 allowance.

(3) "$15,000 for a factory, plant or other industrial structure which is used for the manufacturing, processing, or assembling of any goods or materials, for a logging and lumber camp, for a pier (other than a pier designed for amusement, entertainment or other commercial purposes), for a structure used for or in connection with a railroad or street railway, or a commercial airport, for a bus terminal, for a truck terminal operated by a common or contract carrier by truck, or for a research laboratory or pilot plant or for a motion picture set. This allowance is applicable to structures used for oil, gas, or petroleum producing, refining or distributing (except service stations and garages . . .). It is also applicable to utility structures (public or private) providing for electric, gas, sewerage, water, central steam heating, or telephone or telegraph communication services". (Paragraph (d) (1) (vi) of VHP–1).

NOTE: A structure covered by this paragraph (including a structure in a plant listed below) has an allowance of $15,000 per job even though it is owned and operated by an educational, charitable or public organization. However, a house for 1 to 5 families owned or operated in connection with any plant listed below receives only the $400 per job allowance described in paragraph (b) (1) of this supplement.

- A printing plant or newspaper publishing building.
- A plant engaged in the wholesale printing, developing and enlarging of photographs.
- A plant engaged in mixing and bottling syrup or soft drinks.
- A slaughterhouse, except on a farm.
- A bakery where most of the products baked are not sold at retail on the premises.
- A government (Federal or State) printing plant or other industrial or utility building.
- A plant primarily engaged in reconditioning or rebuilding articles or equipment for resale.
- An off-farm plant engaged in pasteurizing, separating or bottling milk or making butter or cheese.
- A scrap dealer's plant if it is primarily engaged in such processing operations as briquetting, pressing, or baling light iron, cutting up heavy melting steel, breaking up cast iron, detinning cans or smelting nonferrous materials for the purpose of making the scrap available for further use.
- A cotton compress warehouse engaged primarily in compressing and baling cotton.
- A building primarily used for a railroad station.
- A roundhouse.
- A railway or steamship pier or a pier situated near and used in connection with any structure or plant entitled to a $15,000 allowance (Warehouses and other buildings on a pier are considered part of the pier and are not separate structures).
- A garage or work shop used primarily for a bus company or a common or contract carrier by truck.
- An industrial or utility power house, whether public or private.
- An industrial or utility pumping station for pumping gas, water or sewerage.
- A telephone exchange.
- A bunkhouse for employees of a plant covered by this paragraph, if located on the plant site.
- A hangar, repair shop, waiting room or structure used in connection with the operation of a commercial airport (an airport operated for profit and open to the public).
- A commercial or industrial research laboratory.
- A radio telephone or radio telegraph station used as an international point to point radio communication carrier.
- A pumphouse or terminal facility on an oil pipe line.
- A mine tipple.

(4) "$200 for a structure covered by this order which does not fall within one of the classes listed above." (Paragraph (d) (1) (vii) of VHP–1).

The following kinds of structures are included in this classification:

A billboard.
A private pier or bathhouse which is not situated near and used in connection with another structure.
A stadium.
A grandstand and the like.
A tourist cabin whether a single cabin or one of a group of separate cabins. A cabin is considered a separate cabin if it has independent outside walls even though the space between it and the next cabin is sheltered by a roof and is used as a garage. A management building used for operating the cabins is considered a commercial building under paragraph (b) (2) of this supplement.

(c) *Construction not covered by the order.* The restrictions of VHP–1 apply to work on a "structure", which is defined in paragraph (b) (1) of the order as "any building, arena, stadium, grandstand, pier, moving picture set or billboard". The following are not considered "structures" under the order and the restrictions of the order do not apply to work on them. However, the restrictions of the order do apply to work on "structures" built or used in connection with the following or to work on "structures" which is made necessary by work on the following:

Boardwalks
Breakwaters
Bridges
Bulkheads
Canals
Cemetery monuments, including private burial vaults
Dams
Drainage or irrigation ditches
Driveways (public or private)
Fences
Gravestones
Oil derricks
Outdoor swimming pools
Outdoor tennis courts
Parking lots
Pipe lines
Power transmission lines
Radio towers
Railroad or street car or interurban or plant railway tracks or operating facilities such as switching facilities, water tanks
Roads
Sidewalks
Silos
Streets
Subways
Surface or underground mines
Tanks for oil, water, gas and the like
Trailers (except when demounted and installed on a foundation—See Interpretation 3 to VHP–1)
Transformers
Tunnels
Utility facilities, such as power or telephone lines or cables, sewers, and outdoor substations, providing for electric, gas, sewerage, water, or central steam heating or telephone or telegraph communication service
Walls, including retaining walls (except where a wall serves as a foundation or other integral part of a structure)
Wells

(d) *Structures used for more than one purpose.* Paragraph (d) (4) of VHP–1 provides that if a structure is used for more than one purpose, the use to which the greatest part of the structure is put determines the allowance. In general the test will be made on the basis of floor area. For example, if a building has apartments on three of the floors and a store on the ground floor, it is primarily residential and falls under paragraph (b) (1) of this supplement, if it has five or less apartments, or under paragraph (b) (2) of this supplement if it has six or more apartments. If a building is half residential and half commercial or industrial, or half residential and half agricultural, it is considered primarily residential.

(e) *Subordinate structures.* The last sentence of paragraph (d) (4) of VHP–1 provides that "The allowance given for jobs on a structure apply to all subordinate or related structures situated near and used in connection with the structure". This means that office buildings, warehouses and garages situated on the immediate premises of an industrial or utility plant and used in the operation of the plant fall within paragraph (b) (3) of this supplement and the $15,000 per job allowance applies to them. However, a "downtown" office building, even though used exclusively for one industrial or utility company, does not come under this provision, but is under paragraph (b) (2) of this supplement like other office buildings. Houses, hotels and apartment houses are never considered to be used in connection with an industrial or commercial structure, except where they form an integral part of an industrial or other structure. Bunkhouses, on the other hand, if located on the plant site are considered to be used in connection with the related structures, if any, and have the same allowance as the related structure.

(f) *Separate jobs.* Paragraph (d) (3) of VHP–1 provides that a related series of operations in or on a structure performed at or about the same time or as part of a single plan or program constitute a single job and that no job may be subdivided for the purpose of coming within the allowance given under paragraph (d) (1). For example, all work done in connection with the conversion of a building from one purpose to another or the modernization of a building must be counted as a single job. However, if related work is done on 2 or more separate structures, the work is never considered one job, but the work done in each structure must be considered separately under the rules stated above. (See paragraph (f) of Supplement 2 to VHP–1 for an explanation of what jobs are exempt from the order as having been started before it became effective.)

Issued this 28th day of May 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 9-12-46

Supp. 3 to VHP-1

CIVILIAN PRODUCTION ADMINISTRATION

JULY 2, 1946
[As Amended]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 3 as Amended July 2, 1946]

§ 4700.4 SMALL JOB ALLOWANCES AND CLASSIFICATION OF STRUCTURES AS TO SMALL JOB ALLOWANCES

(a) *What this supplement does.* Paragraph (d) of Veterans' Housing Program Order 1 provides that it is not necessary to get permission under the order to do one or more jobs on a structure if the cost of each job does not exceed the allowance given for the kind of structure or the kind of job involved. This supplement sets forth the small job allowances generally applicable to various kinds of structures and lists certain specific structures falling within each class. The supplement also lists exemptions applicable to a particular kind of job. In addition, this supplement explains the rules for computing the cost of a job for the purpose of determining whether it comes within the exemption given under this supplement.

(b) *Classification of structures.* The small job allowances given under this supplement are based in general upon the kind of structure in which the job is to be done. If the job involved consists of changing a structure from one class to another class, the small job allowance applicable to the conversion is the allowance for the structure after the conversion, except where the conversion is from residential purposes to non-residential purposes, in which case the job is covered by paragraph (c) of this supplement. Paragraph (c) provides a different kind of small job allowance, depending on the kind of job done, regardless of the kind of structure involved. The allowance provided for in paragraph (c) is applicable to a job covered by that paragraph, even though done in a structure which, as a whole, would have a larger allowance under this paragraph. With the exception of jobs covered by paragraph (c) of this supplement, it is not necessary to get permission under VHP–1 to do any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given below for the kind of structure involved.

(1) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $400 per job.

Any individual house designed for occupancy by 5 families or less even though it is on the property of a commercial, utility, institutional or industrial concern and used for the purpose of housing employees of the commercial, utility, institutional or industrial concern.

A rectory or parsonage even though near a church and owned by a church.

A house on a campus owned by a college and occupied by a college official.

A boarding or rooming house designed for occupancy by 10 boarders or roomers or less.

A farmhouse or other housing accommodations on a farm (except a farm bunkhouse).

Row houses separated by party walls are considered separate houses.

All private structures situated near and used in connection with one to five family houses, such as garages, piers, tool sheds, greenhouses and the like (except on farms, see paragraph (b) (2) of this supplement).

(2) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $1,000 per job:

NOTE: The item "grain elevator" deleted from the list of structures in paragraph (b) (2), July 2, 1946.

A boarding or rooming house designed for occupancy by more than 10 boarders or roomers.

A dormitory or fraternity.

A building used for a social club.

A service station or garage.

A butcher shop, bakery or other food processing establishment where most of the products which are butchered, baked or otherwise processed in the building are sold at retail in the building.

A funeral parlor or funeral home.

A radio broadcasting station.

A building in a drive-in theater, such as an enclosed projection room or a screen forming an enclosure for storage purposes, for rest rooms or for other purposes.

An individual barn or a farm building on a farm (other than a farmhouse). A "farm" means a place used primarily for raising crops, livestock, dairy products or poultry for the market.

A greenhouse whether on-farm (agricultural) or off-farm (commercial).

A building used for a nursery growing trees.

A bunkhouse for labor on a farm or on the site of another establishment having a $1,000 allowance.

A building on an experimental farm.

A parish house.

A college or university laboratory, field house or class room building.

A building in a retail or wholesale lumber yard.

A repair shop, except a plant primarily engaged in reconditioning or rebuilding equipment or articles for resale.

A drycleaning or laundering establishment, whether wholesale or retail.

An office building, whether or not owned and occupied exclusively by a transportation, utility or industrial concern (except where situated on the immediate premises of a plant having a $15,000 allowance; see paragraph (e) below).

A publicly owned pier not used for steamship or railway purposes.

Other commercial piers and piers situated near and used in connection with structures entitled to a $1,000 allowance.

A store.

A hotel.

An arena.

An apartment house or other residential building designed for occupancy by more than 5 families.

A bank.

A commercial or service garage.

A restaurant.

A nightclub.

A theater.

A warehouse including a warehouse in which products such as liquor or cheese are kept to age.

A frozen food locker plant.

A stadium.

A grandstand used for commercial or institutional purposes.

A church.

A hospital.

A school.

A college.

A publicly owned building used for public purposes.

A building used exclusively for charitable purposes.

Any other structure used for commercial or service purposes not covered by any other classification.

(3) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $15,000 per job. Paragraph (e) of VHP–1 contains separate exemptions for certain maintenance and repair work in structures covered by this paragraph.

NOTE: A structure covered by this paragraph (including a structure in a plant listed below) has an allowance of $15,000 per job even though it is owned and operated by an educational, charitable or public organization. However, a house for 1 to 5 families owned or operated in connection with any plant listed below receives only the $400 per job allowance described in paragraph (b) (1) of this supplement.

A factory, plant or other industrial structure which is used for the manufacturing, processing or assembling of any goods or materials;

A structure at a logging or lumber camp or at a mine;

A structure used for or inconnection with the operation of a railroad, street railway, commercial airport, bus line or common or contract carrier by truck;

A research laboratory or a pilot plant;

A single motion picture set;

A structure used for oil, gas or petroleum producing, refining or distributing (except service stations and commercial or residential garages);

A structure (public or private) providing directly for electric, gas, sewerage, water, central steam heating or telephone or telegraph communication services;

A grain elevator.

A printing plant or newspaper publishing building.

A plant engaged in the wholesale printing, developing and enlarging of photographs.

A plant engaged in mixing and bottling syrup or soft drinks.

A slaughterhouse, except on a farm.

A butcher shop, bakery or other food processing establishment where most of the products which are butchered, baked or otherwise processed in the establishment are not sold at retail in the establishment.

A government (Federal or State) printing plant or other industrial or utility building.

A plant primarily engaged in reconditioning or rebuilding articles or equipment for resale.

An off-farm plant engaged in pasteurizing, separating or bottling milk or making butter or cheese.
A scrap dealer's plant if it is primarily engaged in such processing operations as briquetting, pressing, or baling light iron, cutting up heavy melting steel, breaking up cast iron, detinning cans or smelting nonferrous materials for the purpose of making the scrap available for further use.
A cotton compress warehouse.
A building primarily used for a railroad station.
A roundhouse.
A railway or steamship pier or a pier situated near and used in connection with any structure or plant entitled to a $15,000 allowance (Warehouses and other buildings on a pier are considered part of the pier and are not separate structures).
A garage or work shop used primarily for a bus company or a common or contract carrier by truck.
An industrial or utility power house, whether public or private.
An industrial or utility pumping station for pumping gas, water or sewerage.
A telephone exchange.
A bunkhouse for employees of a plant covered by this paragraph, if located on the plant site.
A hangar, repair shop, waiting room or structure used in connection with the operation of a commercial airport (an airport operated for profit and open to the public).
A commercial or industrial research laboratory.
A radio telephone or radio telegraph station used as an international point to point radio communication carrier.
A pumphouse or terminal facility on an oil pipe line.
A mine tipple.

(4) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $200 per job.

NOTE: The items "a stadium" and "a grandstand and the like" were deleted from the list of structures in paragraph (b) (4), July 2, 1946.

A billboard.
A private pier or bathhouse which is not situated near and used in connection with another structure.
A tourist cabin whether a single cabin or one of a group of separate cabins. A cabin is considered a separate cabin if it has independent outside walls even though the space between it and the next cabin is sheltered by a roof and is used as a garage. A management building used for operating the cabins is considered a commercial building under paragraph (b) (2) of this supplement.
Any other structure covered by the order and not coming within any other classification.

(c) *Small job allowances for conversion from residential purposes.* Regardless of the small job allowance given under paragraph (b) of this supplement for a particular structure, the small job allowance applicable to a job consisting of conversion to non-residential purposes of any part (or all) of a building last used for residential purposes is $200.

NOTE: Provisions formerly in paragraph (c) of Supplement 3 are now contained in Supplement 4 to VHP–1.

(d) *Structures used for more than one purpose.* If a structure is used for more than one purpose and might, therefore, fall within more than one of the classes indicated above, the use to which the greatest part of the structure will be put (computed on the basis of the floor area where applicable) determines the allowance. For example, if a building has three apartments occupying three floors of the building and a store on the ground floor, it is primarily residential and falls under paragraph (b) (1) of this supplement. If a building is half residential and half commercial, or industrial, or half residential and half agricultural, it is considered primarily residential. See paragraphs (b) and (c) for provisions as to conversions of structures from one purpose to another.

(e) *Subordinate structures.* The allowance given for jobs on a structure applies to all subordinate or related structures situated near and used in connection with the structure. This means that office buildings, warehouses and garages situated on the immediate premises of an industrial or utility plant and used in the operation of the plant fall within paragraph (b) (3) of this supplement and the $15,000 per job allowance applies to them. However, a "downtown" office building, even though used exclusively for one industrial or utility company, does not come under this provision, but is under paragraph (b) (2) of this supplement like other office buildings. Houses, hotels and apartment houses are never considered to be used in connection with an industrial or commercial structure, except where they form an integral part of an industrial or other structure. Bunkhouses, on the other hand, if located on the plant site are considered to be used in connection with the related structures, if any, and have the same allowance as the related structure.

(f) *Separate jobs.* For the purpose of determining whether work is exempt from VHP–1 under this supplement, a related series of operations in a structure which are performed at or about the same time or as part of a single plan or program constitute a single job. No job which would ordinarily be done as a single piece of work may be sub-divided for the purpose of coming within the allowance given under this supplement. When a building or part of a building is being converted from one purpose to another all work incidental to and done in connection with the conversion must be considered as one job. So also if a building is being renovated, improved or modernized over an extended period all work done in connection with the modernization (other than the work done before the issuance of the order) must be considered as part of one job, even though separate contracts are let for different parts of the work. However, if related work on two or more separate structures is performed, the work is not considered one job but the work done in each structure must be considered separately under the rules stated above. See paragraph (f) of Supplement 2 to VHP–1 for an explanation of what jobs are exempt from the order as having been started before it became effective.

(g) *How to figure cost.* For the purpose of determining whether a particular job is exempt from VHP–1 by this supplement, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. (1) The cost of a job includes the following:

The cost or value of fixtures, mechanical equipment and materials incorporated in the structure, whether or not obtained without paying for them, except the items listed in paragraph (g) (2) below. (See Supplement 1 for definitions and illustrations of fixtures and mechanical equipment.)
The cost of paid labor engaged in the construction work, regardless of who pays for it, except such labor as is excluded in paragraph (g) (2).
The amount paid for contractors' fees.

(2) The cost of a job does not include the following:

The cost or value of previously used fixtures, previously used mechanical equipment and previously used materials, when these have been severed from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.
The cost or value of materials and labor engaged in repainting or repapering an existing structure or any unchanged part of a structure. However, this exception does not apply to painting a new structure or new parts of a structure which has been altered.
The cost or value of materials and labor engaged in installing loose fill, blanket or batt insulation in existing buildings or in installing mineral wool insulation on existing equipment or piping.
The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in business of producing these materials for sale (this exception does not include materials or products assembled by the builder from new or used materials not themselves excepted).
The value of unpaid labor.
The cost or value of machinery and equipment other than mechanical equipment.
The cost of labor engaged in assembling and installing machinery and equipment other than mechanical equipment (Supplement 1 to VHP–1 contains examples showing the cost of a job involving such machinery).
Architects' and engineers' fees.
The cost of site preparation and other preparatory work which does not constitute beginning construction (Supplement 2 to VHP–1 contains illustrations of work which does not constitute beginning construction and the cost of which is not included in the cost of a job).

Issued this 2d day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 10-7-47

Supp. 3 to VHP 1

CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

SEPT. 12, 1946
[As Amended]
Corrected Copy

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 3 as Amended Sept. 12, 1946]

SMALL JOB ALLOWANCES AND CLASSIFICATION OF STRUCTURES AS TO SMALL JOB ALLOWANCES

§ 4700.4 (a) *What this supplement does.* Paragraph (d) of Veterans' Housing Program Order 1 provides that it is not necessary to get permission under the order to do one or more jobs on a structure if the cost of each job does not exceed the allowance given for the kind of structure or the kind of job involved. This supplement sets forth the small job allowances generally applicable to individual structures of various classes and lists certain specific structures falling within each class. The supplement also lists exemptions applicable to a particular kind of job. In addition, this supplement explains the rules for computing the cost of a job for the purpose of determining whether it comes within the exemption given under this supplement.

(b) *Classification of structures.* The small job allowances given under this supplement are based in general upon the kind of structure in which the job is to be done. They are not based upon the use to which the part of a structure being altered is to be put, except as provided in paragraph (c) of this supplement. If the job involved consists of changing a structure from one class to another class, the small job allowance applicable to the conversion is the allowance for the structure after the conversion, except where the conversion is from residential purposes to non-residential purposes, in which case the job is covered by paragraph (c) of this supplement. The allowance provided for in paragraph (c) is applicable to a job covered by that paragraph, even though done in a structure which, as a whole, would have a larger allowance under this paragraph. With the exception of jobs covered by paragraph (c) of this supplement, it is not necessary to get permission under VHP–1 to do any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given below for the individual structure involved.

(1) The small job allowance under paragraph (b) of this supplement for a structure of the kind listed below is $400 per job.

Any individual house designed for occupancy by 5 families or less even though it is on the property of a commercial, utility, institutional or industrial concern and used for the purpose of housing employees of the commercial, utility, institutional or industrial concern.
A rectory or parsonage even though near a church and owned by a church.
A house on a campus owned by a college and occupied by a college official.
A boarding or rooming house designed for occupancy by 10 boarders or roomers or less.
A farmhouse or other housing accommodations on a farm (except a farm bunkhouse).
Row houses separated by party walls are considered separate houses.
All private structures situated near and used in connection with one to five family houses, such as garages, piers, tool sheds, greenhouses and the like even though these may be used in part or primarily for nonresidential purposes (except on farms, see paragraph (b) (2) of this supplement).

(2) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $1,000 per job:

A boarding or rooming house designed for occupancy by more than 10 boarders or roomers.
A dormitory or fraternity.
A building used for a social club.
A service station or a commercial or service garage.
A butcher shop, bakery or other food processing establishment where most of the products which are butchered, baked or otherwise processed in the establishment are sold at retail in the establishment.
A funeral parlor or funeral home.
A radio broadcasting station.
A building in a drive-in theater, such as an enclosed projection room or a screen forming an enclosure for storage purposes, for rest rooms or for other purposes.
An individual barn or a farm building on a farm (other than a farmhouse). Chicken hatcheries, plants used to raise mushrooms and the like and farms or ranches for raising fur-bearing animals are considered "farms", wherever situated. A building on a farm used primarily for processing the products of that farm falls within this paragraph. A building situated on a farm and used primarily to process materials for use on that farm likewise falls within this category. A "farm" means a place used primarily for raising crops, livestock, dairy products or poultry for the market.
A greenhouse whether on-farm (agricultural) or off-farm (commercial)
A building used for a nursery growing trees.
A bunkhouse for labor on a farm or on the site of another establishment having a $1,000 allowance.
A building on an experimental farm
A parish house
A college or university laboratory, field house or class room building.
A building in a retail or wholesale lumber yard.
A repair shop, except a plant primarily engaged in reconditioning or rebuilding equipment or articles for resale.
A drycleaning or laundering establishment, whether wholesale or retail.
An office building, whether or not owned and occupied exclusively by a transportation, utility or industrial concern (except where situated on the immediate premises of a plant having a $15,000 allowance; see paragraph (e) below).
A publicly owned pier not used for steamship or railway purposes.
Other commercial piers and piers situated near and used in connection with structures entitled to a $1,000 allowance.
A store
A hotel.
An arena.
An apartment house or other residential building designed for occupancy by more than 5 families.
A bank.
A restaurant.
A nightclub.
A theater.
A warehouse including a warehouse in which products such as liquor or cheese are kept to age.
A frozen food locker plant
A stadium.
A grandstand used for commercial or institutional purposes.
A church.
A hospital.
A school.
A college.
A publicly owned building used for public purposes.
A building used exclusively for charitable purposes.
Any other structure used for commercial or service purposes not covered by any other classification.
A tailor's or dressmaker's establishment making, repairing or altering articles for individual customers.

(3) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $15,000 per job. Paragraph (e) of VHP–1 contains separate exemptions for certain maintenance and repair work in structures covered by this paragraph.

NOTE: A structure covered by this paragraph (including a structure in a plant listed below) has an allowance of $15,000 per job even though it is owned and operated by an educational, charitable or public organization. However, a house for 1 to 5 families owned or operated in connection with any plant listed below receives only the $400 per job allowance described in paragraph (b) (1) of this supplement.

A factory, plant or other industrial structure which is used for the manufacturing, processing or assembling of any goods or materials;
A structure at a logging or lumber camp or at a mine;
A structure used for or inconnection with the operation of a railroad, street railway, commercial airport, bus line or common or contract carrier by truck;
A research laboratory or a pilot plant;
A single motion picture set;
A structure used for oil, gas or petroleum producing, refining or distributing (except service stations and commercial or residential garages);
A structure (public or private) providing directly for electric, gas, sewerage, water, central steam heating or telephone or telegraph communication services;
A grain, coal or cement elevator.
A printing plant or newspaper publishing building.
A plant engaged in the wholesale printing, developing and enlarging of photographs.
A plant engaged in mixing and bottling syrup or soft drinks.
A slaughterhouse, except on a farm.
A butcher shop, bakery or other food processing establishment where most of the products which are butchered, baked or otherwise processed in the establishment are not sold at retail in the establishment.
A government (Federal or State) printing plant or other industrial or utility building.
A plant primarily engaged in reconditioning or rebuilding articles or equipment for resale.

An off-farm plant engaged in pasteurizing, separating or bottling milk or making butter or cheese.
A scrap dealer's plant if it is primarily engaged in such processing operations as briquetting, pressing, or baling light iron, cutting up heavy melting steel, breaking up cast iron, detinning cans or smelting nonferrous materials for the purpose of making the scrap available for further use.
A cotton compress warehouse.
A building primarily used for a railroad station.
A roundhouse.
A railway or steamship pier or a pier situated near and used in connection with any structure or plant entitled to a $15,000 allowance (Warehouses and other buildings on a pier are considered part of the pier and are not separate structures).
A garage or work shop used primarily for a bus company or a common or contract carrier by truck.
An industrial or utility power house, whether public or private.
An industrial or utility pumping station for pumping gas, water or sewerage.
A telephone exchange.
A bunkhouse for employees of a plant covered by this paragraph, if located on the plant site.
A hangar, repair shop, waiting room or structure used in connection with the operation of a commercial airport (an airport operated for profit and open to the public).
A commercial or industrial research laboratory.
A radio telephone or radio telegraph station used as an international point to point radio communication carrier.
A pumphouse or terminal facility on an oil pipe line.
A mine tipple.

(4) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $200 per job.

A billboard.
A private pier or bathhouse which is not situated near and used in connection with another structure.
A tourist cabin whether a single cabin or one of a group of separate cabins. A cabin is considered a separate cabin if it has independent outside walls even though the space between it and the next cabin is sheltered by a roof and is used as a garage. A management building used for operating the cabins is considered a commercial building under paragraph (b) (2) of this supplement.

(c) *Small job allowances for conversion from residential purposes.* Regardless of the small job allowance given under paragraph (b) of this supplement for a particular structure, the small job allowance applicable to a job consisting of conversion to non-residential purposes of any part (or all) of a building last used for residential purposes is $200.

(d) *Structures used for more than one purpose.* If a structure is used for more than one purpose and might, therefore, fall within more than one of the classes indicated above, the use to which the greatest part of the structure will be put (computed on the basis of the floor area where applicable) determines the allowance. For example, if a building has three apartments occupying three floors of the building and a store on the ground floor, it is primarily residential and falls under paragraph (b) (1) of this supplement. If a building is half residential and half commercial or industrial or half residential and half agricultural, it is considered primarily residential. When alterations are being made to a building, the applicable small job allowance is the allowance applicable to the building as a whole under paragraph (b). Except in cases covered by paragraph (c), the purpose for which the particular space being altered was or is to be used does not effect the amount of the allowance.

(e) *Subordinate structures.* The allowance given for jobs on a structure applies to all subordinate or related structures situated near and used in connection with the structure. This means that office buildings, warehouses and garages situated on the immediate premises of an industrial or utility plant and used in the operation of the plant fall within paragraph (b) (3) of this supplement and the $15,000 per job allowance applies to them. However, a "downtown" office building, even though used exclusively for one industrial or utility company, does not come under this provision, but is under paragraph (b) (2) of this supplement like other office buildings. Houses, hotels and apartment houses are never considered to be used in connection with an industrial or commercial structure, except where they form an integral part of an industrial or other structure. Bunkhouses, on the other hand, if located on the plant site are considered to be used in connection with the related structures, if any, and have the same allowance as the related structure.

(f) *Separate jobs.* For the purpose of determining whether work is exempt from VHP–1 under this supplement, a related series of operations in a structure which are performed at or about the same time or as part of a single plan or program constitute a single job. No job which would ordinarily be done as a single piece of work may be sub-divided for the purpose of coming within the allowance given under this supplement. When a building or part of a building is being converted from one purpose to another all work incidental to and done in connection with the conversion must be considered as one job. So also if a building is being renovated, improved or modernized over an extended period all work done in connection with the modernization (other than the work done before the issuance of the order) must be considered as part of one job, even though separate contracts are let for different parts of the work. However, if related work on two or more separate structures is performed, the work is not considered one job but the work done in each structure must be considered separately under the rules stated above. For example, if two or more related structures are to be built and the cost of each does not exceed the small job allowance applicable to each structure under paragraph (b) of this supplement, each of these structures may be built without getting an authorization under VHP–1. See paragraph (f) of Supplement 2 to VHP–1 for an explanation of what jobs are exempt from the order as having been started befort it became effective.

(g) *How to figure cost.* For the purpose of determining whether a particular job is exempt from VHP–1 by this supplement, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. (1) The cost of a job includes the following:

The cost or value of fixtures, mechanical equipment and materials incorporated in the structure, whether or not obtained without paying for them, except the items listed in paragraph (g) (2) below. (See Supplement 1 for definitions and illustrations of fixtures and mechanical equipment.)
The cost of paid labor engaged in the construction work, regardless of who pays for it, excluding, however, the cost of paid labor engaged in working on fixtures, equipment or materials the cost of which need not be included in the cost of the job under paragraph (g) (2). If it is impracticable to allocate the labor specifically to exempt or non-exempt items, the cost of all paid labor may be divided between the work on the two different classes of items in proportion to the value of the two classes of items.
The amount paid for contractors' fees.

(2) The cost of a job does not include the following:

The cost or value of previously used fixtures, previously used mechanical equipment and previously used materials, when these have been severed from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.
The cost or value of materials used in repainting or repapering an existing structure or any unchanged part of a structure. However, this exception does not apply to painting a new structure or new parts of a structure which has been altered.
The cost or value of materials used in installing loose fill, blanket or batt insulation in existing buildings or in installing insulation on existing equipment or piping.
The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in business of producing these materials for sale (this exception does not include materials or products assembled by the builder from new or used materials not themselves excepted).
The value of unpaid labor and the cost of paid labor engaged in working on fixtures, equipment or materials, the cost of which is exempt from the cost of the job.
The cost or value of machinery and equipment other than mechanical equipment.
Architects' and engineers' fees.
The cost of site preparation and other preparatory work which does not constitute beginning construction (Supplement 2 to VHP–1 contains illustrations of work which does not constitute beginning construction and the cost of which is not included in the cost of a job).

sued this 12th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Corrected Copy

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 3 as Amended Oct. 7, 1946]

SMALL JOB ALLOWANCES AND CLASSIFICATION OF STRUCTURES AS TO SMALL JOB ALLOWANCES

§ 4700.4 (a) *What this supplement does.* Paragraph (d) of Veterans' Housing Program Order 1 provides that it is not necessary to get permission under the order to do one or more jobs on a structure if the cost of each job does not exceed the allowance given for the kind of structure or the kind of job involved. This supplement sets forth the small job allowances generally applicable to individual structures of various classes and lists certain specific structures falling within each class. The supplement also lists exemptions applicable to a particular kind of job. In addition, this supplement explains the rules for computing the cost of a job for the purpose of determining whether it comes within the exemption given under this supplement.

(b) *Classification of structures.* The small job allowances given under this supplement are based in general upon the kind or size of structure in which the job is to be done. They are not based upon the use to which the part of a structure being altered is to be put, except as provided in paragraph (c) of this supplement. If the job involved consists of changing a structure from one class to another class, the small job allowance applicable to the conversion is the allowance for the structure after the conversion, except where the conversion is from residential purposes to non-residential purposes, in which case the job is covered by paragraph (c) of this supplement. The allowance provided for in paragraph (c) is applicable to a job covered by that paragraph, even though done in a structure which, as a whole, would have a larger allowance under this paragraph. With the exception of jobs covered by paragraph (c) of this supplement, it is not necessary to get permission under VHP–1 to do any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given below for the individual structure involved.

(1) The small job allowance under paragraph (b) of this supplement for a structure of the kind listed below is $400 per job.

Any individual house designed for occupancy by 5 families or less even though it is on the property of a commercial, utility, institutional or industrial concern and used for the purpose of housing employees of the commercial, utility, institutional or industrial concern.
A rectory or parsonage even though near a church and owned by a church.
A house on a campus owned by a college and occupied by a college official.
A boarding or rooming house designed for occupancy by 10 boarders or roomers or less.
A farmhouse or other housing accommodations on a farm (except a farm bunkhouse).
Row houses separated by party walls are considered separate houses.
All private structures situated near and used in connection with one to five family houses, such as garages, piers, tool sheds, greenhouses and the like even though these may be used in part or primarily for nonresidential purposes (except on farms, see paragraph (b) (2) of this supplement).

(2) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $1,000 per job:

NOTE: "A butcher shop * * *" deleted from list Oct. 7, 1946.

A boarding or rooming house designed for occupancy by more than 10 boarders or roomers.
A dormitory or fraternity.
A building used for a social club.
A service station or a commercial or service garage.
A funeral parlor or funeral home.
A radio broadcasting station.
A building in a drive-in theater, such as an enclosed projection room or a screen forming an enclosure for storage purposes, for rest rooms or for other purposes.
An individual barn or a farm building on a farm (other than a farmhouse). Chicken hatcheries, plants used to raise mushrooms and the like and farms or ranches for raising fur-bearing animals are considered "farms", wherever situated. A building on a farm used primarily for processing the products of that farm falls within this paragraph. A building situated on a farm and used primarily to process materials for use on that farm likewise falls within this category. A "farm" means a place used primarily for raising crops, livestock, dairy products or poultry for the market.
A greenhouse whether on-farm (agricultural) or off-farm (commercial)
A building used for a nursery growing trees.
A bunkhouse for employees of a farm or a commercial industrial or utility concern.
A parish house.
A college or university laboratory, field house or class room building.
A building in a retail or wholesale lumber yard.
A repair shop, except a plant primarily engaged in reconditioning or rebuilding equipment or articles for resale.
A drycleaning or laundering establishment, whether wholesale or retail.
An office building, whether or not owned and occupied exclusively by a transportation, utility or industrial concern (except where situated on the immediate premises of a plant having a $15,000 allowance: see paragraph (e) below).
A publicly owned pier not used for steamship or railway purposes.
Other commercial piers and piers situated near and used in connection with structures entitled to a $1,000 allowance.
A store
A hotel.
An arena.
An apartment house or other residential building designed for occupancy by more than 5 families.
A bank.
A restaurant.
A nightclub.
A theater.
A warehouse, including a warehouse in which products such as liquor, cheese or tobacco are kept to age, whether or not changes occur in the product during the aging process.
A frozen food locker plant
A stadium.
A grandstand used for commercial or institutional purposes.
A church.
A hospital.
A school.
A college.
A publicly owned building used for public purposes.
A building used exclusively for charitable purposes.
A tailor's or dressmaker's establishment making, repairing or altering articles for individual customers.
Any other structure used for commercial or service purposes and not specifically covered by any other classification.

(3) The small job allowance under paragraph (b) of this supplement for a structure of any of the kinds listed below is $15,000 per job if the floor area of the structure is or will be 10,000 square feet or more. If the floor area of the structure is or will be less than 10,000 square feet, the small job allowance is $1,000 per job unless the list below indicates that the $15,000 allowance applies regardless of floor area.

NOTE: The allowance given in this paragraph does not apply to structures of the kinds listed specifically in paragraph (b) (4) below, which always have the small job allowance of $200 per job given in that paragraph, or to residential buildings, which always receive the applicable allowance given in paragraphs (b) (1) and (b) (2) above.

A factory, plant or other industrial building which is used for the manufacturing, processing or assembling of any goods or materials.
A building at a logging or a lumber camp or at a mine (including a mine tipple).
A commercial or industrial research laboratory or a pilot plant.
A printing or bookbinding plant or newspaper publishing establishment.
A plant engaged in the wholesale printing, developing and enlarging of photographs
A plant engaged in mixing and bottling syrups or soft drinks.
An off-farm slaughterhouse, bakery, butcher shop or other off-farm establishment where edible food products for humans or animals are prepared for the market by pasteurizing, bottling, mixing, coloring, preserving, washing, salting, packaging or freezing (not including a frozen food locker plant).
A government (Federal, State or municipal) printing plant or other industrial or utility building.
A plant primarily engaged in reconditioning or rebuilding articles or equipment for resale.

A scrap dealer's plant, if it is primarily engaged in such processing operations as briquetting, pressing or baling light iron; cutting up heavy melting steel, breaking up cast iron, detinning cans or smelting nonferrous metals for the purpose of making the scrap available for further use.

A cotton compress warehouse.

A building, pier or dock used primarily for or in connection with the operation of a railroad, street railway, commercial airline, bus line or common or contract carrier by truck.

A building used primarily for a station or waiting room for a railroad, commercial airline, bus line or common carrier by truck (whetner situated at an air field or railroad or elsewhere).

A roundhouse.

A garage or work shop used primarily for a bus company or a common or contract carrier by truck.

A railway or steamship pier or dock, or a pier or dock situated near and used in connection with any structure or plant having a $15,000 small job allowance (warehouses and other buildings on a pier are considered part of the pier and not as separate structures).

A building, pier or dock used for producing, refining or distributing oil, gas (including liquefied or bottled gas) or petroleum, except service stations and commercial or industrial garages.

A building, pier or dock, public or private, providing directly for electric, gas, sewerage, water, central steam heating or telephone or telegraph communication services.

An industrial or utility power house whether public or private.

An industrial or utility pumping station for pumping gas, water, or sewage.

A pumphouse or terminal facility on an oil or gas pipeline.

A telephone exchange.

A radio telephone or radio telegraph station used as an international point to point radio communication carrier.

A grain, coal or cement elevator.

A single moving picture set. (The $15,000.00 small job allowance applies regardless of floor area.)

(4) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $200 per job.

A billboard.

A private pier or bathhouse which is not situated near and used in connection with another structure.

A tourist cabin whether a single cabin or one of a group of separate cabins. A cabin is considered a separate cabin if it has independent outside walls even though the space between it and the next cabin is sheltered by a roof and is used as a garage. A management building used for operating the cabins is considered a commercial building under paragraph (b) (2) of this supplement.

A swimming pool.

A boardwalk.

A concrete surface or base for a drive-in theater, parking lot or tennis court.

A roller coaster or similar device of a kind ordinarily used in amusement parks.

A wall or fence built primarily of wood, brick, concrete, or concrete blocks.

Any other structure covered by the order and not coming within any otner classification.

(c) *Small job allowances for conversion from residential purposes.* Regardless of the small job allowance given under paragraph (b) of this supplement for a particular structure, the small job allowance applicable to a job consisting of conversion to non-residential purposes of any part (or all) of a building last used for residential purposes is $200.

(d) *Structures used for more than one purpose.* If a structure is used for more than one purpose and might, therefore, fall within more than one of the classes indicated above, the use to which the greatest part of the structure will be put (computed on the basis of the floor area where applicable) determines the allowance. For example, if a building has three apartments occupying three floors of the building and a store on the ground floor, it is primarily residential and falls under paragraph (b) (1) of this supplement. If a building is half residential and half commercial or industrial or half residential and half agricultural, it is considered primarily residential. When alterations are being made to a building, the applicable small job allowance is the allowance applicable to the building as a whole under paragraph (b). Except in cases covered by paragraph (c), the purpose for which the particular space being altered was or is to be used does not affect the amount of the allowance.

(e) *Subordinate structures.* Where a non-residential structure of any of the kinds listed in paragraph (b) (2) is situated near, and used in connection with, a structure having a $15,000 small job allowance under paragraph (b) (3), the same allowance applies to the subordinate structure if the floor area of the subordinate structure is or will be 10,000 square feet or more. This means that if an office building, warehouse or garage of this size is situated on the immediate premises of an industrial or utility structure having a $15,000 small job allowance and is used in connection with the operation of that structure, the office building, warehouse or garage also gets the $15,000 small job allowance. However, a "downtown" office building, even though used exclusively for one industrial or utility company, is always under paragraph (b) (2), regardless of its size, like other office buildings. All residential structures, however, always get the allowance applicable under paragraphs (b) (1) or (b) (2), and all structures specifically listed in paragraph (b) (4) always get the $200 small job allowance of that paragraph.

(f) *Separate jobs.* For the purpose of determining whether work is exempt from VHP–1 under this supplement, a related series of operations in a structure which are performed at or about the same time or as part of a single plan or program constitute a single job. No job which would ordinarily be done as a single piece of work may be sub-divided for the purpose of coming within the allowance given under this supplement. When a building or part of a building is being converted from one purpose to another all work incidental to and done in connection with the conversion must be considered as one job. So also if a building is being renovated, improved or modernized over an extended period all work done in connection with the modernization (other than the work done before the issuance of the order) must be considered as part of one job, even though separate contracts are let for different parts of the work. However, if related work on two or more separate structures is performed, the work is not considered one job but the work done in each structure must be considered separately under the rules stated above. For example, if two or more related structures are to be built and the cost of each does not exceed the small job allowance applicable to each structure under paragraph (b) of this supplement, each of these structures may be built without getting an authorization under VHP–1. See paragraph (f) of Supplement 2 to VHP–1 for an explanation of what jobs are exempt from the order as having been started befort it became effective.

(g) *How to figure cost.* For the purpose of determining whether a particular job is exempt from VHP–1 by this supplement, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. (1) The cost of a job includes the following:

The cost or value of fixtures, mechanical equipment and materials incorporated in the structure, whether or not obtained without paying for them, except the items listed in paragraph (g) (2) below. (See Supplement 1 for definitions and illustrations of fixtures and mechanical equipment.)

The cost of paid labor engaged in the construction work, regardless of who pays for it, excluding, however, the cost of paid labor engaged in working on or installing fixtures, equipment or materials the cost of which need not be included in the cost of the job under paragraph (g) (2). If it is impracticable to allocate the labor specifically to exempt or non-exempt items, the cost of all paid labor may be divided between the work on the two different classes of items in proportion to the value of the two classes of items.

The amount paid for contractors' fees.

(2) The cost of a job does not include the following:

The cost or value of previously used fixtures, previously used mechanical equipment and previously used materials, when these have been severed from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.

The cost or value of materials used in repainting or repapering an existing structure or any unchanged part of a structure. However, this exception does not apply to painting a new structure or new parts of a structure which has been altered.

The cost or value of materials used in installing loose fill, blanket or batt insulation in existing buildings or in installing insulation on existing equipment or piping.

The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in business of producing these materials for sale (this exception does not include materials or products assembled by the builder from new or used materials not themselves excepted).

The value of unpaid labor and the cost of paid labor engaged in working on or installing fixtures, equipment or materials, the cost of which is exempt from the cost of the job.

The cost or value of machinery and equipment other than mechanical equipment.

Architects' and engineers' fees.

The cost of site preparation and other preparatory work which does not constitute beginning construction (Supplement 2 to VHP-1 contains illustrations of work which does not constitute beginning construction and the cost of which is not included in the cost of a job).

Issued this 7th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Supplement 4 to VHP-1, Amended 7-2-46 1/
Items Which Are Not Structures

1. Substance. This supplement explains the definition of the term "structure", and contains examples of things which are not classified as structures under the provisions of VHP-1.

2. Applicability to FPHA Projects. Several items listed in this supplement are applicable to FPHA development and maintenance operations. When the proposed work involves any items which are listed in Supplement 4, it is not necessary to obtain an authorization for such work.

1/ This supplement is a new insert for the Bulletin. It contains provisions formerly included in VHP-1 and Supplement 3.

SUBJECT: Supplement 4 to VHP-1, Amended 10-7-46 1/
Items Which Are Not Structures

This Supplement explains the definition of the term "structure," and contains a list of the things which are not classified as structures under the provisions of VHP-1.

As revised, this Supplement eliminates exemption of the following items as non-structures: boardwalks, fences, outdoor swimming pools, outdoor tennis courts, parking lots, and walls.

Several of the items listed in Supplement 4 are applicable to FPHA development and maintenance operations. When the proposed work involves any of these items, it is not necessary to obtain an authorization for the work.

1/ Supersedes Supplement 4 to VHP-1, dated 7-2-46

Superseded 10-7-46

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supplement 4]

ITEMS WHICH ARE NOT STRUCTURES

§ 4700.5 *Supplement 4 to Veterans' Housing Program Order 1.* The restrictions of Veterans' Housing Program Order 1 apply to work on "structures". Paragraph (b) (1) of VHP–1 defines a "structure" as "any building, arena, stadium, grandstand, pier, moving picture set, or billboard, whether of a permanent or temporary nature". That paragraph also states that the term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not the furniture or equipment is inside a structure.

The following are not considered structures under the order and the restrictions of the order do not apply to work on them, and it is not necessary to get permission under VHP–1 to do work on them. However, the restrictions of the order do apply to work on structures built or used in connection with the following or to work on structures which is made necessary by work on the following:

Blast furnaces
Boardwalks
Breakwaters
Brick, lumber or pottery kilns
Bridges
Bulkheads
Canals
Cemetery monuments, including private burial vaults
Chimneys of industrial or utility type, constructed of radial brick, reinforced concrete or steel
Coke ovens
Cooling towers
Dams
Drainage or irrigation ditches
Driveways (public or private)
Electrical precipitators
Fences
Fueling equipment
Gravestones
Lighting equipment
Lighting systems
Oil derricks
Oil refinery processing equipment such as towers, reactors, heat exchanges and furnaces
Outdoor swimming pools
Outdoor tennis courts
Parking lots
Pipe lines
Power transmission lines
Radio towers
Railroad or street car or interurban or plant railway tracks or operating facilities such as switching facilities, water tanks, signals and turntables
Roads
Scales
Sidewalks
Silos
Streets
Subways
Surface or underground mines
Tanks for oil, water, gas, and the like
Trailers (except when demounted and installed on a foundation. See Interpretation 3 to VHP–1)
Transformers
Tunnels
Utility facilities, such as power or telephone lines or cables, sewers, and outdoor substations, providing for electric, gas, sewerage, water, or central steam heating or telephone or telegraph communication service
Walls, including retaining walls (except where a wall serves as a foundation or other integral part of a structure)
Wells
Any item of equipment installed outside of and not attached to a building or a structure even though a foundation is built for it and even though the equipment is attached to a building by pipes or pipe lines, wires or the like.

(This supplement contains provisions formerly in paragraph (f) of Supplement 1 to VHP–1 and paragraph (c) of Supplement 3 to VHP–1).

Issued this 2d day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

CIVILIAN PRODUCTION ADMINISTRATION

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 4 as Amended Oct. 7, 1946]

ITEMS WHICH ARE NOT STRUCTURES

§ 4700.5 *Supplement 4 to Veterans' Housing Program Order 1.* The restrictions of Veterans' Housing Program Order 1 apply to work on "structures". Paragraph (b) (1) of VHP–1 contains a list of items which are considered structures under that order. The term "structure" does not include any other kind of item or any kind of equipment or furniture that is not attached to a building or structure whether or not the furniture or equipment is inside a structure.

The following are not considered structures under the order and the restrictions of the order do not apply to work on them, and it is not necessary to get permission under VHP–1 to do work on them. However, the restrictions of the order do apply to work on structures built or used in connection with the following or to work on structures which is made necessary by work on the following:

(NOTE: Following list amended Oct. 7, 1946.)

Blast furnaces
Breakwaters
Brick, lumber or pottery kilns
Bridges
Bulkheads
Canals
Cemetery monuments, including private burial vaults
Chimneys of industrial or utility type, constructed of radial brick, reinforced concrete or steel
Coke ovens
Cooling towers
Dams
Drainage or irrigation ditches
Driveways (public or private)
Electrical precipitators
Fueling equipment
Gravestones
Lighting equipment
Lighting systems
Oil derricks
Oil refinery processing equipment such as towers, reactors, heat exchanges and furnaces
Pipe lines
Power transmission lines
Radio towers
Railroad or street car or interurban or plant railway tracks or operating facilities such as switching facilities, water tanks, signals and turntables
Roads
Scales
Sidewalks
Silos
Streets
Subways
Surface or underground mines
Tanks for oil, water, gas, and the like
Trailers (except when demounted and installed on a foundation. See Interpretation 3 to VHP–1)
Transformers
Tunnels
Utility facilities, such as power or telephone lines or cables, sewers, and outdoor substations, providing for electric, gas, sewerage, water, or central steam heating or telephone or telegraph communication service
Wells
Any item of equipment installed outside of and not attached to a building or a structure even though a foundation is built for it and even though the equipment is attached to a building by pipes or pipe lines, wires or the like.

(This supplement contains provisions formerly in paragraph (f) of Supplement 1 to VHP–1 and paragraph (c) of Supplement 3 to VHP–1).

Issued this 7th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 12-10-46

OBSOLETE

SUBJECT: Supplement 5 to VHP-1, dated 8-27-46. 1/
Where Applications Should Be Filed

This Supplement provides general directions for filing applications for authorization of construction and priorities assistance.

It includes a definition of the types of housing which are to be handled by the Office of the Housing Expediter, with paragraph (b) (1) (ii) outlining the types of applications which are to be processed by FPHA.

1/ This is a new insert, and an entry should be made in the Index for Part I Section 2.

Superseded 1-20-47

SUBJECT: Supplement 5 to VHP-1, Amended 11-26-46 1/
Where Applications Should Be Filed

This Supplement designates which agencies are responsible for processing applications for authorization of work and for related priorities assistance.

It has been revised to tell in more detail which applications are filed with FPHA, FHA, NHA, Agriculture, and CPA. It includes definitions of "Public Organizations" and "Educational Institutions" and should greatly reduce the number of cases in which applications are misdirected. It must be clearly understood that whereas this document defines processing agencies it does not imply approval or furnish criteria for approval. These criteria appear in VHP-1, HEPR-5, PR-33 and PR-28. Many applications which do not qualify for approval must nevertheless be accepted and processed by the FPHA under the terms of this supplement and HEPR-5.

1/ Supersedes Supplement 5 to VHP-1, dated 8-27-46.

SUBJECT: Supplement 5 to VHP-1, dated 12-24-46 1/
Where Applications Should Be Filed

This Supplement designates which agencies are responsible for processing applications for authorization of construction, repairs, or other work restricted by VHP-1.

It has been revised to tie in Order VHP-1 with the Housing Expediter's HPR regulation, and defines which applications are filed with FPHA, FHA, NHA, and CPA. The scope of applications to be filed with and processed by FPHA is set forth in paragraph (b) (4). It should be noted that applications for dwelling accommodations on farms, if submitted by educational institutions or public organizations are to be processed by FPHA instead of the Department of Agriculture, which is not a processing agency under HPR.

Although this document classifies the processing agencies, it does not contain criteria for approval of applications. Such criteria for new applications are provided in VHP-1 and the HPR; and, for applications approved prior to 12-24-46, HEPR-5, PR-33 and PR-28.

Applications which, under the terms of this Supplement, are appropriately directed to FPHA regional offices must be accepted and processed, even though they do not qualify for approval. Applications misdirected to the FPHA should be forwarded to the appropriate agency, but only after prior assurance that the other agency has jurisdiction and will process the application.

1/ Supersedes Supplement 5 to VHP-1, dated 11-26-46.

SUBJECT: Supplement 5 to VHP-1, dated 2-13-47 1/
Where Applications Should Be Filed

This Supplement designates which agencies are responsible for processing applications for authorization of construction, repairs, or other work restricted by VHP-1. It defines which applications are filed with FPHA, FHA, NHA, and CPA. The scope of applications to be filed with and processed by FPHA is set forth in paragraph (b)(4).

This revision transfers responsibility for transferring applications for dormitories which were under the jurisdiction of CPA to the FHA. It also clarifies the previously used term "military housing", and contains a reference to the current application form, OHE-14-56.

Although this document classifies the processing agencies, it does not contain criteria for approval of applications. Such criteria for new applications are provided in VHP-1 and the HPR; and, for applications approved prior to 12-24-46, HEPR-5, PR-33 and PR-28, in the form in effect at the time of approval.

Applications which, under the terms of this Supplement, are appropriately directed to FPHA regional offices must be accepted and processed, even though they do not qualify for approval. Applications misdirected to the FPHA should be forwarded to the appropriate agency, but only after prior agreement that the other agency will accept jurisdiction and will process the application.

1/ Supersedes Supplement 5 to VHP-1, dated 12-24-46

CIVILIAN PRODUCTION ADMINISTRATION

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 5]

WHERE APPLICATIONS SHOULD BE FILED

§ 4700.6 *Supplement 5 to Veterans' Housing Program Order 1—(a) What this supplement does.* This supplement tells where applications for authorization under Veterans' Housing Program Order 1 to do construction, repair work or other work restricted by VHP–1 or for priorities assistance for such work should be filed.

(b) *Applications to be filed under regulations of the Housing Expediter.* (1) Applications for the construction of the following kinds of new structures in which 50% or more of the floor space is to be used for residential purposes should be filed as indicated in Priorities Regulation 33 or in regulations of the Housing Expediter:

(i) Any building to be used for family housing purposes including all subsidiary buildings on residential property such as private garages, tool sheds, piers, greenhouses and the like.

(ii) Any building to be built by or under the sponsorship of an educational institution or public organization for housing purposes, including dining halls and other essential residential accommodations to be used exclusively in connection with dormitory or other housing accommodations being constructed by an educational institution or public organization.

(iii) Apartment hotels, boarding houses and rooming houses not including hotels, overnight guest houses, tourist cabins or other accommodations for transients.

(iv) Farmhouses and other farmhouse accommodations including bunkhouses for transient farm labor.

The structures described in paragraph (b) (1) do not include any military housing or summer or winter camps.

(2) Regardless of the primary purpose for which a structure as a whole is or is to be used, applications for construction, alterations, additions or repairs in the structure should be filed under regulations of the Housing Expediter if 50% or more of the floor space involved in the proposed work will be used for residential purposes of the kinds described above.

(3) Applications for amendments to projects approved under Priorities Regulation 33 and CPA–4387 applications should be filed in accordance with Priorities Regulation 33.

(4) In general new applications for work covered by paragraphs (b) (1) and (b) (2) should be made on Form CPA–4386 (before September 10, 1946) or on NHA Form 14–56 on or after that date and filed with the appropriate State or District Office of the Federal Housing Administration, except that (i) Applications covering dwelling accommodations on a farm should be filed with the appropriate County Agricultural Conservation Committee, (ii) applications by educational institutions or by persons acting under their sponsorship or by public organizations should be filed with the appropriate Regional Office of the Federal Public Housing Authority and, (iii) applications to construct or erect experimental housing accommodations or to obtain materials for experimental or testing purposes in connection with housing accommodations should be filed with the Technical Branch of the Office of the Administrator of the National Housing Agency.

(c) *Non-housing applications to be filed with the County Agricultural Conservation Committees.* Applications covering non-housing construction on farms (as defined in Supplement 3 to VHP–1) should be filed on Form CPA–4423 with the appropriate County Agricultural Conservation Committee.

(d) *Applications to be filed with the Civilian Production Administration:* All applications for authorization under VHP–1 for construction not covered by paragraph (b) or paragraph (c) should be filed on Form CPA–4423 with the appropriate CPA District Construction Office.

(e) *CPA–541A Applications.* Applications for priorities assistance for materials not listed on Schedule A to Priorities Regulation 33 in connection with housing accommodations, and applications for priorities assistance for all materials in connection with non-housing construction should be filed under PR–28 on Form CPA–541A. These applications should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR–28.

Issued this 27th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 12-24-46

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 5 as Amended Nov. 26, 1946]

WHERE APPLICATIONS SHOULD BE FILED

§ 4700.6 *Supplement 5 to Veterans' Housing Program Order 1*—(a) *What this supplement does.* This supplement tells where applications for authorization under Veterans' Housing Program Order 1 to do construction, repair work or other work restricted by VHP–1 or for priorities assistance for such work should be filed.

(b) *Applications to be filed under regulations of the Housing Expediter.* (1) Applications for the construction of the following kinds of new structures in which 50% or more of the floor space is to be used for residential purposes should be filed under Housing Expediter Priorities Regulation 5 (see paragraph (b) (4) below):

(i) Any building, structure or other construction item to be used for family housing purposes, whether occupied all year round or seasonally, and any apartment hotel, boarding house, rooming house or other residential accommodations occupied for substantial periods of time, whether by single persons or by families, including also all subsidiary buildings, structures or construction items (whether restricted by VHP–1 or not) on residential property, such as garages, tool sheds, greenhouses, piers, swimming pools, walls, fences, bulkheads, wells and the like. This includes applications for family housing accommodations, either one family houses or apartments, and permanent residential quarters for individuals, whether these are to be built and owned by private individuals, corporations, public organizations or educational or other institutions. It also includes applications for the erection of prefabricated houses, the permanent installation of trailers and the like. This paragraph does not include summer or winter camps or hotels, overnight guest houses, tourist cabins or other accommodations for transients or any dormitories. Restaurants, laundry rooms and toilet facilities built in connection with tourist cabins and trailer camps are not covered by this paragraph.

(ii) Dormitories, and living facilities such as dining halls built and to be used exclusively in connection with a new dormitory, and subsidiary buildings for trailer camps such as laundry rooms, toilet facilities and the like, when they are built by an educational institution or a public organization and dormitories built under the sponsorship of an educational organization. "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning. "Public organization" means the United States government, a state, county. city, town, village or other municipal government, or an agency, instrumentality or authority of such a governing body.

(iii) Farm houses and other residential accommodations on farms, and bunkhouses for transient farm labor.

Paragraph (b) (1) does not include accommodations, the primary purpose of which is non-residential, such as wards or rooms for patients or inmates in hospitals, mental hospitals, insane asylums, orphanages, old people's homes or cell blocks in jails. It also does not include military housing.

(2) Regardless of the primary purpose for which a structure as a whole is or is to be used, applications for construction, alterations, additions or repairs in the structure should be filed under regulations of the Housing Expediter if 50% or more of the floor space involved in the proposed work will be used for residential purposes of the kinds described above.

(3) Applications for amendments to projects approved under Priorities Regulations 33 should be filed in accordance with that regulation.

(4) In general new applications for work covered by paragraphs (b) (1) and (b) (2) should be made on NHA Form 14–56 and filed with the appropriate State or District Office of the Federal Housing Administration, except that (i) applications covering dwelling accommodations or bunkhouses for transient farm labor located on a farm should be filed with the appropriate County Agricultural Conservation Committee, (ii) applications by educational institutions or by public organizations for any kind of residential accommodations to be built by them, and applications for single person residential accommodations to be built or converted under the sponsorship of an educational institution, should be filed with the appropriate Regional Office of the Federal Public Housing Authority and, (iii) applications to construct or erect experimental housing accommodations or to obtain materials for experimental or testing purposes in connection with housing accommodations should be filed with the Technical Office of the Administrator of the National Housing Agency.

(5) Under paragraphs (b) (1) and (b) (2) the amount of floor space to be used for residential purposes and the amount to be used for other purposes will determine where the application is to be filed. In computing floor area for these purposes, hallways and other public spaces should be excluded from the computation. Basement space should also be excluded even though used for storage space for stores or for apartments, except where all or part of the basement is used for an apartment or rooms for living purposes, or for selling or exhibition space for a store, or for a commercial garage which is open to the public.

(c) *Non-housing applications to be filed with the County Agricultural Conservation Committees.* Applications covering non-housing construction on farms (as defined in Supplement 3 to VHP–1) should be filed on Form CPA–4423 with the appropriate County Agricultural Conservation Committee.

(d) *Applications to be filed with the Civilian Production Administration:* All applications for authorization under VHP–1 for construction not covered by paragraph (b) or paragraph (c) should be filed on Form CPA–4423 with the appropriate CPA District Construction Office.

(e) *CPA–541A Applications.* Applications for priorities assistance for materials not listed on Schedule A to Priorities Regulation 33 in connection with housing accommodations, and applications for priorities assistance for all materials in connection with non-housing construction should be filed under PR–28 on Form CPA–541A. These applications should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR–28.

Issued this 26th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 2-13-47

OBSOLETE

Supp. 5 to VHP-1

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

DEC. 24, 1946
[As Amended]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 5, as Amended Dec. 24, 1946]

WHERE APPLICATIONS SHOULD BE FILED

§ 4700.6 *Supplement 5 to Veterans' Housing Program Order 1*—(a) *What this supplement does.* This supplement tells where applications for authorization under Veterans' Housing Program Order 1 to do construction, repair work or other work restricted by VHP–1 should be filed.

(b) *Applications to be filed under regulations of the Housing Expediter.* (1) Applications for the construction of the following kinds of new structures in which 50% or more of the floor space is to be used for residential purposes should be filed under the Housing Permit Regulation of the Housing Expediter (see paragraph (b) (4) below):

(i) Any building, structure or other construction item to be used for family housing purposes, whether occupied all year round or seasonally, and any apartment hotel, boarding house, rooming house or other residential accommodations occupied for substantial periods of time, whether by single persons or by families, including also all subsidiary buildings, structures or construction items (whether restricted by VHP–1 or not) on residential property, such as garages, tool sheds, greenhouses, piers, swimming pools, walls, fences, bulkheads, wells and the like. This includes applications for family housing accommodations, either one family houses or apartments, and permanent residential quarters for individuals, whether these are to be built and owned by private individuals, corporations, public organizations or educational or other institutions. It also includes applications for the erection of prefabricated houses, the permanent installation of trailers and the like. This paragraph does not include summer or winter camps or hotels, overnight guest houses, tourist cabins or other accommodations for transients or any dormitories. Restaurants, laundry rooms and toilet facilities built in connection with tourist cabins and trailer camps are not covered by this paragraph.

(ii) Dormitories, and living facilities such as dining halls built and to be used exclusively in connection with a new dormitory, and subsidiary buildings for trailer camps such as laundry rooms, toilet facilities and the like, when they are built by an educational institution or a public organization and dormitories built under the sponsorship of an educational organization. "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning. "Public organization" means the United States government, a state, county, city, town, village or other municipal government, or an agency, instrumentality or authority of such a governing body.

(iii) Farm houses and other residential accommodations on farms, and bunkhouses for transient farm labor.

Paragraph (b) (1) does not include accommodations, the primary purpose of which is non-residential, such as wards or rooms for patients or inmates in hospitals, mental hospitals, insane asylums, orphanages, old people's homes or cell blocks in jails. It also does not include military housing.

(2) Regardless of the primary purpose for which a structure as a whole is or is to be used, applications for construction, alterations, additions or repairs in the structure should be filed under regulations of the Housing Expediter if 50% or more of the floor space involved in the proposed work will be used for residential purposes of the kinds described above.

(3) Applications for amendments to projects approved under Priorities Regulation 33 or Housing Expediter Priorities Regulation 5 should be filed in accordance with those regulations.

NOTE: In subparagraph (4), subdivision (i) was deleted, and (ii) and (iii) were redesignated (i) and (ii) respectively, Dec. 23, 1946.

(4) In general new applications for work covered by paragraphs (b) (1) and (b) (2) should be made on NHA Form 14–56 and filed with the appropriate State or District Office of the Federal Housing Administration, except that (i) applications by educational institutions or by public organizations for any kind of residential accommodations to be built by them, and applications for single person residential accommodations to be built or converted under the sponsorship of an educational institution, should be filed with the appropriate Regional Office of the Federal Public Housing Authority and, (ii) applications to construct or erect experimental housing accommodations or to obtain materials for experimental or testing purposes in connection with housing accommodations should be filed with the Technical Office of the Administrator of the National Housing Agency.

(5) Under paragraphs (b) (1) and (b) (2) the amount of floor space to be used for residential purposes and the amount to be used for other purposes will determine where the application is to be filed. In computing floor area for these purposes, hallways and other public spaces should be excluded from the computation. Basement space should also be excluded even though used for storage space for stores or for apartments, except where all or part of the basement is used for an apartment or rooms for living purposes, or for selling or exhibition space for a store, or for a commercial garage which is open to the public.

(c) [Deleted Dec. 24, 1946.]

(d) *Applications to be filed with the Civilian Production Administration.* All applications for authorization under VHP–1 for construction not covered by paragraph (b) should be filed on Form CPA–4423 with the appropriate CPA District Construction Office.

(e) [Deleted Dec. 24, 1946.]

Issued this 24th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Supp. 5 to VHP 1

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION
Corrected Copy 2

FEB. 13, 1947
[As Amended]
Corrected Copy 2

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 5, as Amended Feb. 13, 1947]

WHERE APPLICATIONS SHOULD BE FILED

§ 4700.6 *Supplement 5 to Veterans' Housing Program Order 1*—(a) *What this supplement does.* This supplement tells where applications for authorization under Veterans' Housing Program Order 1 to do construction, repair work or other work restricted by VHP–1 should be filed.

(b) *Applications to be filed under regulations of the Housing Expediter.* (1) Applications for the construction of the following kinds of new structures in which 50% or more of the floor space is to be used for residential purposes should be filed under the Housing Permit Regulation of the Housing Expediter (see paragraph (b) (4) below):

(i) Any building, structure or other construction item to be used for family housing purposes, whether occupied all year round or seasonally, and any apartment hotel, boarding house, rooming house, dormitory or other residential accommodations occupied for substantial periods of time, whether by single persons or by families, including also all subsidiary buildings, structures or construction items (whether restricted by VHP–1 or not) on residential property, such as garages, tool sheds, greenhouses, piers, swimming pools, walls, fences, bulkheads, wells and the like. This includes applications for family housing accommodations, either one family houses or apartments, and permanent residential quarters for individuals, whether these are to be built and owned by private individuals, corporations, public organizations or educational or other institutions. It also includes applications for the erection of prefabricated houses, the permanent installation of trailers and the like. This paragraph does not include summer or winter camps or hotels, overnight guest houses, tourist cabins or other accommodations for transients. Restaurants, laundry rooms and toilet facilities built in connection with tourist cabins and trailer camps are not covered by this paragraph.

(ii) Dormitories, and living facilities such as dining halls built and to be used exclusively in connection with a new dormitory, and subsidiary buildings for trailer camps such as laundry rooms, toilet facilities and the like, when they are built by an educational institution or a public organization and dormitories built under the sponsorship of an educational organization. "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning. "Public organization" means the United States government, a state, county, city, town, village or other municipal government, or an agency, instrumentality or authority of such a governing body.

(iii) Farm houses and other residential accommodations on farms, and bunkhouses for transient farm labor.

Paragraph (b) (1) does not include accommodations, the primary purpose of which is non-residential, such as wards or rooms for patients or inmates in hospitals, mental hospitals, insane asylums, orphanages, old people's homes, police barracks or cell blocks in jails. It also does not include housing accommodations constructed by or for the account of the U. S. Army or Navy.

(2) Regardless of the primary purpose for which a structure as a whole is or is to be used, applications for construction, alterations, additions or repairs in the structure should be filed under regulations of the Housing Expediter if 50% or more of the floor space involved in the proposed work will be used for residential purposes of the kinds described above.

(3) Applications for amendments to projects approved under Priorities Regulation 33 or Housing Expediter Priorities Regulation 5 should be filed in accordance with those regulations.

(4) In general new applications for work covered by paragraphs (b) (1) and (b) (2) should be made on OHE Form 14–56 and filed with the appropriate State or District Office of the Federal Housing Administration, except that (i) applications by educational institutions or by public organizations for any kind of residential accommodations to be built by them, and applications for single person residential accommodations to be built or converted under the sponsorship of an educational institution, should be filed with the appropriate Regional Office of the Federal Public Housing Authority and, (ii) applications to construct or erect experimental housing accommodations or to obtain materials for experimental or testing purposes in connection with housing accommodations should be filed with the Technical Office of the Administrator of the National Housing Agency.

(5) Under paragraphs (b) (1) and (b) (2) the amount of floor space to be used for residential purposes and the amount to be used for other purposes will determine where the application is to be filed. In computing floor area for these purposes, hallways and other public spaces should be excluded from the computation. Basement space should also be excluded even though used for storage space for stores or for apartments, except where all or part of the basement is used for an apartment or rooms for living purposes, or for selling or exhibition space for a store, or for a commercial garage which is open to the public.

(c) [Deleted Dec. 24, 1946.]

(d) *Applications to be filed with the Civilian Production Administration:* All applications for authorization under VHP–1 for construction not covered by paragraph (b) should be filed on Form CPA–4423 with the appropriate CPA District Construction Office.

(e) [Deleted Dec. 24, 1946.]

Issued this 13th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Amdt. 1]

Section 4700.1 *Veterans' Housing Program Order 1* is amended as follows:

1. By amending the first sentence of paragraph (c) (1) to read as follows:

(c) *Prohibited construction.* (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate fixtures or mechanical equipment in, any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands or the Territory of Hawaii, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h).

2. By adding a new paragraph (c) (3) reading as follows:

(3) The provisions of this order are effective in the Territory of Hawaii on April 12, 1946. Where paragraphs (c) (2) and (d) (3) refer to March 26, 1946, the applicable date is April 12, 1946, in the case of Hawaii.

Issued this 12th day of April 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

CIVILIAN PRODUCTION ADMINISTRATION

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Interpretation 1]

WATERPROOFING

Paragraph (b) (2) of Veterans' Housing Program Order 1 provides that repainting, repapering and sanding floors where no change in a structure is made is not restricted or prohibited by the order. This provision exempts from the order the application of waterproofing to a building by spraying or painting where no change in the building is made. The preparation of the surfaces for waterproofing is within the exemption, if no alteration to or construction work on the building is involved, such as removing cornices or overhanging projections.

Issued this 19th day of April 1946

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Interpretation 2]

PROHIBITED DELIVERIES

Paragraph (g) of Order VHP–1 provides that "No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order".

The purpose of this provision is to prohibit the sale or delivery of materials by a supplier if he knows or has reason to believe that the materials supplied will be used in violation of VHP–1. This provision does not impose upon a fabricator or supplier any duty to investigate whether a proposed construction job for which he is asked to supply materials will be begun or carried on in violation of Veterans' Housing Program Order 1, or whether it has been specifically authorized or is exempt under that order. Mere knowledge that the kind of work involved is a kind which ordinarily would require authorization under the order does not constitute reason to believe that the work will be begun or carried on in violation of the order and, in the absence of information to the contrary, the supplier may rely on the builder to get an authorization for the job if authorization is required.

Paragraph (g) of VHP–1 does not require a supplier to get from a customer a certificate to the effect that the customer is not violating and will not violate VHP–1, or a certificate to the effect that the job for which the materials will be used is exempt under the order or has been authorized under the order.

Section 944.14a of Priorities Regulation 1 contains a provision, similar to that in paragraph (g) of VHP–1, with respect to all Civilian Production Administration orders and regulations. In addition, Priorities Regulation 32, which controls inventories, contains a similar provision affecting suppliers, in paragraph (b), which is explained in detail in Interpretation 3 to that regulation.

Issued this 29th day of April 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Interpretation 3]

PORTABLE AND PREFABRICATED STRUCTURES

(a) The erection of a "portable" or prefabricated building or other structure is construction and is restricted by Veterans' Housing Program Order 1, if the structure is placed on a foundation constructed on the site, or if the structure is connected to the ground by plumbing, wiring or other utility connection, or if the structure is placed on the ground on a spot where it is intended to remain for an undetermined time.

(b) Erection of a "portable" or prefabricated structure is not construction and is not covered by VHP–1 only if the structure is placed on a temporary site for the purpose of moving it from time to time, without any foundation or other connection with the ground. For example, the erection of a shelter to be moved around frequently for use on different parts of a farm from time to time is not construction, while the erection of a prefabricated or "portable" structure for use as a garage on a house lot is construction, and is restricted by VHP–1.

(c) If the erection of a "portable" or prefabricated building constitutes construction, as indicated above, the cost of the job must be computed in accordance with paragraph (d) (2) of VHP–1. The cost of the building (unless it has been used previously), the cost of new materials and new fixtures and mechanical equipment installed, and the cost of paid labor and contractor's fees involved must all be counted. If the cost of the job, computed in this way, exceeds the applicable allowance under paragraph (d) (1) of VHP–1, authorization for the job must be obtained before the job is started.

Issued this 7th day of May 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Interpretation 5 to VHP-1, dated 11-22-46 1/
Temporary Construction Buildings

This Interpretation sets forth the conditions governing the erection of temporary fencing, sanitary facilities, offices, tool sheds and other temporary buildings customarily used during construction.

There are three distinctions made regarding such temporary structures: (1) those used at the site where construction has been authorized; (2) those erected off the site; and (3) those used in connection with types of construction not covered by VHP-1.

1/ This is a new insert, and an entry should be included in the Index for Part I, Section 2.

Int. 5 to VHP 1

CIVILIAN PRODUCTION ADMINISTRATION

NOV. 22, 1946

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Interpretation 5]

WORK COVERED BY AUTHORIZATIONS; TEMPORARY CONSTRUCTION BUILDINGS

(a) When an authorization is issued for the construction of a building or other structure described in the approved application, the builder may construct temporary structures on the site of the approved project which are necessary for its construction. For example, an authorization for a building includes authorization to put up temporary fences around the excavation, and temporary buildings for the purpose of storing materials for use as work rooms for architects or engineers on the job or to provide toilet facilities or dressing rooms for people working on the job or shacks for watchmen. These temporary buildings are covered by the authorization, whether or not they are placed upon temporary foundations or have lighting or plumbing connections.

(b) An authorization to construct a building or other structure does not give permission to put up buildings or other structures off the site of the approved project nor does it include permission to put up permanent buildings or other structures which will remain after the completion of the construction job, except those specifically covered by the authorization. This is true even though the structures are of a kind which were exempt from the order at the time the original authorization was issued and were, therefore, not included in the original application.

(c) Where temporary construction buildings are put up in the course of building something which itself is not covered by the order, such as a bridge or dam, the usual rules set forth in VHP 1, as explained in Interpretation 3, apply. Authorization must be obtained if the proposed structure is covered by VHP 1 even though the structure is temporary and is to be removed when the job is finished.

Issued this 22d day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 18635—p. 1

SUBJECT: Direction 1 to VHP-1, Amended 6-21-46 1/
Reconstruction in Hawaii

1. Substance. This Direction provides special consideration for projects in Hawaii, to reconstruct, repair or renovate structures which were damaged by the tidal wave of April 1, 1946.

2. Explanation. This revision of Direction 1 extends the previous deadline date, allowing a longer period for the beginning of such work without need for an authorization. The provisions of this Direction affect FPHA operations in Region VI only.

1/ This Section should be attached to Direction 1 to VHP-1, dated 6-21-46, which is now in the possession of holders of the Bulletin.

Dir. 1 to VHP 1

CIVILIAN PRODUCTION ADMINISTRATION

JUNE 21, 1946
[As Amended]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Emergency Housing Program 1, Direction 1, as Amended June 21, 1946]

RECONSTRUCTION IN HAWAII

It is not necessary to get authorization under Veterans' Emergency Housing Program Order 1 for reconstruction, repair or renovation jobs on buildings or other structures covered by that order in the Territory of Hawaii if the reconstruction, repair or renovation is made necessary by damage caused by the tidal wave which occurred April 1, 1946, and if the repair, reconstruction or renovation job is begun on or before September 30, 1946, and if

(1) the reconstruction, repair or renovation job is in a residential structure covered by paragraph (d) (1) (i) or by paragraph (d) (1) (ii) of VHP–1 or a farm structure covered by paragraph (d) (1) (v) of VHP–1 and the total estimated cost of the job does not exceed $10,000; or

(2) if the reconstruction, repair or renovation job is in a building or structure used for commercial or service purposes covered by paragraph (d) (1) (iii) or a structure used for a church, hospital, educational or public purposes covered by paragraph (d) (1) (v) of VHP–1 and the total estimated cost of the job does not exceed $5,000.

Issued this 21st day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Direction 2 to VHP-1, Amended 3-6-47 1/

This Direction provides the procedure for preparation of Forms CPA-4423, which are used for applications in connection with the authorization of non-housing construction and repair work.

1/ This insert is included in the Bulletin for the first time, and should be recorded in the Index for Part 1, Section 2.

Dir. 2 to VHP 1

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

MARCH 6, 1947
[As Amended]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Emergency Housing Program 1, Direction 2, as Amended March 6, 1947]

PREPARING CPA–4423 APPLICATIONS

(a) Applications for authorization under Veterans' Housing Program Order 1 to do non-housing construction or repair work restricted by that order are filed on Form CPA–4423. This form requires the applicant to state in item 4 c the estimated cost of processing equipment to be used in the proposed project, excluding reused equipment. In item 5 the applicant is required to state the estimated cost of the project, not including the cost of the land, existing structures and architects' and engineers' fees. The figure in item 5 is to be broken down into two items, the cost of fixtures and building service (mechanical) equipment and the cost of structures, excluding the cost of fixtures and mechanical equipment.

(b) The applicant should enter, under item 4 c the total cost or value of all of the kinds of equipment and machinery listed under paragraph (b) (2) of Supplement 1, except used equipment. The figure entered in item 4 c should also include the total cost or value of the kinds of items listed under paragraph (b) (3) of Supplement 1, (except when they are fixtures) excluding the cost or value of used equipment. These paragraphs list various kinds of processing equipment and various kinds of servicing equipment.

(c) The applicant should enter as the "cost of fixtures and building service (mechanical) equipment" in item 5 the cost or value of all of the items of the kinds described and listed in paragraph (b) (1) of Supplement 1 to VHP–1. This paragraph lists various kinds of fixtures and plumbing, heating, lighting and ventilating equipment. He should also enter the cost or value of items listed in paragraph (b) (3) when fixtures. The cost of installation of fixtures and items of equipment should be included along with the cost of the fixtures and the equipment. It is not necessary to include the cost of used fixtures and equipment (or the cost of installation) which have been severed from the structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.

(d) The applicant should include as the "cost of structure" in item 5 the cost of the building or buildings, excluding the cost of processing equipment and the cost of fixtures and mechanical equipment. The applicant need not include in this figure the cost or value of materials and labor which do not constitute part of the cost of the construction job under paragraph (g) of Supplement 3 to VHP–1. Paragraph (g) (2) of that supplement lists numerous specific items which may be excluded from the cost of a job under VHP–1.

(e) In reviewing an application to determine whether it should be approved, the Civilian Production Administration relies upon the statements and representations made in the application and in supplementary documents filed with the application. Severe criminal penalties may be imposed for making wilfully false statements or representations in connection with these applications. This imposes upon persons making statements and representations in connection with applications great responsibility for the correctness of these statements and representations. In addition, the granting of the authorization imposes upon the builder and others concerned with the project, the responsibility of carrying out the provisions of the authorization and the representations made. For this reason it is important that each of the statements and representations involved should be made by a person familiar with the facts and responsible for their correctness and truthfulness. Contractors and architects and landlords may be in a position to assume responsibility for the performance of the construction in accordance with the authorization but ordinarily they are not in a position to accept responsibility for the correctness of statements and representations as to the need for the building and the use to which it will be put. The application should be made and signed by the person who is to be responsible for the construction, normally the individual who, or a responsible officer of the corporation which, owns or is to own the building or other structure involved. If the person who signs the application is not personally familiar with the need for the proposed work and therefore is not in a position to assume responsibility for statements and representations with respect to the need for the building and the purpose to which it is to be put, these statements and representations should be made in a letter attached to the application signed by the prospective occupant of the building or a responsible officer of the corporation which is to occupy it, or any other person who is in a position to accept the responsibility for these statements.

(f) If a builder wishes to complete construction of a project on which some work has been done, and on which construction has been stopped, this fact should be stated in the application. The applicant should give, either on the application or in a letter attached to the application, full information about the beginning of the construction, including a statement of the nature and cost of the work previously done and a statement as to when it was done and including also a statement as to the exact nature and the estimated cost of the work required for completion, together with a statement about the circumstances under which construction was stopped, referring particularly to any stop telegram, suspension order, consent order or injunction involved. If the application is approved, authorization will be given only for the work which has not yet been done.

Issued this 6th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Interpretation 4 to VHP-1, dated 10-31-46 1/
Small Job Allowances

This Interpretation explains the provisions of VHP-1 relative to the small job allowance for structures which are used for industrial, utility and transportation purposes.

Work on any such structures which are part of an FPHA project must necessarily be considered in relation to the provisions of this Interpretation, to determine if authorization is necessary under VHP-1.

1/ This is a new insert, and an entry should be included in the Index for Part I, Section 2.

PART 47000—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Interpretation 4]

SMALL JOB ALLOWANCES FOR INDUSTRIAL, UTILITY AND TRANSPORTATION STRUCTURES

(a) Paragraph (b) (3) of Supplement 3 to VHP–1 provides for small job allowances for certain industrial, utility and transportation structures. The small job allowance for one of these structures (with certain exceptions specified in the paragraph) depends upon the floor area which the particular structure has or will have. If the floor area of the particular building being built or altered is or will be 10,000 square feet or more, the allowance for alterations or additions or new construction is $15,000. On the other hand, if the floor area of the structure involved is and will be less than 10,000 square feet, the allowance is $1,000. If the cost of the proposed job, figured in accordance with paragraph (g) of Supplement 3, exceeds the small job allowance, authorization under VHP–1 must be obtained before starting the job.

(b) The following examples will explain the effect of this provision:

(1) A person proposes to construct a building to be used primarily as a factory. The floor area will be 1,500 square feet. The allowance for the job is $1,000.

(2) A person owns a building which is used primarily as a factory and which has a floor area of 6,000 square feet. He proposes to make an alteration in the building. The allowance for this job is $1,000.

(3) A person owns a building which is used primarily for a factory and which has a floor area of 6,000 square feet. He proposes to build a wing on the building which will add 1,000 square feet, making a total of 7,000 square feet. The allowance for this job is $1,000.

(4) A person owns a building which is used primarily for a factory and which has a floor area of 8,000 square feet. He proposes to build a wing on the building which will add 2,000 square feet, making a total of 10,000 square feet. The allowance for this job is $15,000.

(5) A person owns a building which is used primarily for a factory and which has a floor area of 10,000 square feet or more. He proposes to make an alteration to the building. The allowance for this job is $15,000.

(6) A person proposes to build a building which will be used primarily for a factory and which will have a floor area of 10,000 square feet or more. The allowance for this job is $15,000.

(c) The floor area of the particular building which is to be built, in which the alteration is to be performed or to which the addition is to be built (including the floor area of any proposed addition) is the only floor area to be considered. The floor area of any other buildings may not be counted toward the 10,000 square feet, even though they are situated near to the building involved and are used for the same purpose.

(d) A building is considered a separate building from the one in which the construction is being done, if there are outside walls or party walls between the two buildings, even though the two are to be used for the same purpose, even though the two have common services, even though the two are connected by common roofs, continuous foundations, connecting passageways, covered passages, bridges, arcades or the like and even though the two have doorways or other openings providing for communication between the two buildings.

(e) The small job allowances provided in paragraph (b) (3) do not apply to structures of the kinds listed in paragraph (b) (4), and do not apply under the circumstances covered by paragraph (c) of Supplement 3.

Issued this 31st day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: VHP-2, Dated 7-19-46 1/
General Restrictions on Hardwood Lumber

1. Substance. VHP-2 prohibits, effective August 1, 1946, the use of beech, birch, hard maple, oak, and pecan boards or dimension lumber for framing, wall or roof sheathing, boxing, siding, or subflooring in any house, building, or other structure.

2. Applicability to FPHA Projects. This Order affects FPHA projects to the extent that hardwood lumber, which is acquired by a contractor or provided by FPHA from surplus acquisitions, cannot be used for the purposes prohibited by Order VHP-2.

1/ This Order is a new insert for Section 2, Part I.

OBSOLETE 3-13-47

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 2]

GENERAL RESTRICTIONS ON HARDWOOD LUMBER

The Veterans' Emergency Housing Program, set forth February 7, 1946 by the Housing Expeditor in his report to the President, calls for the construction of an unprecedented number of moderate and low-cost housing accommodations to meet the needs of returning veterans. The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities required for construction for defense, for private account and for export. The shortage of hardwood lumber is particularly acute. Production cannot be increased rapidly enough to meet this shortage. The following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 4700.15 *Veterans' Housing Program Order 2*—(a) *Definition.* "A builder" means any person engaged in the business of constructing or repairing for his own account, or for the account of another, a house, building, or other structure (as defined in Veterans' Housing Program Order 1). The term includes a subcontractor.

(b) *Limitation on use.* Beginning August 1, 1946, no builder may use beech, birch, hard maple, oak or pecan boards or dimension lumber for framing, wall or roof sheathing, boxing, siding or subflooring in any house, building, or other structure.

(c) *General delivery restriction.* Beginning August 1, 1946, no sawmill, lumber supplier, or distributor shall deliver beech, birch, hard maple, oak or pecan boards or dimension lumber to a builder.

(d) *Communications and appeals.* Communications regarding this order, and any appeals from its provisions, should be addressed to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref: VHP 2. Appeals should be made by letter in triplicate, referring to the particular provision appealed from and stating fully the ground of the appeal.

(e) *Violations.* A 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, will 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 19th day of July, 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 18167E—p. 1

SUBJECT: VHP-3, dated 8-28-46 1/
Cast Iron Soil Pipe - Use Restriction

This Order provides that no one shall use cast iron soil pipe for any purpose except installing, repairing or maintaining sewage disposal systems in buildings, and that such pipe shall not be used beyond five feet from the building line. This does not apply to the replacement of damaged or worn-out cast iron soil pipe in existing waste-disposal systems. The restriction applies to new and used cast iron soil pipe.

This Order became effective on September 1 in all cities that have codes consistent with its provisions, and after October 1 it becomes effective in all other cities.

1/ This is a new insert, and an entry should be made in the Index for Part I, Section 2.

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 3]

CAST IRON SOIL PIPE—USE RESTRICTION

There is a shortage in the supply of cast iron soil pipe for defense, for private account and for export. Cast iron soil pipe is suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 4700.16 *Veterans' Housing Program Order 3*—(a) *Definition.* "A builder" means any person engaged in the business of construction or repairing for his own account, or for the account of another or repairing for his own account, or for the account of another, a house, building, or other structure (as defined in Veterans' Housing Program Order 1). The term includes a subcontractor.

(b) *Use restriction.* Beginning September 1, 1946, no builder may install new or used cast iron soil pipe outside a structure except within 5 feet of the structure. This does not apply to the replacement of damaged or worn-out cast iron soil pipe in existing waste-disposal systems. In addition, until October 1, 1946, it does not apply to the use of cast iron soil pipe needed to meet the minimum requirements of building codes issued by local governmental bodies.

(c) *Delivery restriction.* Beginning September 1, 1946, no supplier shall deliver cast iron soil pipe to a builder if he knows, or has reason to believe, that it will be used in violation of this order.

(d) *Appeals.* Appeals from the provisions of this order are to be made by letter in triplicate, referring to the particular provision appealed from and stating fully the ground of appeal. Appeals involving housing accommodations should be addressed to the National Housing Agency, Washington 25, D. C., Ref: VHP-3. Appeals not involving housing accommodations should be addressed to the Civilian Production Administration, Washington 25, D. C.; Ref: VHP-3.

(e) *Communications.* Communications regarding this order (except appeals, which are covered by paragraph (d) above) should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: VHP-3.

(f) *Violations.* A person who willfully violates any provisions 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, will 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 28th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

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

[Priorities Reg. 1, as Amended Mar. 18, 1946]

Sec.

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

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

(b) [Deleted Oct. 1, 1945.]

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

§ 944.1b [Deleted Oct. 1, 1945.]

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

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

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

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

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

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

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. (When a person who has a rating asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on that rating, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of rated orders received by him after making the quotation and before he receives the firm order from the person making the inquiry.)

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

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

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

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

(For types of contracts which must be deferred see Interpretation 1b. For rule as to deferment of orders on steel, copper and aluminum producers, see Direction 11.)

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

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

§ 944.3 *Report to Civilian Production Administration of improperly rejected orders.* When a rated order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Civilian Pro-

duction Administration, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

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

§ 944.4a *Cancellation of preference ratings.* If a preference rating which has been assigned to a named person is revoked, he must immediately, in the case of each order to which he has applied the rating either cancel the order or inform his supplier that it is no longer to be treated as rated. If a regulation or order of the Civilian Production Administration which assigns a rating to a class or group of persons without naming them individually, is revoked they may not apply the rating to orders placed after the revocation. Orders to which they have already applied the rating for delivery within three months after the revocation remain validly rated, but, in the case of each order which they have placed for delivery after three months from that date, they must either cancel the order or withdraw the rating If any person receives notice from his customer or otherwise that the customer's order is no longer rated or that the customer's order is cancelled, he must immediately withdraw any extensions of the rating which he has made to any order placed by him for more than $25 worth of material. The Civilian Production Administration may specify different rules for the treatment of outstanding ratings at the time it revokes them.

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

§ 944.5 *Sequence and description of preference ratings.* (a) Preference ratings in order of precedence are: (1) AAA; (2) MM; (3) CC and HH, which are both of equal value. The conditions under which each of these ratings are generally assigned is given in paragraph (b) below.

(b) The above preference ratings are generally assigned as follows:

(1) The AAA rating is assigned in emergencies under existing procedures.

(2) The MM rating is assigned by the Army and Navy and other military and governmental agencies in accordance with the provisions of Directive 41 and other CPA Directives which may be issued from time to time. The CPA will not generally assign the MM rating, but may do so in a few instances for specific items and quantities of materials or equipment where it is clearly necessary for requirements of high urgency. Applications should not be filed with the CPA for a MM rating unless a published order or regulation of the CPA announces that the CPA will assign it.

(3) The CC rating is assigned as described in Priorities Regulations 28 and 28A. These Regulations describe the limited conditions under which the CPA will generally assign the CC rating.

(4) The HH rating is assigned for housing under the rules explained in Priorities Regulation 33.

(c) The rules for the extension of the above ratings are explained in Priorities Regulation 3.

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

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

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

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

(For the effect of changes in customers orders, see Direction 1 to this regulation. For further explanations of paragraph (b) see Interpretation 1c. For an explanation of how to determine the date on which a purchase order is received, see Interpretation 12)

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

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

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

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

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

§ 944.10a *Effect of revocation of orders and regulations.* (a) When an order or regulation of the Civilian Production Administration is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) All directions, authorizations, production or delivery schedules and other instruments addressed to named persons pursuant to any order or regulation which was revoked before October 1, 1945, are revoked on October 1, 1945. Whenever an order or regulation of the CPA is revoked on or after October 1, 1945, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation. Any material which was obtained by means of any such revoked direction, authorization, allocation, etc., may be used or disposed of only as permitted under paragraph (b) of § 944.11.

NOTE: The instrument of revocation for many orders is Priorities Regulation 31.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the War Production Board or Civilian Production Administration remain in effect after revocation of such orders and regulations, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for relief to the Chief Compliance Commissioner, Civilian Production Administration, Washington 25, D. C.

§ 944.11 *Use or disposition of material acquired with priorities assistance.* (a) Any person who gets material with priorities assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a preference rating (AAA, MM, CC or HH, allocation, specific direction, or any other action of the War Production Board or Civilian Production Administration. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) below must be observed: (1) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priorities assistance was given (for example, when the priorities assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or purchase order is cancelled); (2) when the material was obtained by means of a rating in the AA series or a CMP allotment, or by means of any order, regulation, rating, allocation, specific direction or other action of the WPB or CPA which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the CPA (for example, Direction 12 to Priorities Regulation 1).

(b) A material or product subject to paragraph (a) (1) or (2) above may be used or disposed of only as follows:

(1) If the holder acquired or made the material or product for use and not for sale or resale and is not regularly engaged in the business of selling it, a proposed sale by him is a special sale covered by Priorities Regulation 13 and he may sell or transfer it only as provided in that regulation.

(2) If the proposed sale is not a special sale described by paragraph (b) (1), the holder may sell as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the Civilian Production Administration. This is true of all such sales of any material including scrap.

(3) The holder may, within the limitations of paragraph (f) of Priorities Regulation 32 (inventory restriction on processing), use the material or product himself in any manner or for any purpose as long as he complies with all applicable CPA orders and regulations. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

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

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

§ 944.13 *Scope of regulations and orders.* All regulations and orders of the Civilian Production Administration (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of Civilian Production Administration orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided. Regulations and orders do not apply to transactions in the Philippine Islands unless they specifically state that they do. Exports and deliveries of material to be exported may be made regardless of any CPA order or regulation restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

(For applicability of certain restrictions in CPA orders to exports, see Interpretation 18.)

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

§ 944.14 *Inventory restrictions.* No person may deliver or receive into inventory more of any material than is permitted under Priorities Regulation 32. That regulation takes the place of the rules formerly in this section.

§ 944.14a *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the Civilian Production Administration.

§ 944.15 *Records.* Each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of rated orders (or other orders required by the Civilian Production Administration

to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by Civilian Production Administration officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions, he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

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

§ 944.17 *Reports.* Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The rules on filing reports are explained in Priorities Regulation 8.

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

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

§ 944.20 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the Civilian Production Administration shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

Issued this 18th day of March 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary

INTERPRETATION 1A: Revoked August 28, 1945.

INTERPRETATION 1B

TYPES OF EXISTING CONTRACTS WHICH MUST BE DEFERRED

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

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

INTERPRETATION 1C

SEQUENCE OF DELIVERIES AND PRODUCTION FOR RATED ORDERS

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

INTERPRETATION 1D: Revoked June 28, 1945

INTERPRETATION 1E

ARMY INCLUDES PANAMA CANAL—NAVY INCLUDES COAST GUARD

(a) The definition of defense orders formerly appearing in § 944.1 (b) has been deleted since a blanket rating of AA-5 is no longer assigned to such orders. However, any reference to the Army without any other definition in any order of the Civilian Production Administration also applies to the Panama Canal, and a reference to the Navy, to the Coast Guard. (Issued Oct. 1, 1945.)

INTERPRETATION 2

REGULARLY ESTABLISHED PRICES AND OPA CEILING PRICES

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

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

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

INTERPRETATION 3

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

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

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

A further problem arises when a manufacturer receives such an order with split ratings. For example, suppose the manufacturer who sells his product only in standard shipping packages of a dozen receives an order for 30 rated MM and 20 rated CC. In such

a case the general rule is that amounts in excess of a multiple of the standard shipping package ordered at higher ratings may be included with amounts ordered at lower ratings if the manufacturer wishes to adhere to his standard shipping package and not fill the order as received. He may then, in the case supposed, treat the order as one for 24 items rated MM and 24 rated CC and reject it for 2 of the items. Of course, he may fill the order as placed if he prefers to do so; but, if he does not he must fill it as illustrated above.

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

(c) The exception applies to a manufacturer who receives a rated order which, together with orders on hand, totals less than his minimum production run of a product which is mass produced and cannot be filled from inventory. It makes no difference that he has regularly sold in quantities as small as that ordered. For example, suppose a manufacturer's minimum production run is 1,000 units, but he has regularly sold in lots of 10 units. At a time when he has none of the particular product in inventory and no orders on hand, he receives a rated order for 600 units. He may reject the order. If, however, he has on hand a previously accepted order for 400 units, he would be required to accept the order for 600 units.

(d) It should be noted that paragraph (e) of § 944.2 in which the above exception appears includes the requirement that "there must be no discrimination in such case against rated orders, or between rated orders of different customers." This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders from other customers. However, if a manufacturer or wholesaler has an exclusive distributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly. (Issued Oct. 1, 1945.)

Interpretation 4: Revoked October 1, 1945.

Interpretation 5

Effect of assignment of a rated order or contract on sequence of delivery

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

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

(2) A steel mill places an order for a repair part rated CC. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a CC rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The Civilian Production Administration assigns a rating on a Form WPB 541A to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer. The rating does not apply to the delivery to the second producer since it was assigned by the Civilian Production Administration only for the purpose of filling a specific need shown by the first textile producer. (Issued Oct. 1, 1945.)

Interpretation 6

Microfilm records

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

Interpretation 7: Revoked August 28, 1945

Interpretation 8

Effect of inventory and small order provisions on separate operating units of the same company

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

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

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

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

Interpretation 9: Revoked March 18, 1944.

Interpretation 10

Effect of cancellation of a purchase order on directive requiring its immediate production

In many instances, the Civilian Production Administration has issued directives to producers and manufacturers requiring them to produce particular orders ahead of their normal place on the producers' or manufacturers' schedules. Typical of such directives are directives requiring them to produce certain orders by a given date, regardless of the effect of doing so on the production of other orders. If and when the particular orders are cancelled, the directives lose all effect. This is so since the reason for issuing the directives, namely, the urgent need for a particular product, no longer exists when the order for the product has been cancelled. (Issued Oct. 1, 1945.)

Interpretation 11

Placing and acceptance of orders for future delivery conditioned on removal of CPA restrictions

(a) Some orders and regulations of the Civilian Production Administration forbid the placing or acceptance of purchase orders for certain materials or products unless the purchase orders bear specified preference ratings, or unless they are accompanied by special authorization or unless they meet some other condition. Such provisions do not, however, prohibit the placing or acceptance of a purchase order which by its express terms, is not to be filled until after removal of such restrictions by the Civilian Production Administration.

(b) A manufacturer may not, of course, schedule such orders for production or place material in production to fill such orders until after the applicable CPA restriction is removed. He may order materials needed to fill such orders, but his own orders must call for delivery at a future time when the material can be received under Priorities Regulation 32. Also, if he is ordering a material which is itself subject to a restriction on placing or accepting of orders, that purchase order must as well be conditioned on the removal of the restriction.

(c) [Deleted Oct. 1, 1945.]

(d) [Deleted Nov. 13, 1944.]

(Issued Oct. 1, 1945.)

Interpretation 12

Date on which purchase order is received

(a) Section 944.7 (b) provides that between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. Some questions have arisen as how to fix the date when the order was "received", due to the fact that occasionally specifications are not sent to the manufacturer with the customer's order. The word "order" as used in § 944.7 (b) means a purchase order accompanied by specifications in sufficient detail to enable the manufacturer to put the product in production. Not until such specifications have been furnished is there an "order". The date on which such specifications are furnished to the manufacturer is the date on which the order is "received". This date, and not the date on which the order without specifications was first received by the manufacturer, controls the position the order takes in the manufacturer's schedule.

For example, where an engine manufacturer on February 1st receives a rated order for fifty engines for July delivery but the customer does not, until March 1st, furnish the specifications as to carburetors, pumps, or other equipment, necessary before the engines can be put into production, March 1st is the date the "order was received" for the purposes of § 944.7 of Priorities Regulation No. 1.

(b) With respect to unrated orders which are subsequently rated, the order is not "received" for the purposes of § 944.7 until the supplier receives the application or extension of the rating properly certified. The date of the rated order is not retroactive to the time the original unrated order was placed. Similarly, where an order originally rated in the AA series became unrated after September 30, 1945, the subsequent application or extension of a AAA, MM or CC rating to the order does not relate back to the time the order was originally rated. (Issued Dec. 11, 1945)

INTERPRETATION 13

APPLICABILITY OF ORDERS AND REGULATIONS TO USED OR SECOND-HAND MATERIALS AND PRODUCTS

(a) Every order or regulation of the Civilian Production Administration applies to materials and products in used or second-hand form (other than scrap) to the same extent as to new items, unless the order or regulation or a published interpretation of it expressly states otherwise.

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 14

SUMMARY OF CPA CONTROLS REGARDING IDLE OR EXCESS INVENTORIES

(a) *Purpose of this interpretation.* This interpretation summarizes some of the important rules on what to do when you have materials or products which are idle or excess in your inventory because of a termination or cut-back in your war contracts or other changes in your operations. These are not new rules on this subject, nor are they necessarily complete, but they are intended to be convenient references to rules which are now effective in CPA orders and regulations. As these orders and regulations are revised from time to time, you should be sure to look at the latest copies.

(b) *General rule.* The general rule is that if you got a material or product by using a preference rating, or other WPB or CPA priorities assistance, you must if possible use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This is the rule of § 944.11 (a) of Priorities Regulation 1, which also states the conditions under which physical segregation of inventory is not required. Two exceptions to this rule, i. e., when the material or product can no longer be used for the original purpose, or when the rating or other assistance has been revoked, are explained in paragraphs (a) (1) and (2) of § 944.11.

Disposition or Use of Excess

(c) *In general.* If you have a termination cut-back, or other reduction in your operations, it may be impossible to use the material or product for the purpose for which the priorities assistance was given. In this case, or if the rating or other assistance has been revoked, you may dispose of it as explained in paragraphs (b) (1) and (b) (2) of § 944.11 of PR–1, or you may use it as explained generally in paragraph (b) (3) of that section. These rules are summarized in paragraphs (d) and (e) below.

(d) *Disposition*—(1) *Special sales.* If you want to sell the excess material or product to someone else, and you acquired or made it for your own use and you do not sell it in the regular course of your business, you should look at Priorities Regulation 13 for the rules governing such "special sales." These include special sales as scrap (other than plant generated scrap). Also, all sales of surplus materials or products by Government agencies are special sales.

(2) *Other sales.* If the sale of the particular material or product, including scrap, is not a special sale, it is permitted as long as you comply with all requirements of CPA orders and regulations which apply to the material or product you are selling. For example, you are usually required to accept rated orders and observe the sequence of preference ratings; and if the material or product may be sold or scrapped only on specific CPA authorization as described in the applicable order or regulation, you must do what the order says.

(e) *Use—Must be in compliance with applicable CPA orders.* If you want to use the excess material or product, you must always comply with all applicable CPA orders and regulations governing its use, inventory etc., and you may have to appeal if the intended use is not a permitted use. To find out what orders or regulations are applicable to the particular material or product, it may be helpful to look at the CPA publication, "Products and Priorities," or you can ask your nearest CPA field office.

(2) [Deleted Dec. 11, 1945.]

(3) [Deleted Oct. 1, 1945.]

(4) [Deleted Dec. 11, 1945.]

(f) [Deleted Oct. 1, 1945.]

(g) *Special provision for transfer among war contractors.* If you have a war contract which has been terminated or modified, and another contractor is producing similar products for the same procuring agency, he may be able to receive excess materials (from you, your suppliers, or the procuring agency) in excess of inventory limits. This is permitted when authorized by the procuring agency to the extent described in Direction 1 to Priorities Regulation 32. This direction covers both the inventory exceptions necessary to receive excess materials of this kind, and also the sale or exchange of the materials.

Bringing Inventory Back to Normal

(h) *Inventory limitations.* If the termination or cut-back results in your having a bigger inventory than you need, the mere possession of it is not prohibited as long as the particular material or product was properly acquired. This is explained in Interpretation 5 to Priorities Regulation 32. However, you may not receive further deliveries of the particular material or product held in excess, nor may you fabricate above permitted inventory levels, except as provided in the applicable regulations or orders. The general inventory rules are in Priorities Regulation 32, and specific inventory limits on particular materials or products or relating to particular classes of persons are indicated in Tables 1 and 2 of that regulation. In general, upon any reduction in operations, outstanding orders for the items which constitute an excessive inventory must be promptly adjusted, or, if necessary, cancelled. However, certain further deliveries may be received to the extent permitted by paragraph (h) of Priorities Regulation 32, and special items may be received as permitted by that paragraph and by Direction 3 to that regulation. A limited inventory exception in the case of items bought on special sales is provided in PR–13.

(i) *Cancelling ratings.* In cutting back or cancelling orders as described above you will probably have to cancel your ratings to the extent described in § 944.4a of PR–1. (Issued Dec. 11. 1945.)

INTERPRETATION 15: Revoked August 28 1945

INTERPRETATION 16

APPLICABILITY OF PRIORITY RULES TO SUPPLIERS OF COMPLETE PRODUCTS AND PARTS FOR THE COMPLETE PRODUCTS

(a) *Applicability of rules regarding acceptance of orders.* A person who supplies parts for a complete product, as well as the complete product itself, may not accept an order for the complete products calling for delivery on a date which would interfere with delivery of equal or higher rated orders for parts which he has already accepted. In other words, he must comply with the rules in § 944.2 of Priorities Regulation 1 in accepting orders for complete products and orders for parts only. Thus if he gets a rated order for complete products calling for delivery on June 1, 1945, and cannot fill this order without using parts which are required for delivery on an equal or higher rated parts order previously accepted, calling for delivery on June 1, 1945, he may not accept the order for the complete products. In such a case, he must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date.

(b) [Deleted Oct. 1, 1945.]

(c) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 17: Revoked August 28 1945.

INTERPRETATION 18

APPLICABILITY OF CERTAIN RESTRICTIONS IN CPA ORDERS TO EXPORTS

The last sentence of § 944.13 (formerly Priorities Regulation 15) does not in any way relax restrictions in limitation or conservation orders in so far as they apply to manufacture within the United States or to the maintenance of inventory within the United States. The only effect of the sentence is to lift such restrictions as may be based upon the size of an inventory maintained in a foreign country or on a use (including use for manufacture) which is to take place in a foreign country.

Of course, no orders of the Civilian Production Administration directly limit the size of inventory or the manner of use of an article in a foreign country. Nevertheless, there are some orders which, in the absence of this provision in § 944.13, might impose such limitations indirectly. Orders which provide that a person may not sell a particular material if he knows or has reason to believe that the purchaser will, upon receipt, have an inventory exceeding some stated amount or use the material for a particular purpose would, in the absence of this provision, prevent certain sales by subjecting sellers to possible liability even though the inventory existed or the use occurred in a foreign country. § 944.13 has the effect of relieving sellers of such liability in the limited situation described.

Furthermore, it is only restrictions which are expressed as based upon size of inventory or manner of use which are affected by this section. Where an order requires administrative action, such as an allocation or an express authorization, that requirement is not waived and must be met before the material can be delivered, acquired or used. (Issued Dec. 11, 1945.)

INTERPRETATION 19

PRESERVATION OF RECORDS AFTER REVOCATION OF APPLICABLE ORDERS

Section 944.15 of Priorities Regulation 1 reuires the keeping and preservation for at least two years of certain records relating to transactions under CPA orders and regulations. This requirements does not lapse upon the expiration of revocation of the applicable order or regulation and the two year period must be counted from the date of the transaction occurs. The reference in the section to rules, regulations or orders of the Civilian Production Administration includes reference to any regulations or orders of its predecessor, the War Production Board, whether or not they expired or were revoked before the establishment of the Civilian Production Administration. (Issued Jan. 17, 1946.)

DIRECTIONS TO PR 1

The following directions to PR 1 are still in effect (Mar. 18, 1946):

1. Changes made by customers in orders placed with manufacturers.

2. Transfer of title in financing rated orders.

9. Use of ratings or authorizations for machine tools or other facilities when related military procurement programs or contracts are cancelled or cut back.

11. Special rules for placing and scheduling rated orders for steel, copper and aluminum.

12. Use by ship chandlers and other ship suppliers of materials obtained by means of ratings assigned on WPB–646.

13. Emergency suspension of outstanding ratings for iron and steel.

Superseded 3-18-47

OBSOLETE

SUBJECT: PR-1, Amended 7-24-46 1/
Basic Rules Governing Priorities Operations

1. Substance. This regulation provides the basic rules applying to all transactions which are not covered by more specific regulations.

2. Applicability to FPHA Projects. Included in this regulation are two sections which supplement Manual instructions and particularly affect FPHA operations: (1) Section 944.11, concerning use or disposition of materials acquired with priorities assistance, and (2) Section 944.15, concerning the maintenance of records. Interpretations 6, 14 and 19 are related to these sections.

1/ Supersedes PR-1, dated 3-18-46.

SUBJECT: PR-1, Amended 3-4-47 1/

This regulation provides the basic rules applying to all transactions which are not covered by more specific regulations.

The amendment of PR-1 is necessitated by the revised priorities rating system (as explained in PR-35), to include references to the new RR and RRR ratings. It indicates the status of the different types of ratings after March 31, 1947.

1/ Supersedes PR-1, dated 7-24-46.

Suspended 3-4-47

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

[Priorities Reg. 1, as Amended July 24, 1946]

Sec.

944.1 Purpose and scope of this regulation; definitions
944.2 Rules for acceptance and rejection of rated orders
944.3 Report to Civilian Production Administration of improperly rejected orders.
944.4 Assignment of preference ratings.
944.4a Cancellation of preference ratings
944.5 Sequence and description of preference ratings
944.6 Doubtful cases.
944.7 Sequence of filling rated orders
944.8 Delivery or performance dates
944.9 Report to Civilian Production Administration of improper delay of orders
944.10 Effect of other regulations and orders
944.10a Effect of revocation of orders and regulations.
944.11 Use or disposition of material acquired with priorities assistance
944.12 Intra-company deliveries.
944.13 Scope of regulations and orders.
944.13a Defense against claims for damages
944.14 Inventory restriction.
944.14a Delivery for unlawful purposes prohibited
944.15 Records.
944.16 Audit and inspection
944.17 Reports.
944.18 Violations.
944.19 Appeals for relief in exceptional cases
944.20 Notification of customers

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

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

(b) [Deleted Oct. 1, 1945.]

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

§ 944.1b [Deleted Oct. 1, 1945.]

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

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

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

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

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

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

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. (When a person who has a rating asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on that rating, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of rated orders received by him after making the quotation and before he receives the firm order from the person making the inquiry.)

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

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

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

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

(For types of contracts which must be deferred see Interpretation 1b. For rule as to deferment of orders on steel, copper and aluminum producers, see Direction 11.)

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

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

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

§ 944.4 *Assignment of preference ratings.* Preference ratings may be assigned to contracts, orders or deliveries by means of preference rating certificates,

INTERPRETATION 13

APPLICABILITY OF ORDERS AND REGULATIONS TO USED OR SECOND-HAND MATERIALS AND PRODUCTS

(a) Every order or regulation of the Civilian Production Administration applies to materials and products in used or second-hand form (other than scrap) to the same extent as to new items, unless the order or regulation or a published interpretation of it expressly states otherwise.

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 14

SUMMARY OF CPA CONTROLS REGARDING IDLE OR EXCESS INVENTORIES

(a) *Purpose of this interpretation.* This interpretation summarizes some of the important rules on what to do when you have materials or products which are idle or excess in your inventory because of a termination or cut-back in your war contracts or other changes in your operations. These are not new rules on this subject, nor are they necessarily complete, but they are intended to be convenient references to rules which are now effective in CPA orders and regulations. As these orders and regulations are revised from time to time, you should be sure to look at the latest copies

(b) *General rule.* The general rule is that if you got a material or product by using a preference rating, or other WPB or CPA priorities assistance, you must if possible use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This is the rule of § 944 11 (a) of Priorities Regulation 1, which also states the conditions under which physical segregation of inventory is not required. Two exceptions to this rule, i. e., when the material or product can no longer be used for the original purpose, or when the rating or other assistance has been revoked, are explained in paragraphs (a) (1) and (2) of § 944.11.

Disposition or Use of Excess

(c) *In general.* If you have a termination cut-back, or other reduction in your operations, it may be impossible to use the material or product for the purpose for which the priorities assistance was given In this case, or if the rating or other assistance has been revoked, you may dispose of it as explained in paragraphs (b) (1) and (b) (2) of § 944.11 of PR-1, or you may use it as explained generally in paragraph (b) (3) of that section. These rules are summarized in paragraphs (d) and (e) below.

(d) *Disposition*—(1) *Special sales.* If you want to sell the excess material or product to someone else, and you acquired or made it for your own use and you do not sell it in the regular course of your business, you should look at Priorities Regulation 13 for the rules governing such "special sales" These include special sales as scrap (other than plant generated scrap). Also, all sales of surplus materials or products by Government agencies are special sales.

(2) *Other sales.* If the sale of the particular material or product, including scrap, is not a special sale, it is permitted as long as you comply with all requirements of CPA orders and regulations which apply to the material or product you are selling. For example, you are usually required to accept rated orders and observe the sequence of preference ratings; and if the material or product may be sold or scrapped only on specific CPA authorization as described in the applicable order or regulation, you must do what the order says.

(e) *Use—Must be in compliance with applicable CPA orders.* If you want to use the excess material or product, you must always comply with all applicable CPA orders and regulations governing its use, inventory, etc., and you may have to appeal if the intended use is not a permitted use. To find out what orders or regulations are applicable to the particular material or product, it may be helpful to look at the CPA publication, "Products and Priorities," or you can ask your nearest CPA field office.

(2) [Deleted Dec. 11, 1945.]

(3) [Deleted Oct. 1, 1945.]

(4) [Deleted Dec. 11, 1945.]

(f) [Deleted Oct. 1, 1945.]

(g) *Special provision for transfer among war contractors.* If you have a war contract which has been terminated or modified, and another contractor is producing similar products for the same procuring agency, he may be able to receive excess materials (from you, your suppliers, or the procuring agency) in excess of inventory limits This is permitted when authorized by the procuring agency to the extent described in Direction 1 to Priorities Regulation 32. This direction covers both the inventory exceptions necessary to receive excess materials of this kind, and also the sale or exchange of the materials.

Bringing Inventory Back to Normal

(h) *Inventory limitations* If the termination or cut-back results in your having a bigger inventory than you need, the mere possession of it is not prohibited as long as the particular material or product was properly acquired. This is explained in Interpretation 5 to Priorities Regulation 32. However, you may not receive further deliveries of the particular material or product held in excess, nor may you fabricate above permitted inventory levels, except as provided in the applicable regulations or orders The general inventory rules are in Priorities Regulation 32, and specific inventory limits on particular materials or products or relating to particular classes of persons are indicated in Tables 1 and 2 of that regulation In general, upon any reduction in operations, outstanding orders for the items which constitute an excessive inventory must be promptly adjusted, or, if necessary, cancelled. However, certain further deliveries may be received to the extent permitted by paragraph (h) of Priorities Regulation 32, and special items may be received as permitted by that paragraph and by Direction 3 to that regulation. A limited inventory exception in the case of items bought on special sales is provided in PR-13.

(i) *Cancelling ratings.* In cutting back or cancelling orders as described above you will probably have to cancel your ratings to the extent described in § 944.4a of PR-1. (Issued Dec. 11, 1945.)

INTERPRETATION 15: Revoked August 28, 1945

INTERPRETATION 16

APPLICABILITY OF PRIORITY RULES TO SUPPLIERS OF COMPLETE PRODUCTS AND PARTS FOR THE COMPLETE PRODUCTS

(a) *Applicability of rules regarding acceptance of orders.* A person who supplies parts for a complete product, as well as the complete product itself, may not accept an order for the complete products calling for delivery on a date which would interfere with delivery of equal or higher rated orders for parts which he has already accepted. In other words, he must comply with the rules in § 944.2 of Priorities Regulation 1 in accepting orders for complete products and orders for parts only. Thus if he gets a rated order for complete products calling for delivery on June 1, 1945, and cannot fill this order without using parts which are required for delivery on an equal or higher rated parts order previously accepted, calling for delivery on June 1, 1945, he may not accept the order for the complete products. In such a case, he must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date.

(b) [Deleted Oct. 1, 1945.]

(c) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 17: Revoked August 28, 1945.

INTERPRETATION 18

APPLICABILITY OF CERTAIN RESTRICTIONS IN CPA ORDERS TO EXPORTS

The last sentence of § 944.13 (formerly Priorities Regulation 15) does not in any way relax restrictions in limitation or conservation orders in so far as they apply to manufacture within the United States or to the maintenance of inventory within the United States. The only effect of the sentence is to lift such restrictions as may be based upon the size of an inventory maintained in a foreign country or on a use (including use for manufacture) which is to take place in a foreign country.

Of course, no orders of the Civilian Production Administration directly limit the size of inventory or the manner of use of an article in a foreign country. Nevertheless, there are some orders which, in the absence of this provision in § 944.13, might impose such limitations indirectly Orders which provide that a person may not sell a particular material if he knows or has reason to believe that the purchaser will, upon receipt, have an inventory exceeding some stated amount or use the material for a particular purpose would, in the absence of this provision, prevent certain sales by subjecting sellers to possible liability even though the inventory existed or the use occurred in a foreign country. § 944.13 has the effect of relieving sellers of such liability in the limited situation described

Furthermore, it is only restrictions which are expressed as based upon size of inventory or manner of use which are affected by this section. Where an order requires administrative action, such as an allocation or an express authorization, that requirement is not waived and must be met before the material can be delivered, acquired or used. (Issued Dec. 11, 1945.)

INTERPRETATION 19

PRESERVATION OF RECORDS AFTER REVOCATION OF APPLICABLE ORDERS

Section 944.15 of Priorities Regulation 1 requires the keeping and preservation for at least two years of certain records relating to transactions under CPA orders and regulations. This requirement does not lapse upon the expiration or revocation of the applicable order or regulation and the two year period must be counted from the date the transaction occurs. The reference in the section to rules, regulations or orders of the Civilian Production Administration includes reference to any regulations or orders of its predecessor, the War Production Board, whether or not they expired or were revoked before the establishment of the Civilian Production Administration. (Issued Jan. 17, 1946.)

DIRECTIONS TO PR 1

The following directions to PR 1 are still in effect (July 24, 1946):

1. Changes made by customers in orders placed with manufacturers.

2. Transfer of title in financing rated orders.

9. Use of ratings or authorizations for machine tools or other facilities when related military procurement programs or contracts are cancelled or cut back.

11. Special rules for placing and scheduling rated orders for steel, copper and aluminum.

12. Use by ship chandlers and other ship suppliers of materials obtained by means of ratings assigned on WPB–646.

13. Emergency suspension of outstanding ratings for iron and steel.

14. Steel drums for manufacturers of corn syrup for famine relief.

amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) All directions, authorizations, production or delivery schedules and other instruments addressed to named persons pursuant to any order or regulation which was revoked before October 1, 1945, are revoked on October 1, 1945. Whenever an order or regulation of the CPA is revoked on or after October 1, 1945, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation. Any material which was obtained by means of any such revoked direction, authorization, allocation, etc., may be used or disposed of only as permitted under paragraph (b) of § 944.11.

NOTE: The instrument of revocation for many orders is Priorities Regulation 31.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the War Production Board or Civilian Production Administration remain in effect after revocation of such orders and regulations, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for relief to the Chief Compliance Commissioner, Civilian Production Administration, Washington 25, D. C.

§ 944.11 *Use or disposition of material acquired with priorities assistance.* (a) Any person who gets material with priorities assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a preference rating (AAA, MM, HHH, CC or HH) allocation, specific direction, or any other action of the War Production Board or Civilian Production Administration. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) below must be observed: (1) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priorities assistance was given (for example, when the priorities assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or purchase order is cancelled); (2) when the material was obtained by means of a rating in the AA series or a CMP allotment, or by means of any order, regulation, rating, allocation, specific direction or other action of the WPB or CPA which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the CPA (for example, Direction 12 to Priorities Regulation 1).

(b) A material or product subject to paragraph (a) (1) or (2) above may be used or disposed of only as follows:

(1) If the holder acquired or made the material or product for use and not for sale or resale and is not regularly engaged in the business of selling it, a proposed sale by him is a special sale covered by Priorities Regulation 13 and he may sell or transfer it only as provided in that regulation.

(2) If the proposed sale is not a special sale described by paragraph (b) (1), the holder may sell as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the Civilian Production Administration. This is true of all such sales of any material including scrap.

(3) The holder may, within the limitations of paragraph (f) of Priorities Regulation 32 (inventory restriction on processing), use the material or product himself in any manner or for any purpose as long as he complies with all applicable CPA orders and regulations. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

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

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

§ 944.13 *Scope of regulations and orders.* All regulations and orders of the Civilian Production Administration (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of Civilian Production Administration orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided. Regulations and orders do not apply to transactions in the Philippine Islands unless they specifically state that they do. Exports and deliveries of material to be exported may be made regardless of any CPA order or regulation restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

(For applicability of certain restrictions in CPA orders to exports, see Interpretation 18.)

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

§ 944.14 *Inventory restrictions.* No person may deliver or receive into inventory more of any material than is permitted under Priorities Regulation 32. That regulation takes the place of the rules formerly in this section.

§ 944.14a *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the Civilian Production Administration.

§ 944.15 *Records.* Each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of rated orders (or other orders required by the Civilian Production Administration to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing

how he made his calculations for inspection by Civilian Production Administration officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions, he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

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

§ 944.17 *Reports.* Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The rules on filing reports are explained in Priorities Regulation 8.

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

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

§ 944.20 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the Civilian Production Administration shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

Issued this 24th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1A: Revoked August 28, 1945.

INTERPRETATION 1B

TYPES OF EXISTING CONTRACTS WHICH MUST BE DEFERRED

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

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

INTERPRETATION 1C

SEQUENCE OF DELIVERIES AND PRODUCTION FOR RATED ORDERS

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

INTERPRETATION 1D: Revoked June 28, 1945.

INTERPRETATION 1E

ARMY INCLUDES PANAMA CANAL—NAVY INCLUDES COAST GUARD

(a) The definition of defense orders formerly appearing in § 944.1 (b) has been deleted since a blanket rating of AA-5 is no longer assigned to such orders. However, any reference to the Army without any other definition in any order of the Civilian Production Administration also applies to the Panama Canal, and a reference to the Navy, to the Coast Guard. (Issued Oct. 1, 1945.)

INTERPRETATION 2

REGULARLY ESTABLISHED PRICES

(a) *Acceptance of orders at regularly established prices.* (1) An order bearing a preference rating may not be rejected on the ground that the price is below the regularly established price, if the purchaser offers the OPA ceiling price, if any.

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

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

(4) However, when no OPA ceiling price is applicable "a regularly established price" is the price the seller, when the rated order was received, is offering the material for sale to the class of purchasers to which the person who placed the rated order belongs and for delivery at the time the rated order requests. As explained in § 944.2, there can be no discrimination in price against a rated order, or between rated orders of different customers of the same general class.

(b) *Effect of increase in price after a rated order is accepted.* (1) In establishing new price levels, there must be no discrimination against rated orders, or between the rated orders of customers in the same class.

(2) If, after a rated order is accepted the seller's regularly established price increases as to all customers in the class to which the person who placed the rated order belongs, or if the OPA ceiling price, if any, is increased, the seller must still treat such order as a rated order if the purchaser is willing to meet the increased price.

(3) A seller must not remove the rated order from his shipping schedule until he has given the buyer adequate notice of his intention to do so and the buyer has had adequate time (in any case not less than seven days) to agree to the new price.

(4) This interpretation is not intended to affect any questions of liability of the seller for failure to deliver at the earlier price. (Issued July 2, 1946.)

INTERPRETATION 3

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

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

This exception applies similarly to a person who regularly sells only in multiples of a

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

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

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

(c) The exception applies to a manufacturer who receives a rated order which, together with orders on hand, totals less than his minimum production run of a product which is mass produced and cannot be filled from inventory It makes no difference that he has regularly sold in quantities as small as that ordered For example, suppose a manufacturer's minimum production run is 1,000 units, but he has regularly sold in lots of 10 units At a time when he has none of the particular product in inventory and no orders on hand, he receives a rated order for 600 units He may reject the order If, however, he has on hand a previously accepted order for 400 units, he would be required to accept the order for 600 units

(d) It should be noted that paragraph (e) of § 944.2 in which the above exception appears includes the requirement that "there must be no discrimination in such case against rated orders, or between rated orders of different customers." This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders from other customers However, if a manufacturer or wholesaler has an exclusive distributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly. (Issued Oct. 1, 1945.)

INTERPRETATION 4: Revoked October 1, 1945.

INTERPRETATION 5

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

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

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

(2) A steel mill places an order for a repair part rated CC. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a CC rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The Civilian Production Administration assigns a rating on a Form WPB 541A to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer The rating does not apply to the delivery to the second producer since it was assigned by the Civilian Production Administration only for the purpose of filling a specific need shown by the first textile producer. (Issued Oct. 1, 1945.)

INTERPRETATION 6

MICROFILM RECORDS

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

INTERPRETATION 7: Revoked August 28, 1945

INTERPRETATION 8

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

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

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

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

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

INTERPRETATION 9: Revoked March 18, 1944.

INTERPRETATION 10

EFFECT OF CANCELLATION OF A PURCHASE ORDER ON DIRECTIVE REQUIRING ITS IMMEDIATE PRODUCTION

In many instances, the Civilian Production Administration has issued directives to producers and manufacturers requiring them to produce particular orders ahead of their normal place on the producers' or manufacturers' schedules. Typical of such directives are directives requiring them to produce certain orders by a given date, regardless of the effect of doing so on the production of other orders. If and when the particular orders are cancelled, the directives lose all effect. This is so since the reason for issuing the directives, namely, the urgent need for a particular product, no longer exists when the order for the product has been cancelled. (Issued Oct. 1, 1945.)

INTERPRETATION 11

PLACING AND ACCEPTANCE OF ORDERS FOR FUTURE DELIVERY CONDITIONED ON REMOVAL OF CPA RESTRICTIONS

(a) Some orders and regulations of the Civilian Production Administration forbid the placing or acceptance of purchase orders for certain materials or products unless the purchase orders bear specified preference ratings, or unless they are accompanied by special authorization or unless they meet some other condition. Such provisions do not, however, prohibit the placing or acceptance of a purchase order which by its express terms, is not to be filled until after removal of such restrictions by the Civilian Production Administration.

(b) A manufacturer may not, of course, schedule such orders for production or place material in production to fill such orders until after the applicable CPA restriction is removed. He may order materials needed to fill such orders, but his own orders must call for delivery at a future time when the material can be received under Priorities Regulation 32. Also, if he is ordering a material which is itself subject to a restriction on placing or accepting of orders, that purchase order must as well be conditioned on the removal of the restriction.

(c) [Deleted Oct. 1, 1945.]

(d) [Deleted Nov. 13, 1944.]

(Issued Oct. 1, 1945.)

INTERPRETATION 12

DATE ON WHICH PURCHASE ORDER IS RECEIVED

(a) Section 944.7 (b) provides that between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. Some questions have arisen as how to fix the date when the order was "received", due to the fact that occasionally specifications are not sent to the manufacturer with the customer's order The word "order" as used in § 944.7 (b) means a purchase order accompanied by specifications in sufficient detail to enable the manufacturer to put the product in production Not until such specifications have been furnished is there an "order" The date on which such specifications are furnished to the manufacturer is the date on which the order is "received" This date, and not the date on which the order without specifications was first received by the manufacturer, controls the position the order takes in the manufacturer's schedule.

For example, where an engine manufacturer on February 1st receives a rated order for fifty engines for July delivery but the customer does not, until March 1st, furnish the specifications as to carburetors, pumps, or other equipment, necessary before the engines can be put into production, March 1st is the date the "order was received" for the purposes of § 944.7 of Priorities Regulation No. 1.

(b) With respect to unrated orders which are subsequently rated, the order is not "received" for the purposes of § 944.7 until the supplier receives the application or extension of the rating properly certified. The date of the rated order is not retroactive to the time the original unrated order was placed. Similarly, where an order originally rated in the AA series became unrated after September 30, 1945, the subsequent application or extension of a AAA, MM or CC rating to the order does not relate back to the time the order was originally rated. (Issued Dec. 11, 1945)

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

§ 944.4a *Cancellation of preference ratings.* If a preference rating which has been assigned to a named person is revoked, he must immediately, in the case of each order to which he has applied the rating either cancel the order or inform his supplier that it is no longer to be treated as rated. If a regulation or order of the Civilian Production Administration which assigns a rating to a class or group of persons without naming them individually, is revoked they may not apply the rating to orders placed after the revocation. Orders to which they have already applied the rating for delivery within three months after the revocation remain validly rated, but, in the case of each order which they have placed for delivery after three months from that date, they must either cancel the order or withdraw the rating If any person receives notice from his customer or otherwise that the customer's order is no longer rated or that the customer's order is cancelled, he must immediately withdraw any extensions of the rating which he has made to any order placed by him for more than $25 worth of material. The Civilian Production Administration may specify different rules for the treatment of outstanding ratings at the time it revokes them.

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

§ 944.5 *Sequence and description of preference ratings.* (a) Preference ratings in order of precedence are: (1) AAA; (2) MM; (3) HHH; (4) CC and HH, which are both of equal value. The conditions under which each of these ratings are generally assigned is given in paragraph (b) below.

(b) The above preference ratings are generally assigned as follows:

(1) The AAA rating is assigned in emergencies under existing procedures.

(2) The MM rating is assigned by the Army and Navy and other military and governmental agencies in accordance with the provisions of Directive 41 and other CPA Directives which may be issued from time to time. The CPA will not generally assign the MM rating, but may do so in a few instances for specific items and quantities of materials or equipment where it is clearly necessary for requirements of high urgency. Applications should not be filed with the CPA for a MM rating unless a published order or regulation of the CPA announces that the CPA will assign it.

(3) The CC rating is assigned as described in Priorities Regulations 28 and 28A. These Regulations describe the limited conditions under which the CPA will generally assign the CC rating.

(4) The HHH and HH ratings are assigned for housing under the rules explained in Priorities Regulation 33.

(c) The rules for the extension of the above ratings are explained in Priorities Regulation 3.

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

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

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

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

(For the effect of changes in customers orders, see Direction 1 to this regulation. For further explanations of paragraph (b) see Interpretation 1c For an explanation of how to determine the date on which a purchase order is received, see Interpretation 12)

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

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

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

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

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

§ 944.10a *Effect of revocation of orders and regulations.* (a) When an order or regulation of the Civilian Production Administration is revoked, all published

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 1, as Amended March 4, 1947]

Sec.

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

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

(b) [Deleted Oct. 1, 1945.]

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

§ 944.1b [Deleted Oct. 1, 1945.]

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

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

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

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

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

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

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. (When a person who has a rating asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on that rating, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of rated orders received by him after making the quotation and before he receives the firm order from the person making the inquiry.)

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

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

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

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

(For types of contracts which must be deferred see Interpretation 1b. For rule as to deferment of orders on steel, copper and aluminum producers, see Direction 11.)

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

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

§ 944.3 *Report to Civilian Production Administration of improperly rejected orders.* When a rated order is rejected in violation of this regulation, the person who wants to place it may file a report of

the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

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

§ 944.4a *Cancellation of preference ratings.* If a preference rating which has been assigned to a named person is revoked, he must immediately, in the case of each order to which he has applied the rating either cancel the order or inform his supplier that it is no longer to be treated as rated. If a regulation or order of the Civilian Production Administration which assigns a rating to a class or group of persons without naming them individually, is revoked they may not apply the rating to orders placed after the revocation. Orders to which they have already applied the rating for delivery within three months after the revocation remain validly rated, but, in the case of each order which they have placed for delivery after three months from that date, they must either cancel the order or withdraw the rating If any person receives notice from his customer or otherwise that the customer's order is no longer rated or that the customer's order is cancelled, he must immediately withdraw any extensions of the rating which he has made to any order placed by him for more than $25 worth of material. The Civilian Production Administration may specify different rules for the treatment of outstanding ratings at the time it revokes them.

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

§ 944.5 *Sequence and description of preference ratings.* (a) Preference ratings in order of precedence are: (1) AAA and RRR which are of equal value; (2) MM; (3) HHH; (4) CC, HH and RR, which are of equal value. The conditions under which each of these ratings are generally assigned is given in paragraph (b) below.

(b) The above preference ratings are generally assigned as follows:

(1) The AAA rating may be assigned in emergencies under existing procedures until March 31, 1947; and the RRR rating may be assigned before or after March 31 in extreme emergencies and where a RR rating would be inadequate. Some of the AAA ratings outstanding at the end of March 1947 will expire at that time under the terms of Priorities Regulation 35.

(2) The MM rating has in the past been assigned by the Army and Navy and other military and governmental agencies in accordance with provisions of Directive 41 and other CPA Directives issued from time to time. These Directives have been revoked and no additional MM ratings will be assigned in the future, either by CPA or by other military and governmental agencies. Revocation of these Directives did not affect the validity of any ratings which were assigned under them before their revocation. However some of these ratings will expire at the end of March 1947, under the terms of Priorities Regulation 35.

(3) The CC rating may be assigned until March 31, 1947, as described in Priorities Regulation 28; and the RR rating may be assigned before or after the end of March as described in Supplement I to that regulation. That regulation and supplement describe the limited conditions under which the CPA may assign the CC or RR ratings. Many of the CC ratings outstanding at the end of March 1947 will expire at that time under the terms of Priorities Regulation 35.

(4) The HHH and HH ratings were assigned for housing under the rules explained in Priorities Regulation 33. These ratings are not affected in any way by Priorities Regulation 35.

(c) The rules for the extension of the above ratings are explained in Priorities Regulation 3.

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

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

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

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

(For the effect of changes in customers orders, see Direction 1 to this regulation. For further explanations of paragraph (b), see Interpretation 1c For an explanation of how to determine the date on which a purchase order is received, see Interpretation 12)

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

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

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

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

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

§ 944.10a *Effect of revocation of orders and regulations.* (a) When an order or regulation of the Civilian Production Administration is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) All directions, authorizations, production or delivery schedules and other instruments addressed to named persons pursuant to any order or regulation which was revoked before October 1, 1945, are revoked on October 1, 1945. Whenever an order or regulation of the CPA is revoked on or after October 1, 1945, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation. Any material which was obtained by means of any such revoked direction, authorization, allocation, etc., may be used or disposed of only as permitted under paragraph (b) of § 944.11.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the War Production Board or Civilian Production Administration remain in effect after revocation of such orders and regulations, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for relief to the Chief Compliance Commissioner, Civilian Production Administration, Washington 25, D. C.

§ 944.11 *Use or disposition of material acquired with priorities assistance.* (a) Any person who gets material with priorities assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a preference rating (AAA, RRR, MM, HHH, CC, HH or RR) allocation, specific direction, or any other action of the War Production Board or Civilian Production Administration. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) below must be observed: (1) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priorities assistance was given (for example, when the priorities assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or purchase order is cancelled); (2) when the material was obtained by means of a rating in the AA series or a CMP allotment, or by means of any order, regulation, rating, allocation, specific direction or other action of the WPB or CPA which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the CPA.

(b) A material or product subject to paragraph (a) (1) or (2) above may be used or disposed of only as follows:

(1) If the holder acquired or made the material or product for use and not for sale or resale and is not regularly engaged in the business of selling it, a proposed sale by him is a special sale covered by Priorities Regulation 13 and he may sell or transfer it only as provided in that regulation.

(2) If the proposed sale is not a special sale described by paragraph (b) (1), the holder may sell as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the Civilian Production Administration. This is true of all such sales of any material including scrap.

(3) The holder may, within the limitations of paragraph (f) of Priorities Regulation 32 (inventory restriction on processing), use the material or product himself in any manner or for any purpose as long as he complies with all applicable CPA orders and regulations. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

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

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

§ 944.13 *Scope of regulations and orders.* All regulations and orders of the Civilian Production Administration (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of Civilian Production Administration orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided Regulations and orders do not apply to transactions in the Philippine Islands unless they specifically state that they do. Exports and deliveries of material to be exported may be made regardless of any CPA order or regulation restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

(For applicability of certain restrictions in CPA orders to exports, see Interpretation 18.)

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

§ 944.14 *Inventory restrictions.* No person may deliver or receive into inventory more of any material than is permitted under Priorities Regulation 32. That regulation takes the place of the rules formerly in this section.

§ 944.14a *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the Civilian Production Administration.

§ 944.15 *Records.* Each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of rated orders (or other orders required by the Civilian Production Administration to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by Civilian Production Administration officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions, he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

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

§ 944.17 *Reports.* Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The rules on filing reports are explained in Priorities Regulation 8.

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

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

§ 944.20 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the Civilian Production Administration shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1A: Revoked August 28, 1945.

INTERPRETATION 1B

TYPES OF EXISTING CONTRACTS WHICH MUST BE DEFERRED

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

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

INTERPRETATION 1C

SEQUENCE OF DELIVERIES AND PRODUCTION FOR RATED ORDERS

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

INTERPRETATION 1D: Revoked June 28, 1945.

INTERPRETATION 1E

ARMY INCLUDES PANAMA CANAL—NAVY INCLUDES COAST GUARD

(a) The definition of defense orders formerly appearing in § 944.1 (b) has been deleted since a blanket rating of AA-5 is no longer assigned to such orders. However, any reference to the Army without any other definition in any order of the Civilian Production Administration also applies to the Panama Canal, and a reference to the Navy, to the Coast Guard. (Issued Oct. 1, 1945.)

INTERPRETATION 2

REGULARLY ESTABLISHED PRICES

(a) *Acceptance of orders at regularly established prices.* (1) An order bearing a preference rating may not be rejected on the ground that the price is below the regularly established price, if the purchaser offers the OPA ceiling price, if any.

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

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

(4) However, when no OPA ceiling price is applicable "a regularly established price" is the price the seller, when the rated order was

received, is offering the material for sale to the class of purchasers to which the person who placed the rated order belongs and for delivery at the time the rated order requests. As explained in § 944.2, there can be no discrimination in price against a rated order, or between rated orders of different customers of the same general class.

(b) *Effect of increase in price after a rated order is accepted.* (1) In establishing new price levels, there must be no discrimination against rated orders, or between the rated orders of customers in the same class.

(2) If, after a rated order is accepted the seller's regularly established price increases as to all customers in the class to which the person who placed the rated order belongs, or if the OPA ceiling price, if any, is increased, the seller must still treat such order as a rated order if the purchaser is willing to meet the increased price.

(3) A seller must not remove the rated order from his shipping schedule until he has given the buyer adequate notice of his intention to do so and the buyer has had adequate time (in any case not less than seven days) to agree to the new price.

(4) This interpretation is not intended to affect any questions of liability of the seller for failure to deliver at the earlier price. (Issued July 2, 1946.)

Interpretation 3

Rejection of rated orders for failure to meet established prices and terms

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

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

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

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

(c) The exception applies to a manufacturer who receives a rated order which, together with orders on hand, totals less than his minimum production run of a product which is mass produced and cannot be filled from inventory. It makes no difference that he has regularly sold in quantities as small as that ordered For example, suppose a manufacturer's minimum production run is 1,000 units, but he has regularly sold in lots of 10 units At a time when he has none of the particular product in inventory and no orders on hand, he receives a rated order for 600 units He may reject the order If, however, he has on hand a previously accepted order for 400 units, he would be required to accept the order for 600 units.

(d) It should be noted that paragraph (e) of § 944.2 in which the above exception appears includes the requirement that "there must be no discrimination in such case against rated orders, or between rated orders of different customers." This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders from other customers However, if a manufacturer or wholesaler has an exclusive distributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly. (Issued Oct. 1, 1945.)

Interpretation 4: Revoked October 1, 1945.

Interpretation 5

Effect of assignment of a rated order or contract on sequence of delivery

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

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

(2) A steel mill places an order for a repair part rated CC. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a CC rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The Civilian Production Administration assigns a rating on a Form WPB 541A to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer. The rating does not apply to the delivery to the second producer since it was assigned by the Civilian Production Administration only for the purpose of filling a specific need shown by the first textile producer. (Issued Oct. 1, 1945.)

Interpretation 6

Microfilm records

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

Interpretation 7: Revoked August 28, 1945.

Interpretation 8

Effect of inventory and small order provisions on separate operating units of the same company

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

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

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

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

Interpretation 9: Revoked March 18, 1944.

Interpretation 10

Effect of cancellation of a purchase order on directive requiring its immediate production

In many instances, the Civilian Production Administration has issued directives to producers and manufacturers requiring them to produce particular orders ahead of their normal place on the producers' or manufacturers' schedules. Typical of such directives are directives requiring them to produce certain orders by a given date, regardless of the effect of doing so on the production of other orders. If and when the particular orders are cancelled, the directives lose all effect. This is so since the reason for issuing the directives, namely, the urgent need for a particular product, no longer exists when the order for the product has been cancelled. (Issued Oct. 1, 1945.)

Interpretation 11

Placing and acceptance of orders for future delivery conditioned on removal of CPA restrictions

(a) Some orders and regulations of the Civilian Production Administration forbid the placing or acceptance of purchase orders for certain materials or products unless the purchase orders bear specified preference ratings, or unless they are accompanied by special authorization or unless they meet some other condition. Such provisions do not, however, prohibit the placing or acceptance of a purchase order which by its express terms, is not to be filled until after removal of such restrictions by the Civilian Production Administration.

(b) A manufacturer may not, of course, schedule such orders for production or place

material in production to fill such orders until after the applicable CPA restriction is removed. He may order materials needed to fill such orders, but his own orders must call for delivery at a future time when the material can be received under Priorities Regulation 32. Also, if he is ordering a material which is itself subject to a restriction on placing or accepting of orders, that purchase order must as well be conditioned on the removal of the restriction.

(c) [Deleted Oct. 1, 1945.]

(d) [Deleted Nov. 13, 1944.]

(Issued Oct. 1, 1945.)

Interpretation 12

Date on which purchase order is received

(a) Section 944.7 (b) provides that between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. Some questions have arisen as how to fix the date when the order was "received". due to the fact that occasionally specifications are not sent to the manufacturer with the customer's order The word "order" as used in § 944.7 (b) means a purchase order accompanied by specifications in sufficient detail to enable the manufacturer to put the product in production. Not until such specifications have been furnished is there an "order" The date on which such specifications are furnished to the manufacturer is the date on which the order is "received". This date, and not the date on which the order without specifications was first received by the manufacturer, controls the position the order takes in the manufacturer's schedule.

For example, where an engine manufacturer on February 1st receives a rated order for fifty engines for July delivery but the customer does not, until March 1st, furnish the specifications as to carburetors, pumps, or other equipment, necessary before the engines can be put into production, March 1st is the date the "order was received" for the purposes of § 944.7 of Priorities Regulation No. 1.

(b) With respect to unrated orders which are subsequently rated, the order is not "received" for the purposes of § 944.7 until the supplier receives the application or extension of the rating properly certified. The date of the rated order is not retroactive to the time the original unrated order was placed. Similarly, where an order originally rated in the AA series became unrated after September 30, 1945, the subsequent application or extension of a AAA, MM or CC rating to the order does not relate back to the time the order was originally rated. (Issued Dec. 11, 1945.)

Interpretation 13

Applicability of orders and regulations to used or second-hand materials and products

(a) Every order or regulation of the Civilian Production Administration applies to materials and products in used or second-hand form (other than scrap) to the same extent as to new items, unless the order or regulation or a published interpretation of it expressly states otherwise.

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

Interpretation 14

Summary of CPA controls regarding idle or excess inventories

(a) *Purpose of this interpretation.* This interpretation summarizes some of the important rules on what to do when you have materials or products which are idle or excess in your inventory because of a termination or cut-back in your war contracts or other changes in your operations. These are not new rules on this subject, nor are they necessarily complete, but they are intended to be convenient references to rules which are now effective in CPA orders and regulations. As these orders and regulations are revised from time to time, you should be sure to look at the latest copies

(b) *General rule.* The general rule is that if you got a material or product by using a preference rating, or other WPB or CPA priorities assistance, you must if possible use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This is the rule of § 944.11 (a) of Priorities Regulation 1, which also states the conditions under which physical segregation of inventory is not required. Two exceptions to this rule, i. e., when the material or product can no longer be used for the original purpose, or when the rating or other assistance has been revoked, are explained in paragraphs (a) (1) and (2) of § 944.11.

Disposition or Use of Excess

(c) *In general.* If you have a termination cut-back, or other reduction in your operations, it may be impossible to use the material or product for the purpose for which the priorities assistance was given. In this case, or if the rating or other assistance has been revoked, you may dispose of it as explained in paragraphs (b) (1) and (b) (2) of § 944.11 of PR–1, or you may use it as explained generally in paragraph (b) (3) of that section. These rules are summarized in paragraphs (d) and (e) below.

(d) *Disposition*—(1) *Special sales.* If you want to sell the excess material or product to someone else, and you acquired or made it for your own use and you do not sell it in the regular course of your business, you should look at Priorities Regulation 13 for the rules governing such "special sales". These include special sales as scrap (other than plant generated scrap). Also, all sales of surplus materials or products by Government agencies are special sales.

(2) *Other sales.* If the sale of the particular material or product, including scrap, is not a special sale, it is permitted as long as you comply with all requirements of CPA orders and regulations which apply to the material or product you are selling. For example, you are usually required to accept rated orders and observe the sequence of preference ratings; and if the material or product may be sold or scrapped only on specific CPA authorization as described in the applicable order or regulation, you must do what the order says.

(e) *Use—Must be in compliance with applicable CPA orders.* If you want to use the excess material or product, you must always comply with all applicable CPA orders and regulations governing its use, inventory, etc., and you may have to appeal if the intended use is not a permitted use. To find out what orders or regulations are applicable to the particular material or product, it may be helpful to look at the CPA publication, "Products and Priorities," or you can ask your nearest CPA field office.

(2) [Deleted Dec. 11, 1945.]

(3) [Deleted Oct. 1, 1945.]

(4) [Deleted Dec. 11, 1945.]

(f) [Deleted Oct. 1, 1945.]

(g) *Special provision for transfer among war contractors.* If you have a war contract which has been terminated or modified, and another contractor is producing similar products for the same procuring agency, he may be able to receive excess materials (from you, your suppliers, or the procuring agency) in excess of inventory limits. This is permitted when authorized by the procuring agency to the extent described in Direction 1 to Priorities Regulation 32. This direction covers both the inventory exceptions necessary to receive excess materials of this kind, and also the sale or exchange of the materials.

Bringing Inventory Back to Normal

(h) *Inventory limitations.* If the termination or cut-back results in your having a bigger inventory than you need, the mere possession of it is not prohibited as long as the particular material or product was properly acquired. This is explained in Interpretation 5 to Priorities Regulation 32. However, you may not receive further deliveries of the particular material or product held in excess, nor may you fabricate above permitted inventory levels, except as provided in the applicable regulations or orders. The general inventory rules are in Priorities Regulation 32, and specific inventory limits on particular materials or products or relating to particular classes of persons are indicated in Tables 1 and 2 of that regulation. In general, upon any reduction in operations, outstanding orders for the items which constitute an excessive inventory must be promptly adjusted, or, if necessary, cancelled. However, certain further deliveries may be received to the extent permitted by paragraph (h) of Priorities Regulation 32, and special items may be received as permitted by that paragraph and by Direction 3 to that regulation. A limited inventory exception in the case of items bought on special sales is provided in PR–13.

(i) *Cancelling ratings.* In cutting back or cancelling orders as described above you will probably have to cancel your ratings to the extent described in § 944.4a of PR–1. (Issued Dec. 11, 1945.)

Interpretation 15: Revoked August 28, 1945.

Interpretation 16

Applicability of priority rules to suppliers of complete products and parts for the complete products

(a) *Applicability of rules regarding acceptance of orders.* A person who supplies parts for a complete product, as well as the complete product itself, may not accept an order for the complete products calling for delivery on a date which would interfere with delivery of equal or higher rated orders for parts which he has already accepted. In other words, he must comply with the rules in § 944.2 of Priorities Regulation 1 in accepting orders for complete products and orders for parts only. Thus if he gets a rated order for complete products calling for delivery on June 1, 1945, and cannot fill this order without using parts which are required for delivery on an equal or higher rated parts order previously accepted, calling for delivery on June 1, 1945, he may not accept the order for the complete products. In such a case, he must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date.

(b) [Deleted Oct. 1, 1945.]

(c) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

Interpretation 17: Revoked August 28, 1945.

Interpretation 18

Applicability of certain restrictions in CPA orders to exports

The last sentence of § 944.13 (formerly Priorities Regulation 15) does not in any way relax restrictions in limitation or conservation orders in so far as they apply to manufacture within the United States or to the maintenance of inventory within the United States. The only effect of the sentence is to lift such restrictions as may be based upon the size of an inventory maintained in a foreign country or on a use (including use for manufacture) which is to take place in a foreign country.

Of course, no orders of the Civilian Production Administration directly limit the size of inventory or the manner of use of an article in a foreign country. Nevertheless, there are some orders which, in the absence of this provision in § 944.13, might impose such limitations indirectly. Orders which provide that a person may not sell a particular material if he knows or has reason to believe that the purchaser will, upon receipt, have an inventory exceeding some stated amount or use the material for a particular purpose would, in the absence of this provision, prevent certain sales by subjecting sellers to possible liability even though the inventory existed or the use occurred in a foreign country. § 944.13 has the effect of relieving sellers of such liability in the limited situation described.

Furthermore, it is only restrictions which are expressed as based upon size of inventory or manner of use which are affected by this section. Where an order requires administrative action, such as an allocation or an express authorization, that requirement is not waived and must be met before the material can be delivered, acquired or used. (Issued Dec. 11, 1945.)

Interpretation 19

Preservation of records after revocation of applicable orders

Section 944.15 of Priorities Regulation 1 requires the keeping and preservation for at least two years of certain records relating to transactions under CPA orders and regulations. This requirement does not lapse upon the expiration or revocation of the applicable order or regulation and the two year period must be counted from the date the transaction occurs. The reference in the section to rules, regulations or orders of the Civilian Production Administration includes reference to any regulations or orders of its predecessor, the War Production Board, whether or not they expired or were revoked before the establishment of the Civilian Production Administration. (Issued Jan. 17, 1946.)

Directions to PR 1

The following directions to PR 1 are still in effect (July 24, 1946):

1. Changes made by customers in orders placed with manufacturers.

2. Transfer of title in financing rated orders.

9. Use of ratings or authorizations for machine tools or other facilities when related military procurement programs or contracts are cancelled or cut back.

11. Special rules for placing and scheduling rated orders for steel, copper and aluminum.

12. Use by ship chandlers and other ship suppliers of materials obtained by means of ratings assigned on WPB–646.

13. Emergency suspension of outstanding ratings for iron and steel.

14. Steel drums for manufacturers of corn syrup for famine relief.

Revised 1-29-47

COMPLETE

WAR PRODUCTION BOARD

Dir. 1 to PR 1

OCT. 1, 1945
[As Amended]

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

[Priorities Reg. 1, Direction 1, as Amended Oct. 1, 1945]

CHANGES MADE BY CUSTOMERS IN ORDERS PLACED WITH MANUFACTURERS

(a) This direction tells what happens when a customer, having placed a rated order with a manufacturer, wishes to make a change in that order.

(b) The general rule is that any change in a customer's order constitutes a cancellation of the earlier order and must be considered as a new order received on the date of the change if (but only if) the change will require the manufacturer to interfere with his production. For example:

(1) A change in shipping destination does not constitute the placing of a new order.

(2) An increase in the total amount ordered is a new order to the extent of the increase unless it can be filled with only a negligible interference with sequence of later orders.

(3) A change in the date of the delivery, whether advanced or deferred, when made by the customer is a new order if it interferes with production, or delays delivery on an equal or higher rated order.

(4) Deleted Oct. 1, 1945.

(5) A change in preference rating will not constitute a new order. Treatment of the new rating is governed by the provisions of Priorities Regulation No. 12.

(6) A reduction in the total amount ordered will presumably not require a change in the manufacturer's schedule and will not constitute a new order. If the quantity is reduced below a minimum production quantity, the manufacturer may insist on the delivery of not less than the minimum production quantity as explained in Interpretation No. 7. If the customer is not willing to order that amount, the manufacturer may reject the order. The manufacturer may not discriminate between customers in requiring delivery of minimum production amounts or in rejecting orders.

(7) When the customer directs the manufacturer to hold or suspend production without specifying a new delivery date, the order must be considered cancelled. If requested to do so within ten days after receiving such an instruction, the manufacturer must reinstate the order as nearly as possible to its former place in his proposed schedule of deliveries as long as the reinstatement does not cause loss of production or delay in the scheduled deliveries on equal or higher rated orders. Any request for reinstatement made after ten days shall be treated as the placing of an entirely new order.

(8) Where minor variations in size, design, capacity, etc., are requested by the customer and can be arranged by the manufacturer without interfering with his production, such changes do not constitute a new order.

(c) Where a change in an order constitutes a new order the conditions existing at the time the changes are received govern the acceptance of the order and its sequence in delivery under the rules of Priorities Regulation No. 1. If a customer changes his order in such a way as to constitute a new order, but finds that as a new order it will not be scheduled for delivery at the time required by the customer, he may, if he likes, request reinstatement of his original order within the time and manner provided in paragraph (b) (7) above.

Issued this 1st day of October, 1945.

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

SUBJECT: Direction 1 to PR-1, dated 1-29-47 1/
Effect of Making Changes in a Rated Purchase Order

This Direction explains several factors relative to making changes in a rated purchase order after it has been placed at the manufacturer's level.

In general, the effect is that changes which would require the manufacturer to interfere with his production will cause the purchase order to be treated the same as a new order, and thus the earlier and more favorable position on the manufacturer's delivery schedule will be sacrificed.

1/ Supersedes Direction 1 to PR-1, dated 10-1-45

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 1, Direction 1, as Amended Jan. 29, 1947]

CHANGES MADE BY CUSTOMERS IN ORDERS PLACED WITH MANUFACTURERS

(a) This direction tells what happens when a customer, having placed a rated order with a manufacturer, wishes to make a change in that order.

(b) The general rule is that any change in a customer's order constitutes a cancellation of the earlier order and must be considered as a new order received on the date of the change if (but only if) the change will require the manufacturer to interfere with his production. For example:

(1) A change in shipping destination does not constitute the placing of a new order.

(2) An increase in the total amount ordered is a new order to the extent of the increase unless it can be filled with only a negligible interference with sequence of later orders.

(3) A change in the date of the delivery, whether advanced or deferred, when made by the customer is a new order if it interferes with production, or delays delivery on an equal or higher rated order.

(4) Deleted Oct. 1, 1945.

(5) A change in preference rating will not constitute a new order and the order must be treated as if it had carried the new rating at the time the old rating was received except that:

(i) Material specifically produced for a rated order is not to be diverted and delivered under a higher rerated order if such material is completed at the time the rerating is received, or is in production and scheduled for completion within fifteen days thereafter; and

(ii) No person is required by reason of a rerating to terminate or interrupt immediately a schedule of production or operations for the next forty days where it would result in a substantial loss of production or delay in operations.

(6) A reduction in the total amount ordered will presumably not require a change in the manufacturer's schedule and will not constitute a new order. If the quantity is reduced below a minimum production quantity, the manufacturer may insist on the delivery of not less than the minimum production quantity as explained in interpretation No. 3. If the customer is not willing to order that amount, the manufacturer may reject the order. The manufacturer may not discriminate between customers in requiring delivery of minimum production amounts or in rejecting orders.

(7) When the customer directs the manufacturer to hold or suspend production without specifying a new delivery date, the order must be considered cancelled. If requested to do so within ten days after receiving such an instruction, the manufacturer must reinstate the order as nearly as possible to its former place in his proposed schedule of deliveries as long as the reinstatement does not cause loss of production or delay in the scheduled deliveries on equal or higher rated orders. Any request for reinstatement made after ten days shall be treated as the placing of an entirely new order.

(8) Where minor variations in size, design, capacity, etc., are requested by the customer and can be arranged by the manufacturer without interfering with his production, such changes do not constitute a new order.

(c) Where a change in an order constitutes a new order the conditions existing at the time the changes are received govern the acceptance of the order and its sequence in delivery under the rules of Priorities Regulation No. 1. If a customer changes his order in such a way as to constitute a new order, but finds that as a new order it will not be scheduled for delivery at the time required by the customer, he may, if he likes, request reinstatement of his original order within the time and manner provided in paragraph (b) (7) above.

Issued this 29th day of January, 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 18920—p. 1

OBSOLETE
as of 1-22-47

WAR PRODUCTION BOARD

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

[Priorities Regulation 1, Direction 2]

TRANSFER OF TITLE IN FINANCING RATED ORDERS

Transfer of title for bona fide security reasons in accordance with regularly established business practices for the financing of transactions is not prohibited by War Production Board regulations and orders. For example, if a customer wants to have his purchase on a rated order financed by a finance company which is to take title for security reasons, the rated order may be placed in the name of the finance company calling for delivery to it in care of the customer. Likewise, a person who has obtained material with priorities assistance may execute a chattel mortgage on it or give a similar lien where this is done in good faith to finance his work in process. If the party financing the transaction forecloses and takes the material, he holds it subject to the restrictions of § 944.11 of Priorities Regulation 1 and other applicable orders and regulations (for example, in the case of textiles, M-328). If he cannot use it for the purpose for which it was acquired by the purchaser, he may use or dispose of it only as permitted by those restrictions.

Issued this 15th day of June 1944.

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

CANCELLED as 1-22-47

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

[Priorities Reg. 1, Direction 9]

USE OF RATINGS OR AUTHORIZATIONS FOR MACHINE TOOLS OR OTHER FACILITIES WHEN RELATED MILITARY PROCUREMENT PROGRAMS OR CONTRACTS ARE CANCELLED OR CUT BACK

(a) *What this direction does.* This direction gives the rules which must be followed by persons who have received priorities assistance or an authorization for machine tools or other facilities required to fulfill a particular military procurement program, military contract or subcontract (including a facilities contract) when the program or contract has been cancelled or cut back to the point where the machine tools or other facilities are no longer necessary to perform the balance of the program or contract. The direction applies to ratings or authorizations given on Form WPB-542, WPB-1319, GA-1456 or any other rating or authorization form.

(b) *Effect of cancellation of military procurement program or contract on orders for equipment other than building service equipment which have not yet been placed.* If you receive a rating or authorization to get machine tools or other equipment (excluding building service equipment), and the application or other form rating or authorizing the equipment specifically identifies a particular military procurement program or a military contract or subcontract (including a facilities contract) for which the equipment is needed, you may not apply the rating, or use the authorization, to get the equipment after the program or contract has been cancelled or cut back to the point where the equipment is no longer needed to perform it. If you still want the equipment for some other purpose, you must either get it without a rating or authorization, if that is permitted, or get a new rating or authorization in accordance with applicable War Production Board orders and regulations.

(c) *Effect of cancellation of military procurement program or contract where rated orders for equipment other than building service equipment have already been placed.* If you have received a rating or authorization to obtain machine tools or other equipment (excluding building service equipment) needed to fulfill a particular military procurement program or military contract or subcontract (including a facilities contract) which is specifically identified on the application or other form rating or authorizing the equipment, and, after you have applied the rating or authorization to an order for the equipment, the program or contract is cancelled or cut back to the point where the equipment is no longer needed to perform it, you may delay advising your supplier that your order for the equipment is no longer rated or cancelling your order, provided that, if you still want the equipment for some other purpose and need a rating or authorization to get it, you must apply for another rating or authorization in accordance with applicable War Production Board orders and regulations within ten days of the date you receive the cancellation or cut back. The War Production Board will ordinarily notify you within ten days of the rating or authorization, if any, you may continue to use. You must promptly change or cancel the rating, if the War Production Board assigns a lower rating or denies your application and, if you do not propose to apply for a new rating or authorization, or do not apply within ten days, you must immediately advise your supplier that the order is no longer rated or authorized unless you elect to cancel the order completely.

(d) *Effect of cancellation of military procurement program or contract on construction and orders for building service equipment.* If you receive a rating or authorization to construct a building or to get building service equipment such as elevators or plumbing, heating, lighting or air-conditioning equipment, you may still use the rating or authorization to construct the building or to get the equipment after the program or contact has been cancelled or cut back, whether or not the application or other form rating or authorizing the construction or equipment specifically identified a particular military procurement program or a military contract or subcontract (including a facilities contract) for which the construction or equipment is needed, unless the War Production Board specifically cancels or revokes the rating or authorization.

(e) *Effect of cancellation of military procurement program or contract where equipment has already been received.* If you have already received a machine tool or other equipment, you may either sell the equipment subject to the limitations of Priorities Regulation 13, or use it for any purpose not prohibited by War Production Board orders and regulations, even though the equipment was obtained for use in connection with a particular military procurement program or contract and the program or contract is cancelled or cut back after the equipment has been received. This is an exception to the rules stated in paragraph (b) (3) of § 933.11 of Priorities Regulation 1 which would otherwise restrict your use of the equipment to purposes for which you would be allowed to buy it under Priorities Regulation 13.

(f) *Effect on equipment supplier.* As stated in § 944.4a of Priorities Regulation 1, any person who receives notice from his customer or otherwise that the customer's order is no longer rated or that the customer's order is cancelled, must immediately withdraw any extensions of the rating which he has made to any order placed by him for more than $25 worth of material. A manufacturer who is advised by his customer that the customer's order is cancelled or no longer rated must adjust his schedules in accordance with paragraph (c) of § 944.7 of Priorities Regulation 1 and other applicable War Production Board orders and regulations. Certain exceptions to these rules are stated in Direction 70 to CMP Regulation 1 and Direction 8 to Priorities Regulation 1.

Issued this 19th day of July 1945.

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

WAR PRODUCTION BOARD

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

[Priorities Reg. 1, Direction 11]

SPECIAL RULES FOR PLACING AND SCHEDULING RATED ORDERS FOR STEEL, COPPER AND ALUMINUM

(a) *What this direction does.* This direction explains some special rules for placing, accepting, and scheduling rated orders for steel, copper and aluminum. These rules supersede some of the provisions of Priorities Regulation 1 concerning the ordinary use of ratings, but only those rules of Priorities Regulation 1 which are contradictory to this direction are superseded, and all other rules in that regulation continue to apply.

(b) *Required delivery dates.* A rated order for steel, copper or aluminum in the forms listed below must specify delivery on a particular date or a particular month, which in no case may be earlier than required by the person placing the order. A producer of steel, copper and aluminum must schedule the order for delivery within the requested month as close to the requested delivery date as is practicable in view of the need for maximum production.

(c) *Rejection of rated orders.* A producer of steel, copper or aluminum in the forms listed below need not accept a rated order, except an order rated AAA, which is received less than 30 days prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the War Production Board.

(d) *Forms of steel, copper and aluminum to which this direction applies.* This direction applies to the following forms of steel, copper and aluminum.

Carbon and alloy iron and steel (including stainless steel).
Bars, cold finished.
Bars, hot rolled or forged.
Ingot, billets, blooms, slabs, die blocks, tube rounds, sheet and tin bar, and skelp.
Pipe, including threaded couplings of the type normally supplied on threaded pipe by pipe mills.
Plates.
Rail and track accessories.
Sheet and strip.
Castings (rough as cast).
Structural shapes and piling.
Tin plate, terne plate and tin mill black plate.
Tubing.
Wheels, tires and axles.
Wire rods, wire and wire products.
Forgings (rough as forged).
Copper and copper base alloy products:
- Alloy sheet, strip and plate.
- Alloy rods, bars and wire.
- Alloy seamless tube and pipe.
- Plate, sheet and strip.
- Rods, bars and wire.
- Tube and pipe.
- Wire and cable.
- Castings (before machining).

Aluminum products:
- Rod and bar.
- Wire (under ⅜").
- Cable (electrical transmission only).
- Rivets.
- Forgings and pressings (before machining).
- Impact extrusions.
- Castings.
- Rolled structural shapes (angles, channels, zees, tees, etc.).
- Extruded shapes.
- Sheet, strip and plate.
- S ugs.
- Foil.
- Tubing.
- Tube blooms.
- Powder (including atomized, granular, flake, paste, and pigment).
- Ingot, pig, billets, slabs, etc.

NOTE: The above list of forms and shapes of steel, iron, copper and aluminum is identical with the controlled material shapes listed in Schedule I of GMP Regulation 1, except that forgings and malleable and grey iron castings have been added.

Issued this 18th day of September 1945.

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

Suspended 8-7-46.

Dir. 13 to PR-1

CIVILIAN PRODUCTION ADMINISTRATION

JAN. 21, 1946

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

[Priorities Reg. 1, Direction 13]

EMERGENCY SUSPENSION OF OUTSTANDING RATINGS FOR IRON AND STEEL

(a) *What this direction does.* The general work stoppages at iron and steel plants will cause an immediate and drastic curtailment in supplies of these basic materials. Since preference ratings already issued for these materials did not take into account the greatly reduced supply, and since it is desired that distributors' stocks be available to fill urgent orders during the emergency, this direction suspends all outstanding ratings for these materials until further notice. It also explains what emergency actions may be taken by CPA.

(b) *Suspension of preference ratings.* (1) Every order for items of iron and steel bearing a preference rating which has been placed, or which is placed during the period covered by this direction, must be treated as unrated. However, this does not apply to orders on distributors bearing a rating of AAA certified as having been issued by CPA on or after January 21, 1946. Also, specific orders must be filled by producers and distributors to the extent required by any written directives issued by CPA.

(2) Upon the revocation of this direction, unless otherwise stated, any portion of an order bearing a rating which has not been filled is again considered rated as if the rating had never been suspended.

(c) *Emergency actions by CPA.* In cases of an emergency where the filling of a particular order for iron and steel is absolutely essential in the interests of the public health or safety, the CPA may issue a specific written directive to a producer or distributor requiring the filling of that order from finished stocks on hand. Alternatively, it may assign a rating of AAA to an order in this type of serious emergency. This rating will be valid only against stocks of distributors, and may not be extended to producers.

(d) *Definitions.* As used in this direction:

(1) "Iron and steel" means only those materials in the forms and shapes listed in Schedule I to CPA Order M–21.

(e) *Effective date.* This direction is effective 12:01 a. m., January 21, 1946, and remains in effect until modified or revoked.

Issued this 21st day of January 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 12-30-46

SUBJECT: Direction 13 to PR-1, Amended 8-7-46 1/
Emergency Suspension of Outstanding Ratings for Iron and Steel

1. Substance. This Direction continues until September 30, 1946, the suspension (not cancellation) of rated orders for the iron and steel materials listed in Schedule 1 to M-21.

2. Explanation. Paragraph (b) provides that the suspension does not apply to HH or HHH rated orders for nails. Under paragraph (c), AAA rated orders are valid against stocks of distributors. Under Direction 11 to PR-33, FPHA within -quota projects for veterans can obtain special assistance for certain equipment manufactured from iron and steel. Generally, FPHA projects will be able to obtain iron and steel materials, either under the above provisions, by applications under paragraph (c) for specific directives by the CPA, or by the assignment in some cases of CC ratings for within-quota projects to procure certain kinds of pipe not construed to be covered in Schedule 1 to Order M-21.

1/ Supersedes Direction 13 to PR-1, dated 1-21-46

Dir. 13 to PR 1

CIVILIAN PRODUCTION ADMINISTRATION

Corrected Copy

AUG. 7, 1946
[As Amended]
Corrected Copy

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

[Priorities Reg. 1, Direction 13, as Amended Aug. 7, 1946]

EMERGENCY SUSPENSION OF OUTSTANDING RATINGS FOR IRON AND STEEL

(a) *What this direction does.* The general work stoppages at iron and steel plants will cause an immediate and drastic curtailment in supplies of these basic materials. Since preference ratings already issued for these materials did not take into account the greatly reduced supply, and since it is desired that distributors' stocks be available to fill urgent orders during the emergency, this direction suspends all outstanding ratings for these materials until further notice. It also explains what emergency actions may be taken by CPA.

(b) *Suspension of preference ratings.* (1) Every order for items of iron and steel bearing a preference rating which has been placed, or which is placed during the period covered by this direction, must be treated as unrated. However, this does not apply to orders on distributors bearing a rating of AAA certified as having been issued by CPA on or after January 21, 1946. In addition, this does not apply to orders for nails served on distributors and bearing a rating of HHH or HH. Also, specific orders must be filled by producers and distributors to the extent required by any written directives issued by CPA.

(2) Upon the revocation of this direction, unless otherwise stated, any portion of an order bearing a rating which has not been filled is again considered rated as if the rating had never been suspended.

(c) *Emergency actions by CPA.* In cases of an emergency where the filling of a particular order for iron and steel is absolutely essential in the interests of the public health or safety, the CPA may issue a specific written directive to a producer or distributor requiring the filling of that order from finished stocks on hand. Alternatively, it may assign a rating of AAA to an order in this type of serious emergency. This rating will be valid only against stocks of distributors, and may not be extended to producers.

(d) *Definitions.* As used in this direction:

(1) "Iron and steel" means only those materials in the forms and shapes listed in Schedule I to CPA Order M-21.

(e) *Effective date.* This direction is effective 12:01 a. m., January 21, 1946, and remains in effect until modified or revoked.

(f) *Revocation of outstanding ratings.* Any preference rating (except AAA) that has been, on August 7, 1946, applied to the delivery of any iron castings or steel product (in the forms listed on Schedule I of Order M-21) is hereby revoked.

(g) *Exemption of deliveries after September 30 and expiration date.* This direction does not apply to any purchase order for iron and steel which calls for delivery after September 30, 1946. This direction will expire at midnight September 30, 1946.

Issued this 7th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Direction 13 to PR-1 1/
Emergency Suspension of Outstanding Ratings for Iron and Steel

In general, this Direction suspends until October 1, 1946 rated orders for the iron and steel items listed in Schedule I to Order M-21. Orders for these items, bearing the CC rating will be filled, as promptly as practicable after October 1, in the order in which they are dated, hence it is desirable to have these orders on file.

The regulation as amended 8-7-46 provided that the suspension did not apply to HH or HHH rated orders for nails. By the partial amendment of 9-3-46, that exception is changed to apply to all HH or HHH rated orders for any iron or steel items listed on Schedule A of PR-33.

By this later action, designed to make ratings for housing construction effective FPHA contractors may again obtain iron and steel items with their assigned HH and HHH ratings without the need for CPA special directive assistance.

1/ This cover sheet applies to the two effective releases coded as Dir. 13 to PR-1; the amendment dated 8-7-46 is the complete regulation, which is supplemented by the partial amendment dated 9-3-46.

Dir. 13 to PR 1

SEPT. 3, 1946
AMDT. 1

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 1, Amdt. 1 to Direction 13 as Amended Aug. 7, 1946]

EMERGENCY SUSPENSION OF OUTSTANDING RATINGS FOR IRON AND STEEL

Priorities Regulation 1, Direction 13, is amended by deleting the third sentence of paragraph (b) (1) and substituting the following sentence:

In addition, this does not apply to HH or HHH rated orders for any iron or steel items listed on Schedule A to Priorities Regulation 33 (that Schedule may, however, provide that such rated orders may not be placed with producers for some of those items).

Issued this 3d day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: PR-3, Amended 3-4-47 1/

This regulation states the general rules for the use of preference ratings, what kind of purchase orders or services may be rated, and how a rating may be put on an order. It also places restrictions on the use of ratings, and includes a list of products for which ratings may not be used.

The amendment of PR-3 is necessitated by the revised priorities rating system (as explained in PR-35), to include references to the new RR and RRR ratings.

1/ Supersedes PR-3, dated 7-24-46.

OBSOLETE

Superseded 3-18-47

SUBJECT: PR-3, Amended 7-24-46 1/
Use of Preference Ratings

1. Substance. This regulation states the general rules for the use of preference ratings, what kind of purchase orders or services may be rated, and how a rating may be put on an order. It also places restrictions on the use of ratings, and includes lists of products for which ratings may not be used.

2. Explanation. Instructions in the Manual of Policy and Procedure include the essential provisions of this regulation. However, paragraph (f) explains in detail the use of preference ratings for services, as distinct from the production or delivery of materials. List A, attached to this regulation, specifies the items for which a preference rating has no effect.

1/ Supersedes PR-3, dated 1-11-46.

Superseded 7/24/46

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

[Priorities Reg. 3, as Amended Jan. 11, 1946]

§ 944.23 *Priorities Regulation 3*—(a) *Purpose of this regulation* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all. In general this regulation should be consulted before using a rating whether it was gotten directly from the Civilian Production Administration or from a customer.

(b) *Definitions* For the purposes of this regulation:

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the Civilian Production Administration or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating A preference rating is applied when the person to whom it is assigned uses the rating A rating is applied also when any governmental agency which is authorized by the Civilian Production Administration rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs, that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a Civilian Production Administration order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When AAA or MM ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of AAA or MM preference ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order:

(1) [Deleted Oct. 1, 1945.]

(2) When a person has received a AAA or MM rated order for the delivery of material, he may extend the AAA or MM rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on an AAA or MM rated order, he may extend the AAA or MM rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the AAA or MM rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the AAA or MM rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

(4) A person to whom a rating of AAA or MM has been applied or extended to get material may not extend that AAA or MM rating to get any material for his own plant improvement expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use.

(d–1) *CC ratings may not ordinarily be extended.* CC ratings may not be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item or to get containers or closures needed to pack the item. A distributor, warehouse, retailer, or other person who resells the item without further fabrication may extend the CC rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

However, when a person has received a CC rated order for the delivery of textile fabric (cotton, rayon, or wool, or their blends), he may extend the CC rating to get the fabric which he will deliver on that order, or the unfinished fabric which he will deliver on it after finishing, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the rating is extended for gray fabric to fill an order for finished fabric, it may include the portion of the gray fabric which would normally be consumed or converted into scrap or by-products in the course of finishing. If a person has made delivery of textile fabric, or has converted gray fabric into finished fabric which he has delivered on a CC rated order, he may extend the CC rating to replace it in his inventory: *Provided,* That if after delivering the fabric he still has a practicable working minimum inventory, he may not extend the CC rating to replace the fabric delivered; and if by making the delivery his inventory is reduced below this minimum, the CC rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any fabric ordered to replace inventory must be made of the same textile fiber (or combination of such fibers), and of the same type of construction and approximate weight as the fabric which such person delivered.

(d–2) *Extendibility of HH ratings.* HH ratings may be extended only when permitted by Priorities Regulation 33 or a direction to that regulation.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on List A attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order

(2) [Deleted Oct. 1, 1945.]

(3) [Deleted Oct. 1, 1945.]

(f) *Use of ratings for services*—(1) *Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services For example, ratings may be used to get a repair job done in a repair shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services* There are only three

situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose* If the Civilian Production Administration assigns a rating to a named person to get specified services he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* Any rating which may be applied to the delivery of specific repair parts or materials may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7. He may use the standard certification set out in that regulation, or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the Civilian Production Administration that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

.....
(Name of Purchaser)

.....
(Address)

By .....
(Signature and Title of Duly Authorized Officer)

.....
(Date)

The person who receives the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable Civilian Production Administration order.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the Civilian Production Administration for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis: otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the Civilian Production Administration which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraph (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 11th day of January 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to any Civilian Production Administration preference ratings:

Automobiles, passenger.

Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry.

a. Antioxidants (gum inhibitors) for motor fuels

b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.

c. Chemical additives and compound bases for hypoid gear oils.

d. Synthetic catalysts for oil cracking operation.

e. Synthetic catalysts for cumene and codimer manufacture.

f. Synthetic catalysts for petroleum isomerization operations.

g. Synthetic catalysts for petroleum sweetening operations

Coal.

Coke.

Communications services.

Electric energy.

Gas manufactured combustible, of the type generally distributed by utilities.

Gas, natural.

Petroleum, including only the following products:

(1) Liquefied petroleum gas: propane, propylene, butanes, butenes, or any combination or dilution thereof commonly known as liquefied petroleum gas.

(2) Aviation gasoline: any liquid fuel (including components thereof), except Diesel fuel, used for aircraft propulsion which meets current provisional or permanent United States Army or Navy specifications for aircraft fuels.

(3. Motor fuel: any liquid fuel (including components thereof) suitable for use in the propulsion of motor vehicles or motor boats.

(4) Naphtha: any liquid petroleum fraction or derivative commonly known as naphtha, including that cut of gasoline or kerosene classified as naphtha: *Provided*, That the term naphtha shall not include any toluene fraction of Kauri-butanol value of 85 Kauri-butanol number or higher, or any aromatic petroleum solvent, as defined in General Preference Order M-150, as amended.

(5) Insecticide base: any liquid petroleum fraction or derivative used as or suitable for use as a base or carrier for the active chemical ingredients of an insecticide, germicide or deodorant.

(6) Fuel oil: any liquid petroleum fraction or derivative commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5, or 6, Bunker "C" fuel oil, Diesel fuel, kerosene, range oil, gas, oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(7) Lubricating oil: any liquid petroleum fraction or derivative regardless of the extent processed, (1) which is used for or is suitable for lubrication, including, but not limited to, cutting, drawing, processing, soluble, transformer and white oils, and (2)

which does not contain in excess of 50% by weight of additives or compounds.

(8) Lubricating grease: any lubricant manufactured from petroleum and a soap, organic salt or ester of any fatty oil or fatty acid.

(9) Asphalt: asphalt of petroleum origin and all asphaltic products of petroleum origin, including road oils.

(10) Micro-crystalline wax: any solid hydrocarbon mixture, commonly known as micro-crystalline wax (amorphous wax, petroleum wax) but not including paraffin wax defined as a solid hydro-carbon mixture having a melting point between 110° F. to 155° F. (ASTM–D–87) and a maximum kinematic viscosity of 5.74 centistokes at 210° F (ASTM–D445–42T), wholly derived by low temperature solidification and expression, or by solvent extraction, from that portion of crude petroleum known as paraffin distillate.

(11) Petrolatum: any semi-solid hydrocarbon mixture, plastic and unctuous, commonly known as petrolatum or petroleum jelly, regardless of the extent processed.

(12) Mineral oil polymers: any resinous product produced by the polymerization of mixtures of unsaturated hydrocarbons (either the solid resin or solvent extended product); but not including polystyrene, polyisobutylene, polyethylene, butadiene, or the copolymers of such materials.

Steam heating, central

Ice.

Tobaccos.[1]

Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible and including their by-products and residues (whether resulting from refining, distillation saponification, pressing or settling).[1]

Sulfated sulfonated and sulfurized fats and oils.

Tall oil.

Wool grease.[1]

Soap (other than metallic).[1]

Fatty acids.[1]

Food for human or animal consumption.[1]

Glycerine

Water.

Low and high temperature fractional distillation equipment for gas and gasoline analysis

Wood pulp.

LIST B: Deleted Oct. 1, 1945.

INTERPRETATION 1

Interpretation 1 of Priorities Regulation 3

[Revoked Nov. 17, 1943.]

INTERPRETATION 2

EFFECT OF LIST A ON UNFILLED ORDERS

The restrictions on the use of ratings for the items on List A apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Oct. 1, 1945.)

INTERPRETATION 3: Revoked Oct. 1, 1945.

INTERPRETATION 4: Revoked Oct. 1, 1945.

INTERPRETATION 5

RESTRICTIONS OF OTHER ORDERS

(a) *Restrictions of other orders on use of ratings or delivery* The provisions of paragraph (e) relate only to the items which appear on the list. When any other order of the Civilian Production Administration restricts the use of preference ratings to obtain any product or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23).

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23) that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise, that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size If it is intended to confine the rating to a particular product of a particular manufacturer, the certificate should say so explicitly. (Issued Sept. 8, 1943.)

INTERPRETATION 7: Revoked Oct. 1, 1945.

INTERPRETATION 8: Revoked Oct. 1, 1945.

INTERPRETATION 9: Revoked Oct. 1, 1945.

INTERPRETATION 10

USE OF RATING TO OBTAIN LEASED MACHINERY

(a) A preference rating which has been assigned for the delivery of an item of machinery or equipment may be used to lease the equipment as long as the following conditions are fulfilled:

(1) The lease must be a long-term semi-permanent arrangement where both parties contemplate the comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease was for one year, with provision for renewal at the end of each year, and both parties expected that the lease would be renewed from time to time However, the rating could not be used to obtain a machine for a month's use

(2) If the rating is limited by specific dollar amount it may be used only to lease machinery or equipment whose fair market value is no greater than the amount specified.

(b) If the instrument assigning the ratings specifies a lease rather than a purchase, it is not necessary to comply with the above conditions. (Issued Oct. 1, 1945.)

INTERPRETATION 11: Revoked Oct. 1, 1945.

INTERPRETATION 12

RECORDS OF EXPORTERS

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. However, such persons must keep any copies of the export licenses which are returned to them for their files. (Issued August 24, 1945.)

INTERPRETATION 13

TIME LIMIT ON USE OF RATINGS

Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied (except a blanket rating such as one assigned by CMP Regulation 5) or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) [Deleted Oct. 1, 1945.]

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship) it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may use his rating.

Nothing in this interpretation means that any AA rating still has any effect. All AA ratings become ineffective in every respect on September 30, 1945. (Issued Oct. 1, 1945.)

INTERPRETATION 14: Revoked Apr. 23, 1945.

INTERPRETATION 15

REFERENCES IN LIST A TO ORDERS WHICH HAVE BEEN REVOKED

In many items on List A of Priorities Regulation 3 reference is made to specific WPB orders or schedules for a definition of the specific items covered by the lists. Sometimes the order or schedule referred to is revoked without any change in the listing on List A. When one of these orders or schedules is revoked, the listing of the item on List A, nevertheless, remains in full force and effect, and the item as listed on List A has the same meaning as before the revocation of the order. (Issued Oct. 1, 1945.)

[1] Subject to War Food Order 71 (formerly FD Regulation No 1) of the War Food Administration

Superseded 3-4-47

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

[Priorities Reg. 3, as Amended July 24, 1946.]

§ 944.23 *Priorities Regulation 3*—(a) *Purpose of this regulation* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all. In general this regulation should be consulted before using a rating whether it was gotten directly from the Civilian Production Administration or from a customer.

(b) *Definitions* For the purposes of this regulation:

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the Civilian Production Administration or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also when any governmental agency which is authorized by the Civilian Production Administration rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs, that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a Civilian Production Administration order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When AAA or MM ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of AAA or MM preference ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) [Deleted Oct. 1, 1945.]

(2) When a person has received a AAA or MM rated order for the delivery of material, he may extend the AAA or MM rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on an AAA or MM rated order, he may extend the AAA or MM rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the AAA or MM rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the AAA or MM rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

(4) A person to whom a rating of AAA or MM has been applied or extended to get material may not extend that AAA or MM rating to get any material for his own plant improvement expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use.

(d–1) *CC ratings may not ordinarily be extended.* CC ratings may not be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item or to get containers or closures needed to pack the item. A distributor, warehouse, retailer, or other person who resells the item without further fabrication may extend the CC rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

However, when a person has received a CC rated order for the delivery of textile fabric (cotton, rayon, or wool, or their blends), he may extend the CC rating to get the fabric which he will deliver on that order, or the unfinished fabric which he will deliver on it after finishing, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the rating is extended for gray fabric to fill an order for finished fabric, it may include the portion of the gray fabric which would normally be consumed or converted into scrap or by-products in the course of finishing. If a person has made delivery of textile fabric, or has converted gray fabric into finished fabric which he has delivered on a CC rated order, he may extend the CC rating to replace it in his inventory: *Provided*, That if after delivering the fabric he still has a practicable working minimum inventory, he may not extend the CC rating to replace the fabric delivered; and if by making the delivery his inventory is reduced below this minimum, the CC rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any fabric ordered to replace inventory must be made of the same textile fiber (or combination of such fibers), and of the same type of construction and approximate weight as the fabric which such person delivered.

(d–2) *Extendibility of HHH and HH ratings.* HHH and HH ratings may be extended only when permitted by Priorities Regulation 33 or a direction to that regulation.

(e) *Additional restrictions upon use of ratings for certain materials* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on List A attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect. List A* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order

(2) [Deleted Oct. 1, 1945.]

(3) [Deleted Oct. 1, 1945.]

(f) *Use of ratings for services*—(1) *Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services For example, ratings may be used to get a repair job done in a repair shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer

(2) *Three cases where ratings may be used for services* There are only three

situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose* If the Civilian Production Administration assigns a rating to a named person to get specified services he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* Any rating which may be applied to the delivery of specific repair parts or materials may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7 He may use the standard certification set out in that regulation or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the Civilian Production Administration that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

.....
(Name of Purchaser)

.....
(Address)

By .....
(Signature and Title of Duly Authorized Officer)

.....
(Date)

The person who receives the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable Civilian Production Administration order.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the Civilian Production Administration for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis: otherwise it must be shown as a separate item In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the Civilian Production Administration which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraph (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 24th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to any Civilian Production Administration preference ratings:

Automobiles, passenger.

Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry.

a. Antioxidants (gum inhibitors) for motor fuels

b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.

c. Chemical additives and compound bases for hypoid gear oils.

d. Synthetic catalysts for oil cracking operation.

e. Synthetic catalysts for cumene and codimer manufacture.

f. Synthetic catalysts for petroleum isomerization operations.

g. Synthetic catalysts for petroleum sweetening operations

Coal.

Coke.

Communications services.

Electric energy.

Gas manufactured combustible, of the type generally distributed by utilities.

Gas, natural

Petroleum, including only the following products:

(1) Liquefied petroleum gas: propane, propylene, butanes, butenes, or any combination or dilution thereof commonly known as liquefied petroleum gas.

(2) Aviation gasoline: any liquid fuel (including components thereof), except Diesel fuel, used for aircraft propulsion which meets current provisional or permanent United States Army or Navy specifications for aircraft fuels.

(3) Motor fuel: any liquid fuel (including components thereof) suitable for use in the propulsion of motor vehicles or motor boats.

(4) Naphtha: any liquid petroleum fraction or derivative commonly known as naphtha, including that cut of gasoline or kerosene classified as naphtha: *Provided*, That the term naphtha shall not include any toluene fraction of Kauri-butanol value of 85 Kauri-butanol number or higher, or any aromatic petroleum solvent, as defined in General Preference Order M-150, as amended.

(5) Insecticide base: any liquid petroleum fraction or derivative used as or suitable for use as a base or carrier for the active chemical ingredients of an insecticide, germicide or deodorant.

(6) Fuel oil: any liquid petroleum fraction or derivative commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5, or 6, Bunker "C" fuel oil, Diesel fuel, kerosene, range oil, gas, oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(7) Lubricating oil: any liquid petroleum fraction or derivative regardless of the extent processed, (1) which is used for or is suitable for lubrication, including, but not

limited to, cutting, drawing, processing, soluble, transformer and white oils, and (2) which does not contain in excess of 50% by weight of additives or compounds.

(8) Lubricating grease: any lubricant manufactured from petroleum and a soap, organic salt or ester of any fatty oil or fatty acid.

(9) Asphalt: asphalt of petroleum origin and all asphaltic products of petroleum origin, including road oils.

(10) Micro-crystalline wax: any solid hydrocarbon mixture, commonly known as micro-crystalline wax (amorphous wax, petroleum wax) but not including paraffin wax defined as a solid hydro-carbon mixture having a melting point between 110° F. to 155° F. (ASTM-D-87) and a maximum kinematic viscosity of 5.74 centistokes at 210° F (ASTM-D445-42T), wholly derived by low temperature solidification and expression, or by solvent extraction, from that portion of crude petroleum known as paraffin distillate.

(11) Petrolatum: any semi-solid hydrocarbon mixture, plastic and unctuous, commonly known as petrolatum or petroleum jelly, regardless of the extent processed.

(12) Mineral oil polymers: any resinous product produced by the polymerization of mixtures of unsaturated hydrocarbons (either the solid resin or solvent extended product); but not including polystyrene, polyisobutylene, polyethylene, butadiene, or the copolymers of such materials.

Steam heating, central

Ice.

Tobaccos.[1]

Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible and including their by-products and residues (whether resulting from refining, distillation saponification, pressing or settling).[1]

Sulfated, sulfonated, and sulfurized fats and oils.

Tall oil.[1]

Wool grease.[1]

Soap (other than metallic)

Fatty acids.[1]

Food for human or animal consumption.[1]

Glycerine.[1]

Water.

Low and high temperature fractional distillation equipment for gas and gasoline analysis.

Wood pulp.

LIST B: Deleted Oct. 1, 1945.

INTERPRETATION 1

Interpretation 1 of Priorities Regulation 3 [Revoked Nov. 17, 1943.]

INTERPRETATION 2

EFFECT OF LIST A ON UNFILLED ORDERS

The restrictions on the use of ratings for the items on List A apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Oct. 1, 1945.)

INTERPRETATION 3: Revoked Oct. 1, 1945.

INTERPRETATION 4: Revoked Oct. 1, 1945.

INTERPRETATION 5

RESTRICTIONS OF OTHER ORDERS

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (e) relate only to the items which appear on the list. When any other order of the Civilian Production Administration restricts the use of preference ratings to obtain any product or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23).

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23) that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer the certificate should say so explicitly. (Issued Sept. 8, 1943.)

INTERPRETATION 7: Revoked Oct. 1, 1945.

INTERPRETATION 8: Revoked Oct. 1, 1945

INTERPRETATION 9: Revoked Oct. 1, 1945.

INTERPRETATION 10

USE OF RATING TO OBTAIN LEASED MACHINERY

(a) A preference rating which has been assigned for the delivery of an item of machinery or equipment may be used to lease the equipment as long as the following conditions are fulfilled:

(1) The lease must be a long-term semi-permanent arrangement where both parties contemplate the comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease was for one year with provision for renewal at the end of each year and both parties expected that the lease would be renewed from time to time. However, the rating could not be used to obtain a machine for a month's use.

(2) If the rating is limited by specific dollar amount it may be used only to lease machinery or equipment whose fair market value is no greater than the amount specified.

(b) If the instrument assigning the ratings specifies a lease rather than a purchase, it is not necessary to comply with the above conditions. (Issued Oct. 1, 1945.)

INTERPRETATION 11: Revoked Oct. 1, 1945.

INTERPRETATION 12

RECORDS OF EXPORTERS

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. However, such persons must keep any copies of the export licenses which are returned to them for their files. (Issued August 24, 1945.)

INTERPRETATION 13

TIME LIMIT ON USE OF RATINGS

Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied (except a blanket rating such as one assigned by CMP Regulation 5) or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) [Deleted Oct. 1, 1945.]

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship) it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may use his rating.

Nothing in this interpretation means that any AA rating still has any effect. All AA ratings become ineffective in every respect on September 30, 1945. (Issued Oct. 1, 1945.)

INTERPRETATION 14: Revoked Apr. 23, 1945.

INTERPRETATION 15

REFERENCES IN LIST A TO ORDERS WHICH HAVE BEEN REVOKED

In many items on List A of Priorities Regulation 3 reference is made to specific WPB orders or schedules for a definition of the specific items covered by the lists. Sometimes the order or schedule referred to is revoked without any change in the listing on List A. When one of these orders or schedules is revoked, the listing of the item on List A, nevertheless, remains in full force and effect, and the item as listed on List A has the same meaning as before the revocation of the order. (Issued Oct. 1, 1945)

[1] Subject to War Food Order 71 (formerly FD Regulation No. 1) of the War Food Administration

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 3, as Amended March 4, 1947]

§ 944.23 *Priorities Regulation 3*—(a) *Purpose of this regulation.* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all. In general this regulation should be consulted before using a rating whether it was gotten directly from the Civilian Production Administration or from a customer.

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

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1.

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the Civilian Production Administration or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating. A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also when any governmental agency which is authorized by the Civilian Production Administration rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating. A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs, that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a Civilian Production Administration order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When AAA, RRR or MM ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of AAA, RRR or MM preference ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) [Deleted Oct. 1, 1945.]

(2) When a person has received a AAA, RRR or MM rated order for the delivery of material, he may extend the AAA, RRR, or MM rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on an AAA, RRR or MM rated order, he may extend the AAA, RRR or MM rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the AAA, RRR or MM rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the AAA, RRR or MM rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

(4) A person to whom a rating of AAA, RRR or MM has been applied or extended to get material may not extend that AAA, RRR or MM rating to get any material for his own plant improvement expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use.

(d–1) *CC and RR ratings may not ordinarily be extended.* CC and RR ratings may not be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item or to get containers or closures needed to pack the item. A distributor, warehouse, retailer, or other person who resells the item without further fabrication may extend the CC and RR rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

However, when a person has received a CC rated order for the delivery of textile fabric (cotton, rayon, or wool, or their blends), he may extend the CC rating to get the fabric which he will deliver on that order, or the unfinished fabric which he will deliver on it after finishing, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the rating is extended for gray fabric to fill an order for finished fabric, it may include the portion of the gray fabric which would normally be consumed or converted into scrap or by-products in the course of finishing. If a person has made delivery of textile fabric, or has converted gray fabric into finished fabric which he has delivered on a CC rated order, he may extend the CC rating to replace it in his inventory: *Provided*, That if after delivering the fabric he still has a practicable working minimum inventory, he may not extend the CC rating to replace the fabric delivered; and if by making the delivery his inventory is reduced below this minimum, the CC rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any fabric ordered to replace inventory must be made of the same textile fiber (or combination of such fibers), and of the same type of construction and approximate weight as the fabric which such person delivered.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on List A attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) [Deleted Oct. 1, 1945.]

(3) [Deleted Oct. 1, 1945.]

(f) *Use of ratings for services*—(1) *Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services. For example, ratings may be used to get a repair job done in a repair

shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services.* There are only three situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose.* If the Civilian Production Administration assigns a rating to a named person to get specified services he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* Any rating which may be applied to the delivery of specific repair parts or materials may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended.* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7. He may use the standard certification set out in that regulation, or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the Civilian Production Administration that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

(Name of Purchaser)

(Address)

By ---
(Signature and Title of Duly Authorized Officer)

(Date)

The person who receives the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable Civilian Production Administration order.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the Civilian Production Administration for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis; otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the Civilian Production Administration which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraph (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to any Civilian Production Administration preference ratings:

Automobiles, passenger.

Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry.

a. Antioxidants (gum inhibitors) for motor fuels

b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.

c. Chemical additives and compound bases for hypoid gear oils.

d. Synthetic catalysts for oil cracking operation.

e. Synthetic catalysts for cumene and codimer manufacture.

f. Synthetic catalysts for petroleum isomerization operations.

g. Synthetic catalysts for petroleum sweetening operations.

Coal.

Coke.

Communications services.

Electric energy.

Gas manufactured combustible, of the type generally distributed by utilities.

Gas, natural.

Lead.

Petroleum, including only the following products:

(1) Liquefied petroleum gas: propane, propylene, butanes, butenes, or any combination or dilution thereof commonly known as liquefied petroleum gas.

(2) Aviation gasoline: any liquid fuel (including components thereof), except Diesel fuel, used for aircraft propulsion which meets current provisional or permanent United States Army or Navy specifications for aircraft fuels.

(3) Motor fuel: any liquid fuel (including components thereof) suitable for use in the propulsion of motor vehicles or motor boats.

(4) Naphtha: any liquid petroleum fraction or derivative commonly known as naphtha, including that cut of gasoline or kerosene classified as naphtha: *Provided,* That the term naphtha shall not include any toluene fraction of Kauri-butanol value of 85 Kauri-butanol number or higher, or any aromatic petroleum solvent, as defined in General Preference Order M-150, as amended.

(5) Insecticide base: any liquid petroleum fraction or derivative used as or suitable for use as a base or carrier for the active chemical ingredients of an insecticide, germicide or deodorant.

(6) Fuel oil: any liquid petroleum fraction or derivative commonly known as fuel

oil, including grades No. 1, 2, 3, 4, 5, or 6, Bunker "C" fuel oil, Diesel fuel, kerosene, range oil, gas, oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(7) Lubricating oil: any liquid petroleum fraction or derivative regardless of the extent processed, (1) which is used for or is suitable for lubrication, including, but not limited to, cutting, drawing, processing, soluble, transformer and white oils, and (2) which does not contain in excess of 50% by weight of additives or compounds.

(8) Lubricating grease: any lubricant manufactured from petroleum and a soap, organic salt or ester of any fatty oil or fatty acid.

(9) Asphalt: asphalt of petroleum origin and all asphaltic products of petroleum origin, including road oils.

(10) Micro-crystalline wax: any solid hydrocarbon mixture, commonly known as micro-crystalline wax (amorphous wax, petroleum wax) but not including paraffin wax defined as a solid hydro-carbon mixture having a melting point between 110° F. to 155° F. (ASTM–D–87) and a maximum kinematic viscosity of 5.74 centistokes at 210° F (ASTM–D445–42T), wholly derived by low temperature solidification and expression, or by solvent extraction, from that portion of crude petroleum known as paraffin distillate.

(11) Petrolatum: any semi-solid hydrocarbon mixture, plastic and unctuous, commonly known as petrolatum or petroleum jelly, regardless of the extent processed.

(12) Mineral oil polymers: any resinous product produced by the polymerization of mixtures of unsaturated hydrocarbons (either the solid resin or solvent extended product); but not including polystyrene, polyisobutylene, polyethylene, butadiene, or the copolymers of such materials.

Steam heating, central.

Ice.

Tobaccos.[1]

Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible and including their by-products and residues (whether resulting from refining, distillation saponification, pressing or settling).[1]

Sulfated, sulfonated, and sulfurized fats and oils.

Tall oil.[1]

Wool grease.[1]

Soap (other than metallic).[1]

Fatty acids.[1]

Food for human or animal consumption.[1]

Glycerine.[1]

Water.

Low and high temperature fractional distillation equipment for gas and gasoline analysis.

Wood pulp.

LIST B: Deleted Oct. 1, 1945.

INTERPRETATION 1

Interpretation 1 of Priorities Regulation 3

[Revoked Nov. 17, 1943.]

INTERPRETATION 2

EFFECT OF LIST A ON UNFILLED ORDERS

The restrictions on the use of ratings for the items on List A apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Oct. 1, 1945.)

INTERPRETATION 3: Revoked Oct. 1, 1945.

INTERPRETATION 4: Revoked Oct. 1, 1945.

[1] Subject to War Food Order 71 (formerly FD Regulation No. 1) of the War Food Administration.

INTERPRETATION 5

RESTRICTIONS OF OTHER ORDERS

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (e) relate only to the items which appear on the list. When any other order of the Civilian Production Administration restricts the use of preference ratings to obtain any product or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23).

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number, the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate.

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23) that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer the certificate should say so explicitly. (Issued Sept. 8, 1943.)

INTERPRETATION 7: Revoked Oct. 1, 1945.

INTERPRETATION 8: Revoked Oct. 1, 1945.

INTERPRETATION 9: Revoked Oct. 1, 1945.

INTERPRETATION 10

USE OF RATING TO OBTAIN LEASED MACHINERY

(a) A preference rating which has been assigned for the delivery of an item of machinery or equipment may be used to lease the equipment as long as the following conditions are fulfilled:

(1) The lease must be a long-term semi-permanent arrangement where both parties contemplate the comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease was for one year, with provision for renewal at the end of each year, and both parties expected that the lease would be renewed from time to time. However, the rating could not be used to obtain a machine for a month's use.

(2) If the rating is limited by specific dollar amount it may be used only to lease machinery or equipment whose fair market value is no greater than the amount specified.

(b) If the instrument assigning the ratings specifies a lease rather than a purchase, it is not necessary to comply with the above conditions. (Issued Oct. 1, 1945.)

INTERPRETATION 11: Revoked Oct. 1, 1945.

INTERPRETATION 12

RECORDS OF EXPORTERS

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. However, such persons must keep any copies of the export licenses which are returned to them for their files. (Issued August 24, 1945.)

INTERPRETATION 13

TIME LIMIT ON USE OF RATINGS

(a) Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) [Deleted Oct. 1, 1945.]

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship) it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

(b) The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may apply or extend his rating. However, a rating properly applied or extended on an order served upon a supplier within the time limit of the above rules, but not accepted by him, remains valid with that supplier where the failure to accept the rated order was a violation of a CPA regulation or order. This does not permit the rating to be used on any other purchase orders not placed within the proper time limit.

(c) The periods of time stated in (a) above for the use of ratings do not mean that deliveries on rated orders must be made within those periods. The delivery dates which may be requested are controlled by § 944.8 of Priorities Regulation 1, and any other applicable limitations, such as those in Priorities Regulation 32 controlling inventories. The rules for scheduling and making deliveries on rated orders are in Priorities Regulation 1 and other applicable orders or regulations. All validly rated orders must be scheduled and filled under those rules, unless the orders or ratings are cancelled. (Issued Dec. 13, 1946.)

INTERPRETATION 14: Revoked Apr. 23, 1945.

INTERPRETATION 15

REFERENCES IN LIST A TO ORDERS WHICH HAVE BEEN REVOKED

In many items on List A of Priorities Regulation 3 reference is made to specific WPB orders or schedules for a definition of the specific items covered by the lists. Sometimes the order or schedule referred to is revoked without any change in the listing on List A. When one of these orders or schedules is revoked, the listing of the item on List A, nevertheless, remains in full force and effect, and the item as listed on List A has the same meaning as before the revocation of the order. (Issued Oct. 1, 1945.)

Dir. 7 to PR 3

WAR PRODUCTION BOARD

OCT. 1, 1945
[As Amended]

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

[Priorities Reg. 3, Direction 7, as Amended Oct. 1, 1945]

REPLACEMENT OF DEFECTIVE MATERIALS OR MATERIALS LOST, STOLEN, DAMAGED OR DESTROYED IN TRANSIT

(a) *Purpose.* This direction explains how a supplier must schedule delivery of material covered by a rated order where the material delivered is defective or where it is not received by the purchaser because lost, stolen, damaged or destroyed in transit.

(b) *When supplier must replace notice required.* When a person places a rated order for material and the material sent him is damaged or defective, or where he does not receive physical delivery of the material because it is lost, stolen, or destroyed in transit, he may promptly notify his supplier and, if the notice is received by the supplier within fifteen days after the material was delivered in the case of damaged or defective material, or within forty-five days after the material was shipped in the case of material lost, stolen or destroyed in transit, the supplier must schedule delivery of the material on the basis of the date the original order was placed. If the notice is received by the supplier after the fifteen or forty-five day period, he must schedule delivery of the material just as though he had received an order for it on the date on which he receives the notice. If the purchaser prefers, he may, instead of notifying the original supplier, place an order for the material with another supplier using the same rating, but the new supplier must treat the order as a new order.

(c) *Materials spoiled by purchaser.* Materials which are spoiled by the purchaser cannot be replaced under this direction.

(d) *What is meant by "in transit."* For purposes of this direction, loss, damage, destruction or theft is regarded as happening in transit if it happens before the purchaser receives actual physical delivery, regardless of whether he has title or constructive possession. For example, material in the hands of a carrier is in transit although delivery to the carrier may have given the purchaser title or constructive possession. It is not in transit if the buyer has picked it up from the seller's plant or from the carrier, or if it has been unloaded at his plant. It does not make any difference whether the buyer or the seller has to bear the financial loss.

(e) [Deleted Oct. 1, 1945.]

(f) *Exports.* This direction applies to deliveries to territories and possessions of the United States or to Canada, but does not apply to materials exported to any foreign country, other than Canada, unless the materials are lost, stolen, damaged or destroyed while in transit within the United States or unless the defect is discovered before the materials leave the United States. Where material is damaged, lost, stolen or destroyed outside of the United States while in transit to a foreign country, other than Canada, or where the defect is not discovered until after the material has left the United States, the buyer's replacement order must be treated like a new rated order.

(g) [Deleted Oct. 1, 1945.]

(h) *No effect on private contractual rights.* This direction has nothing to do with the question of whether the buyer or the seller must bear any financial loss involved as a result of materials being defective or being lost, damaged, destroyed or stolen in transit.

(i) *Applications for special assistance.* Where a purchaser cannot give his supplier notice within the time limits mentioned in paragraph (b) above, and postponement of delivery will result in a substantial loss of production or delay in operations, he may apply to his Claimant Agency or Industry Division for special assistance. Special assistance will be granted only in exceptional cases where a clear showing of substantial interference with the war effort is made.

Issued this 1st day of October 1945.

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

GPO—War Board 17232B—p. 1

SUBJECT: Interpretation 13 to PR-3, Amended 12-13-46 1/
Time Limit on Use of Ratings

This Interpretation is an extension of the previous Interpretation 13, which is appended to PR-3.

This revision has particular significance in view of the deadline established in Direction 11 to PR-33, affecting Certified-HH and HHH ratings. If such rated orders are actually placed with suppliers, the ratings will remain valid and will not require reauthorization.

1/ Supersedes Int. 13 to PR-3, dated 10-1-45

Int. 13 to PR 3

CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

DEC. 13, 1946
[As Amended]
Corrected Copy

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

[Priorities Reg. 3, Interpretation 13 as Amended Dec. 13, 1946]

TIME LIMIT ON USE OF RATINGS

(a) Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) [Deleted Oct. 1, 1945.]

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship) it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

(b) The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may apply or extend his rating. However, a rating properly applied or extended on an order served upon a supplier within the time limit of the above rules, but not accepted by him, remains valid with that supplier where the failure to accept the rated order was a violation of a CPA regulation or order. This does not permit the rating to be used on any other purchase orders not placed within the proper time limit.

(c) The periods of time stated in (a) above for the use of ratings do not mean that deliveries on rated orders must be made within those periods. The delivery dates which may be requested are controlled by Section 944.8 of Priorities Regulation 1, and any other applicable limitations, such as those in Priorities Regulation 32 controlling inventories. The rules for scheduling and making deliveries on rated orders are in Priorities Regulation 1 and other applicable orders or regulations. All validly rated orders must be scheduled and filled under those rules, unless the orders or ratings are cancelled.

Issued the 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

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

[Priorities Reg. 3, Direction 14]

USE OF RATINGS ASSIGNED BY OTHER GOVERNMENT AGENCIES TO PRIVATE CONTRACTORS FOR CONSTRUCTION

(a) *What this direction does.* This direction explains how private contractors may use the ratings assigned to them by the Army, Navy and government agencies other than the WPB when the ratings are assigned for construction under the authority of Directive 41. It also explains how ratings for construction may be used when the ratings have been assigned by the Veterans' Administration under the authority of Directive 39.

(b) *Definitions.* "Construction" as used in this direction means putting up, altering, remodeling, rehabilitating, reconstructing or repairing any structure such as a building, road, bridge, dam, sewer, or the like.

(c) *Method of assigning ratings.* In the future the Army, Navy and government agencies authorized in Directive 41 will use only Form WPB–542 to assign ratings for construction. Form CMPL–593 Army (Navy) will no longer be issued. The Veterans' Administration assigns ratings for construction by means of a certificate set out in Directive 39.

(d) *Materials for which ratings may be used.* The ratings assigned for construction to private contractors pursuant to Directives 39 and 41 may be used to get any materials and equipment which are either to be physically incorporated in the project or attached firmly to it, or which are to be consumed in the course of construction of the project (such as form lumber, explosives, and the like).

(e) *Materials and equipment for which the ratings may not be used.* Private contractors may not use the ratings assigned for construction pursuant to Directives 39 and 41 for any equipment which will neither be physically incorporated in or attached to the project, nor be consumed in the course of construction of the project. For example, a private contractor to whom the Army assigns a rating on Form WPB–542 for a construction project may not use the rating to buy construction machinery.

(f) *Cancellation of ratings.* A private contractor who has been assigned a rating for a construction project pursuant to Directives 39 and 41 (including ratings assigned on WPB–542 or Form CMPL–593 Army (Navy) and who has applied this rating to an order for equipment which will neither be physically incorporated in the project nor be consumed in the course of the project must immediately either cancel the order or withdraw the rating.

(g) *Application and extension of ratings.* Ratings assigned for construction under Directives 39 and 41 may be applied and extended subject to paragraphs (d), (e) and (f) above only in accordance with Priorities Regulation 3 and other applicable orders and regulations of the War Production Board.

Issued this 1st day of October 1945.

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

CIVILIAN PRODUCTION ADMINISTRATION

Dir. 15 to PR 3

APR. 22, 1946

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

[Priorities Reg. 3, Direction 15]

EFFECT OF CC RATINGS ON PRODUCERS OF CONSTRUCTION MACHINERY

(a) *What this direction does.* There is a nation-wide shortage of construction machinery. Demand for this type of machinery substantially exceeds the supply. In order to prevent the use of CC ratings from preempting an undue proportion of the supply available from new production, this direction restricts the use of CC ratings on producers of construction machinery. CC ratings may still be assigned for construction machinery under the conditions stated in PR–28, and producers must still accept and fill rated orders in accordance with PR–1 unless they are relieved from that obligation by paragraph (b) below.

(b) *Restriction on use of CC ratings.* (1) No dealer, distributor or branch sales office of a producer who receives or has received a CC rating for construction machinery may extend it to a producer of that machinery after April 22, 1946.

(2) Producers must treat as unrated any orders for construction machinery bearing CC ratings which they receive from dealers, distributors or branch sales offices after April 22, 1946. Also, any poducer who regularly sells a given type or types of construction machinery only through dealers, distributors or branch sales offices, either for all sales or for a particular territory, may reject any orders bearing CC ratings for those types of construction machinery (except orders for construction machinery for export outside the United States, its territories or possessions, or the Dominion of Canada) which he receives from other persons after April 22, 1946.

(c) *Definitions.* As used in this direction:

(1) "Construction machinery" means any of the following types of machinery:

(i) Construction equipment, tractor mounted.

(ii) Construction machinery, specialized.

(iii) Construction material mixers, pavers, spreaders, and related equipment.

(iv) Construction material processing equipment.

(v) Power cranes, derricks, draglines, dredges, shovels and related equipment.

(vi) Scrapers, maintainers and graders.

(vii) Contractors' elevating winches and hoists.

(viii) Earth, rock and water well drilling and boring machinery.

(ix) Tracklaying tractors.

These types of machinery are more fully described in CMP Codes 308–314, 316 and 470.

(2) "Producer" means any person to the extent he is engaged in the manufacture of construction machinery. It does not include a branch sales office of a producer.

Issued this 22d day of April 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 17926A—p. 1

WAR PRODUCTION BOARD

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

[Priorities Regulation 5, as Amended August 23, 1943]

§ 944.25 *Priorities Regulation No. 5*—(a) *What this regulation does.* This regulation tells what forms, orders or regulations which have been or will be issued by the War Production Board may be reproduced and how they may be reproduced.

(b) *What forms, orders or regulations may be reproduced.* Any person may reproduce any War Production Board form, order or regulation. However, any form or order which falls within any of the following two classes must, when reproduced, bear on its face the words "Specimen Copy" or "Information Copy" in letters not less than one-half inch high or in 36 point caps:

(1) Forms or orders which are designed to be issued by any governmental agency and which have not yet been signed by the governmental agency. An example of this class is Form GA–146, which is a form used by the various Industry Divisions of the War Production Board to authorize the purchase or sale of particular goods. This limitation does not apply to those forms which are both designed to be filed with a governmental agency and later to be issued to the applicant by the governmental agency. The most common example of this class of forms is Form WPB–541 (formerly PD–1A) which is an application for priority assistance and which is later signed by the War Production Board and returned to the applicant as a rating certificate.

(2) Forms bearing a serial number which are designed to be filed with a governmental agency and later to be issued by the agency but which have not yet been signed by the agency. The most common example of this class is Form WPB–542 (formerly PD–3A) which is largely issued by the military procurement agencies.

(c) *How forms, orders and regulations may be reproduced.* The reproduction of forms, orders and regulations may be by any process: photographic, printing, mimeograph, or otherwise, but the following conditions must be observed:

(1) If forms are reproduced for filing with a governmental agency, the copies must be exactly like the officially published forms as to size of paper, format and arrangement of paragraphs or tables on each page. This is necessary for quick handling. The color of paper must be approximately the same as the official copy.

(2) Copies of all orders or forms bearing the signature of any official of the United States Government or any other authorized person must include the signature. This signature must be in type or print, preceded by "(signed)", unless the entire order or certificate is reproduced by photographic process.

(d) *Contrary provisions may be disregarded.* If any order or form contains a statement that it may not be reproduced, the same may be disregarded if the conditions of this regulation are complied with, unless the order or form states specifically that this regulation does not apply.

Issued this 23d day of August 1943.

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

[Priorities Reg. 5, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

Section 803.5, Housing Expediter Priorities Regulation 5, is amended in the following respects:

1. Subparagraph (c) (1) (vi) is amended to read as follows:

(vi) A person who wishes authorization to make repairs or alterations to dwelling accommodations in order to maintain them in a habitable condition or to return them to a habitable condition, or to provide space for additional persons who are veterans or members of the immediate family of the applicant: *Provided*, That the estimated cost of the construction to provide such additional space for any such person shall not exceed $1,500. Priorities assistance will be granted under this subparagraph only for emergency plumbing and heating repairs as explained in (*a*) below or for general repairs as explained in (*b*) below.

(*a*) Priorities assistance will be granted for the delivery of plumbing and heating supplies listed in Schedule A to CPA Priorities Regulation 33 to make emergency repairs to a dwelling rendered uninhabitable by the failure of plumbing or heating facilities to function, if it is not possible to make the facilities function without such supplies. A dwelling will be considered uninhabitable only if continued occupancy would constitute a threat to the health or safety of the occupant. The estimated total cost of supplies for which priorities assistance is approved on an application under this subdivision (*a*) may not exceed $200 (or $500 in the case of such supplies to repair a building designed for occupancy by six or more families).

(*b*) Priorities assistance will be granted for any repairs necessary to return a dwelling to a habitable condition which has been vacant for at least six months for lack of such repairs, and in such cases the dwellings repaired shall be subject to the same limitations and restrictions as provided for dwellings approved under paragraph (c) (1) (ii) of this section.

2. Subparagraph (c) (2) is amended by inserting the following after the words "NHA Form 14–56" in the first sentence: "(or on NHA Form 14–92 in cases of applications for priorities assistance for emergency plumbing and heating repairs under subparagraph (c) (1) (vi))."

This amendment shall become effective October 1, 1946.

(Pub. Law 388, 79th Cong.; Pub. Law 507, 77th Cong., as amended; CPA Directive 42 (11 F. R. 9514))

Issued this 10th day of September 1946.

WILSON W. WYATT,
Housing Expediter.

Superseded 12-31-46.

Priorities Reg. 7

INCL. INT. 1
JAN. 18, 1944
[As Amended]

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 7, as Amended Jan. 18, 1944]

CERTIFICATIONS ON PURCHASE ORDERS AND OTHER DOCUMENTS

§ 944.27 *Priorities Regulation No. 7*—(a) *What this regulation does.* This regulation explains the use of certifications on purchase orders and delivery orders. It permits use of a standard form of certification instead of most of the different forms required by various regulations and orders of the War Production Board. This standard certification first appeared in CMP Regulation 7 and has previously been permitted for most purposes in operations under the Controlled Materials Plan. This regulation permits its use under other orders and regulations as well.

Standard Certification

(b) *When standard certification may be used.* The standard certification which is described below may be used instead of any certification (sometimes called a "certificate," an "endorsement," or a "statement") which is required to be placed on, or to accompany, a purchase or delivery order under any regulation or order of the War Production Board, except in the following cases:

(1) It cannot be used instead of any of the certifications listed in List A at the end of this regulation.

(2) It cannot be used instead of a certification required by a WPB regulation or order which expressly states that the standard form cannot be used.

(3) It cannot be used instead of any WPB or PD forms required by any WPB regulation or order to accompany the purchase order. Two examples of this exception are the WPB forms required by Order M–293 and Form WPB–2524 (formerly PD–833) required by Order L–5–d.

(4) It cannot be used by government procurement officers to rate deliveries for which a rating has not already been assigned by a separate preference rating certificate or an order or regulation of the War Production Board.

(c) *Use is optional.* The use of the standard certification is optional unless an order or regulation states that it is the only one that can be used. Anyone who wishes to may use the more specific certifications provided by the various orders and regulations, such as the one given in Priorities Regulation 3 for use in applying or extending preference ratings.

(d) *Form of standard certification.* The standard certification must be in substantially the following form:

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

(e) *Additional information with standard certification.* When the standard certification is used, additional information must be given in the following five cases only, and this information may be put either at the end of the standard certification or anywhere else on the order, or accompanying it:

(1) A preference rating, allotment number or symbol must be added where required by the applicable order or regulation. This is already the practice with the use of the CMP Regulation 7 certification.

(2) Where the applicable regulation or order requires information as to the specific immediate or end use for which the items are ordered, this information must be added. However, where the applicable order requires only a general statement as to an authorized use, such as "to be used for a purpose so approved" (as in order P–47), no information need be added.

(3) Where the applicable order calls for a statement to show that a "small order exemption" under any one of the "L" or "M" orders is applicable, the words "in compliance with a small order exemption" shall be added.

(4) Where the preference rating to be applied or extended was obtained on a WPB–547 (PD–1X) certificate, the identification "WPB–547" or "PD–1X" must be added.

(5) Where the applicable regulation or order expressly states that other information must be given in addition to the standard certification, the additional information must be added.

Waiving Certifications

(f) *Waiver of buyer's certification.* If a seller receives an order without the standard certification or the certification required by the governing WPB regulation or order, he may accept the purchase order and treat it as bearing the proper certification if he complies with the following rules:

(1) The seller must know the facts which the certification would show and must place the necessary certification on the order and sign it himself. He may not merely insert the certification over the buyer's signature. In adding the certification, the seller shall be deemed to make the representation to the War Production Board. The individual who signs for the seller must be a responsible official of the seller, duly authorized to make binding representations in this respect on the seller's behalf.

(2) The seller may use either the standard certification where permitted by this regulation or the certification required by the governing regulation or order. If he uses the standard, he must change the words "undersigned purchaser" to "undersigned seller", cross out the words "the seller and" and change the words "the undersigned is authorized" to "the buyer is authorized". If he uses the form required by the governing order or regulation, he must make corresponding changes in wording.

(3) A certification may not be waived if (i) it is listed on List B at the end of this regulation, or (ii) the governing order or regulation expressly states that it may not be waived.

(4) Where the purchase order when received by the seller is not accompanied by the CMP allotment number or symbol, he must get a written statement from the buyer signed by a responsible person giving this information before he adds it to the purchase order with the appropriate certification.

One-Time Certification

(g) *When one-time certification may be used.* Some WPB orders require a certification only for the purpose of making sure that the buyer knows of the restrictions in the order. In these cases, the certifications may be omitted entirely without substituting the standard certification, if the buyer has previously given the seller a certification in substantially the form described below. This one-time certification may be used only (1) instead of the certifications in the Orders listed in List C at the end of the regulation or (2) where the governing order expressly states that it may be used.

(h) *Form of one-time certification.* The one-time certification must be substantially as follows:

> The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order —— of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

(i) *Example.* Under Order M–99 no one may acquire any printing plates unless the purchase order bears a certification specified in the order to the effect that the purchaser is familiar with it and will comply with it. Since this order is listed on Schedule C, a purchaser of printing plates may omit this certification on any purchase orders placed with a supplier to whom he has previously furnished the one-time certification shown above.

Signature of Certification

(j) *Who must sign and how.* Certifications on purchase or delivery orders which are required by WPB orders or regulations must be signed by the person placing the order (or the person receiving it under paragraph (f) above) or by a responsible individual who is duly authorized to sign for that person. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature.

(k) *Use of facsimile signature.* If a facsimile signature is used, the individual who uses it must be duly authorized by the individual whose signature it is, to use it on representations to the War Pro-

duction Board, and a written record of the authorization must be kept.

(l) *Only one signature necessary in most cases.* If several certifications are placed above the signature of the purchase order, they need not be separately signed provided the purchase order is signed in the way required for a certification by paragraph (j) above. If any certifications are placed below the signature of the purchase order, or on the back of it, the last certification must be separately signed, unless there is a statement above the signature of the purchase order which shows clearly that it applies to the certification.

(m) *Certification may be on separate paper.* If it is not convenient to place a certification on a purchase order or delivery order, it may be placed on a separate piece of paper either attached to it or clearly identifying it. For example, if the buyer has sent an order but has forgotten to place the certification on it, he may send the seller a separate certification clearly identifying the order to which it applies. A signature on the purchase order shall apply to the certification on an attached or unattached piece of paper only where the words above the signature clearly make it include the certification.

(n) *Signature on other documents.* The above rules for signing certifications on purchase orders also apply to the signature on reports, applications for preference ratings or allotments, and other documents that are required to be filed under orders and regulations of the War Production Board.

Telegraph, Telephone and Verbal Orders

(o) *Telegraphic orders.* When a purchase order is placed by telegram and a certification is necessary, the certification must be set out in full in the telegram. It will be sufficient if the file copy of the outgoing telegram is signed in the manner required for certification by this regulation. Also, the certification contained in the telegram may be abbreviated in the following cases, but the purchaser assumes the same responsibility as if it were set out in full:

(1) When the standard certification is used, it may be shortened to the words "order certified under Priorities Regulation 7."

(2) When the certification is used for the sole purpose of applying or extending a preference rating with or without an allotment number or symbol, the words "ratings certified" or words to that effect are enough. Where there is an allotment number or symbol, this must be added to the telegram.

(3) Where the certification is used for the sole purpose of showing that the order comes under a small order exemption allowed by one of the "L" or "M" or "P" orders, it may be shortened to "small order certified."

(4) Where the certification required simply states the number of the WPB authorization form, the identification of the form and its number only need be given.

(p) *Verbal or telephone orders.* On purchase orders requiring shipment within seven days the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification. In addition, if the order is an authorized controlled material order under CMP regulations, it must be confirmed in writing within 15 days by a written order bearing the appropriate certification.

Miscellaneous Provisions

(q) *Responsibility for truth of certification.* The person who places the order, the individual whose signature is used and the individual who approves the use of the signature will each be considered to be making a representation to the War Production Board that the statements contained in the certification are true to the best of his knowledge and belief, subject to criminal penalties for misrepresentation. The person receiving certification and other information required to be included with the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(r) *Reference to criminal penalties.* The reference to criminal penalties for misrepresentation in the above forms of certification and similar phrases in certifications required by other orders and regulations are included solely for the purpose of making sure that persons signing certifications realize the responsibility they are undertaking. These references may not be omitted, but their inclusion shall not be deemed to make any person subject to any criminal penalties to which he would not be subject if the references were omitted.

(s) *Records to be kept by the purchaser.* Each person using the standard certification above or any other certification must maintain at his regular place of business all documents upon which he relies as entitlin[illegible] him to make the representations in the particular certification used and to supply the other information required to be placed with his purchase order. These documents must be segregated and available for inspection by a representative of the War Production Board or filed in such manner that they can be readily segregated and made available for inspection.

(t) *Effect on other regulations and orders.* Provisions in any other orders or regulations of the War Production Board which are inconsistent with this regulation may be disregarded unless they expressly state that this regulation does not apply.

Issued this 18th day of January 1944.

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

LIST A—CERTIFICATIONS FOR WHICH STANDARD CERTIFICATION MAY NOT BE SUBSTITUTED

NOTE: L–103–b added, L–158 amended, L–279, M–104 deleted Jan. 18, 1944.

The certifications below contain types of information for which the standard form is not an adequate substitute. They cover rather isolated types of purchases. But the fact that the certifications appear on List A does not prohibit their waiver by the seller as provided by paragraph (f) of the regulation.

The standard certification may not be used instead of the following certifications:

Regulations or orders	Subject	Paragraph
Priorities Reg. 9	(Exports)	(b) (2).
Priorities Reg. 19	(Farm Supplies)	(b) & (d) (2) & (d) (3).
Priorities Reg. 22	(Canadian)	(b).
CMP Reg. 1	(Controlled Materials Plan)	(t) (5)
CMP Reg. 1 (Direction 23)	(Controlled Materials Plan)	(e)
CMP Reg. 5 (Direction 9)	(Controlled Materials Plan)	(b).
CMP Reg. 5 (Direction 11)	(Controlled Materials Plan)	(c).
E–1–b	Machine tools	(g).
E–10	Anti-friction bearings	(i) (2) & (i) (3).
L–5–d	Refrigerators	(c) (1).
L–23–b	Cooking appliances	(c) (2) (i) & (ii) & (d) (3).
L–28	Lamps	(a) (7) (ii).
L–28–a	Lamps	(b) (4) (i) (b).
L–48	Light aircraft	(b) (2) (v).
L–53–b	Tractors	(c) (1) (i).
L–61	Tire repair equipment	(d).
L–64	Caskets	(c) (3) & (f) (2).
L–103–b	Containers and metal closures	(k).
L–143–a	Rubber processing equipment	(e).
L–144	Laboratory equipment	(d) (2).
L–158	Automobile parts	(m).
L–175	Railroad watches	(b) (2).
L–180	Automotive equipment	(h) (1) & (h) (3) & (h) (4).
L–190	Scales, balances, weights	(c) (1) & (c) (2).
L–192	Construction machinery	(j) (1).
L–211	Structural steel shapes	(e) (3)
L–232	Wooden containers	(d) (2) (i) Sched. A, Table. II.
L–286	Ammunition	(c) Nos. (1) (2) (3) (4).
L–290	Western lumber	(b) (1) & (b) (2).
M–18–b	Chromium chemicals	(c) (1).
M–21–b–1	Steel warehouses & dealers	(d) & (g)
M–21–b–2	Merchant trade products	(e) & (h) (2).
M–54	Molasses	(c) (2).
M–81	Cans	(b) (1).
M–115	Collapsible tubes	(e) (1) & (e) (2)
M–148	Exports	(c).
M–328	Textile clothing leather	(b) (1).
R–1	Rubber	4600, 15-16-17-28-34.

List B—Certifications Which May Not Be Waived

Note: L–103–b, L–158, L–197 added Jan. 18, 1944.

The procedure for waiving certifications where the seller knows the facts which would be certified, as explained in paragraph (f) of Priorities Regulation No. 7, may not be used in the case of the following certifications:

Order	Subject	Paragraph
L–5–d	Refrigerators	(c) (2) (iii) (b) & (b) (3).
L–58	Sextants	(c) (2).
L–103–b	Containers and metal closures	(k).
L–158	Automotive parts	(k) (i).
L–175	Railroad watches	(b) (2) & (b) (3)
L–197	Steel shipping drums	(d) (1).
L–232	Wooden containers	(d) (2) (ii).
L–290	Western lumber	(b) (1) & (b) (2).
M–81	Cans	(b) (1).
M–115	Collapsible tubes	(e) (1) & (e) (2).
M–328	Textile, clothing, leather	(b) (1)

List C—Certifications Instead of Which One-Time Certification May Be Used

Note: L–144, L–158, M–103, deleted Jan. 18, 1944.

Following are the certifications which may be omitted in purchase orders if the one-time certification described in paragraph (g) of the regulation has been furnished by the buyer:

Order	Subject	Paragraph
E–5–a	Gages	(b) (1).
L–86	Liquefied petroleum gas equipment	(e).
L–180	Auto equipment	(h) (1).
L–182	Cooking equipment	(c) (3).
L–190	Scales, balances, weights	(c) (1) & (c) (2)
L–192	Construction machinery and equipment	(j) (1) (i).
L–193	General industrial equipment	(d) (3).
L–218	Lumber	(b) (1).
L–248	Dishwashers	(c) (3).
L–265	Electronic equipment	(b) (3) (iii).
M–21–g	Iron and steel	(d) (2).
M–81	Cans	(b) (1).
M–99	Printing and publishing	(c) (2).
M–115	Collapsible tubes	(e) (1) & (e) (2).
M–146	Quartz crystals	(c) (2).
M–272	Imported cotton yarns	(h).
P–126	General industrial equipment	(h) (1).

Interpretation 1

Preference Rating Must Be Furnished by the Buyer

Paragraph (f) of Priorities Regulation No 7, which permits a seller to waive the buyer's certification where he knows the facts, does not allow the seller to rate an order which the buyer has not attempted to rate. If the buyer has stated the rating on the order but has not certified it, the seller may add the appropriate certification; and if the buyer has not shown the rating on the order, but has otherwise informed the seller that he wishes to apply or extend the rating, the seller may also insert it on the order. (Issued Jan. 5, 1944.)

SUBJECT: PR-7, Amended 12-31-46 1/
Certifications

This Regulation is one of the basic regulations in the operation of the priorities system. Specifically, it contains the rules for correct presentation of a preference rating certification or other representations related to the use of priorities. It includes instructions as to the manner in which certifications and other documents are to be executed.

In addition, paragraph (d) contains a standard form of certification, which may be on purchase and delivery orders subject to the stated conditions governing its use.

1/ Supersedes PR-7, dated 1-18-44.

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

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

[Priorities Reg. 7, as Amended Dec. 31, 1946]

CERTIFICATIONS ON PURCHASE ORDERS AND OTHER DOCUMENTS

§ 944.27 *Priorities Regulation No. 7*—(a) *What this regulation does.* This regulation explains the use of certifications on purchase orders and delivery orders. It sets forth a standard form of certification which may be used where orders and regulations of the Civilian Production Administration permit. It also states the rules for signing and executing all certificates and other documents which must be filed under CPA orders and regulations.

Standard Certification

(b) *When standard certification may be used.* The standard certification which is described below may be used on purchase and delivery orders only when expressly permitted by the applicable regulation or order of the Civilian Production Administration.

(c) *Use is optional.* The use of the standard certification is optional unless an order or regulation states that it is the only one that can be used. Anyone who wishes to may use the more specific certifications provided by the various orders and regulations, such as the one given in Priorities Regulation 3 for use in applying or extending preference ratings.

(d) *Form of standard certification.* The standard certification must be in substantially the following form:

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

(e) *Additional information with standard certification.* When the standard certification is used, additional information must be given when required by the applicable order or regulation. This information may be put either at the end of the standard certification or anywhere else on the order, or accompanying it.

Waiving Certifications

(f) *Waiver of buyer's certification.* If a seller receives an order without the certification required by the governing CPA regulation or order, he may accept the purchase order and treat it as bearing the proper certification if he complies with the following rules:

(1) The seller must know the facts which the certification would show and must place the necessary certification on the order and sign it himself. He may not merely insert the certification over the buyer's signature. In adding the certification, the seller shall be deemed to make the representation to the Civilian Production Administration. The individual who signs for the seller must be a responsible official of the seller, duly authorized to make binding representations in this respect on the seller's behalf.

(2) The seller must use the certification in the governing order or regulation unless it permits the use of the standard certification. In using the latter, he must change the words "undersigned purchaser" to "undersigned seller", cross out the words "the seller and" and change the words "the undersigned is authorized" to "the buyer is authorized". If he uses the form in the governing order or regulation, he must make corresponding changes in wording.

(3) A certification may not be waived if the governing order or regulation expressly states that it may not be waived.

(g) [Deleted Dec. 31, 1946.]

(h) [Deleted Dec. 31, 1946.]

(i) [Deleted Dec. 31, 1946.]

Signature of Certification

(j) *Who must sign and how.* Certifications on purchase or delivery orders which are required by CPA orders or regulations must be signed by the person placing the order (or the person receiving it under paragraph (f) above, or by a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature.

(k) *Use of facsimile signature.* If a facsimile signature is used, the individual who uses it must be duly authorized by the individual whose signature it is, to use it on representations to the Civilian Production Administration, and a written record of the authorization must be kept.

(l) *Only one signature necessary in most cases.* If several certifications are placed above the signature of the purchase order, they need not be separately signed provided the purchase order is signed in the way required for a certification by paragraph (j) above. If any certifications are placed below the signature of the purchase order, or on the back of it, the last certification must be separately signed, unless there is a statement above the signature of the purchase order which shows clearly that it applies to the certification.

(m) *Certification may be on separate paper.* If it is not convenient to place a certification on a purchase order or delivery order, it may be placed on a separate piece of paper either attached to it or clearly identifying it. For example, if the buyer has sent an order but has forgotten to place the certification on it, he may send the seller a separate certification clearly identifying the order to which it applies. A signature on the purchase order shall apply to the certification on an attached or unattached piece of paper only where the words above the signature clearly make it include the certification.

(n) *Signature on other documents.* The above rules for signing certifications on purchase orders also apply to the signature on reports, applications for preference ratings, and other documents that are required to be filed under orders and regulations of the Civilian Production Administration.

Telegraph, Telephone and Verbal Orders

(o) *Telegraphic orders.* When a purchase order is placed by telegram and a certification is necessary the certification must be set out in full in the telegram. It will be sufficient if the file copy of the outgoing telegram is signed in the manner required for certification by this regulation. Also, the certification contained in the telegram may be abbreviated in the following cases, but the purchaser assumes the same responsibility as if it were set out in full:

(1) When the standard certification is used, it may be shortened to the words "order certified under Priorities Regulation 7."

(2) When the certification is used for the sole purpose of applying or extending a preference rating, the words "ratings certified" or words to that effect are enough.

(3) Where the certification is used for the sole purpose of showing that the order comes under a small order exemption in an order or regulation of the Civilian Production Administration, it may be shortened to "small order certified."

(4) Where the certification required simply states the number of the CPA authorization form, the identification of

the form and its number only need be given.

(p) *Verbal or telephone orders.* On purchase orders requiring shipment within seven days the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

Miscellaneous Provisions

(q) *Responsibility for truth of certification.* The person who places the order, the individual whose signature is used and the individual who approves the use of the signature will each be considered to be making a representation to the Civilian Production Administration that the statements contained in the certification are true to the best of his knowledge and belief, subject to criminal penalties for misrepresentation. The person receiving the certification and other information required to be included with the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(r) *Reference to criminal penalties.* The reference to criminal penalties for misrepresentation in the above forms of certification and similar phrases in certifications required by other orders and regulations are included solely for the purpose of making sure that persons signing certifications realize the responsibility they are undertaking. These references may not be omitted, but their inclusion shall not be deemed to make any person subject to any criminal penalties to which he would not be subject if the references were omitted.

(s) *Records to be kept by the purchaser.* Each person using any certification must maintain at his regular place of business all documents upon which he relies as entitling him to make the representations in the particular certification used and to supply the other information required to be placed with his purchase order. These documents must be segregated and available for inspection by a representative of the Civilian Production Administration or filed in such manner that they can be readily segregated and made available for inspection.

(t) *Effect on other regulations and orders.* Provisions in any other orders or regulations of the Civilian Production Administration which are inconsistent with this regulation may be disregarded unless they expressly state that this regulation does not apply.

(u) *Use and disposal of material obtained with certification.* Any person who gets any material with a certification prescribed by a CPA order or regulation must use or dispose of the material only in accordance with the provisions of the certification as long as the governing order or regulation remains in effect.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—[Deleted Dec. 31, 1946.]

LIST B—[Deleted Dec. 31, 1946.]

LIST C—[Deleted Dec. 31, 1946.]

INTERPRETATION 1

PREFERENCE RATING MUST BE FURNISHED BY THE BUYER

Paragraph (f) of Priorities Regulation No. 7, which permits a seller to waive the buyer's certification where he knows the facts, does not allow the seller to rate an order which the buyer has not attempted to rate. If the buyer has stated the rating on the order but has not certified it, the seller may add the appropriate certification; and if the buyer has not shown the rating on the order, but has otherwise informed the seller that he wishes to apply or extend the rating, the seller may also insert it on the order. (Issued Jan. 5, 1944.)

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

[Priorities Reg. 7A, as Amended Oct. 8, 1945]

TRANSFERS OF QUOTAS, PREFERENCE RATINGS: TRANSFERS OF A BUSINESS AS A GOING CONCERN

§ 944.28 *Priorities Regulation 7A*—(a) *What this regulation does.* This regulation explains when quotas, preference ratings and other rights under the priorities system may be transferred from one person to another and states the rules governing transfer of a business as a going concern.

(b) *Specific provisions in orders or regulations govern.* This regulation does not apply in any case where an applicable order or regulation provides a different rule.

(c) *What is meant by "quota".* As used in this regulation "quota" means a quantitative limit which is placed on the production or delivery of items, or on the acquisition or use of material, by an order or regulation of the WPB. Most quotas are in the form of a specified percentage of production or use during a previous base period or in the form of a specified number of items which may be produced.

(d) *Quota applies to actual manufacturer.* Where a manufacturer does not sell his product in his own name, but makes it for another person under whose name it is sold, and an order of the WPB imposes a quota on manufacturers of the product, that quota applies to the person who actually makes the product rather than to the one under whose name it is sold.

(e) *Distribution of quota where quota holder has several establishments.* Where the holder of a quota has several establishments, he may distribute his quota among them, and change the distribution in any way he wishes unless the quota was acquired on a transfer of a going business as explained in paragraph (h) (1) below.

(f) *Transfer of quotas forbidden in most cases.* No quota may be transferred from one person to another under any circumstances, except in connection with the transfer of a business as a going concern as explained in paragraph (h) (1) below or with the express permission of the WPB. Permission to transfer quotas may be expressly given in an order or regulation or on appeal as explained in paragraph (i) below.

(g) *Transfers of preference ratings and specific authorizations forbidden.* No person may transfer to another a preference rating or any right granted by specific authorization except where this is part of a transfer of a going business as explained in paragraph (h) (1) below. However, as more fully explained in Interpretation 5 to Priorities Regulation 1, when a rated contract is assigned, the rating remains applicable to the contract as assigned if, but only if, the assignee uses the material covered by the contract for substantially the same purpose for which the rated contract was placed. The transfer of a rating must be distinguished from the application or extension of a rating under Priorities Regulation 3. For example, a person has a preference rating to buy a certain machine and decides that he does not want it but wishes to transfer to another person his rating to buy the machine, the second person may not use the rating. On the other hand, if someone who has a rating wishes to buy an article from a supplier, the supplier may, under certain conditions, extend the same rating to get the article for delivery to the customer or to replenish his inventory. This is explained in detail in Priorities Regulation 3.

(h) *Transfer of business as a going concern.* (1) Whenever an entire business is transferred as a going concern to a new owner who continues to operate substantially the same business in the same establishment, using substantially the same trade-mark or trade-name, if any, all rights and obligations under WPB orders and regulations which applied to the business before the transfer continue applicable after the transfer, and the old owner no longer has them. The business under the new ownership has the same quotas, preference ratings, specific authorizations and other rights and duties created by WPB orders and regulations as it had under the old ownership. However, the new owner may not continue to exercise any such rights if he discontinues operation of the business he acquired or operates it as a substantially different business or in another establishment, or if he uses a substantially different trade-mark or trade-name. He may not, at any time, use any quota of the transferred business for any other part of his business.

(2) If, on dissolution of a firm, the entire business is not transferred as a going concern to a single successor, but is divided up in any way, application must be made to the WPB for a determination of quotas and other rights and duties under WPB orders and regulations.

(3) An order or regulation of the WPB which places any restriction on the transfer of any particular material or product does not apply to a transfer which is part of a transfer of the ownership of an entire business as a going concern, and WPB approval need not be obtained for any such transfer.

(i) *Permission in exceptional cases on appeal.* In any case where the above rules work an exceptional hardship, specific permission may be given on appeal for the transfer of a quota, a preference rating or a specific authorization or for other exceptions from the rules. An appeal for the transfer of a quota should be filed as an appeal from the order imposing the quota by the person who wishes it transferred to him. If the person from whom it is to be transferred agrees to the transfer, he should join in the appeal. It is not expected that permission will be granted for the purchase or sale of a quota for any consideration in any case where the principal purpose of the transaction is merely to transfer the quota.

Issued this 8th day of October 1945.

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

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

[Priorities Reg. 8, as Amended Nov. 16, 1945]

REPORTS

§ 944.29 *Priorities Regulation 8*—(a) *Purpose of this regulation.* This regulation explains the methods and conditions under which the Civilian Production Administration requires persons to file reports. Many safeguards exist, including the need for Bureau of the Budget approval, to insure that the information requested in reports is really needed. If you are required to file a report in one of the ways explained below, a failure to do so is a violation of this regulation and of any other regulation or order which requires it.

(b) *What "reports" are; difference from applications.* When used in this regulation, the term "report" means any information which must be filed with the Civilian Production Administration or its agent by specific persons or classes of persons at specified times or under specified conditions. It does not include information which the Civilian Production Administration asks you to furnish in connection with any application you make for priorities assistance, for specific authorization, for relief from provisions of orders or regulations or for any other purpose. In such cases the Civilian Production Administration is likely to refuse to act upon your application if you do not file the information in the form specified, but you do not violate any regulation or order by failing to do so.

(c) *Reports under Civilian Production Administration orders and regulations.* (1) If a published regulation or order of the Civilian Production Administration requires the filing of a report by a specified class of persons you must file the report in accordance with any applicable instructions if you belong to that class. The instructions may be in the regulation or order itself, or on a form or separate instruction sheet. As explained in paragraph (e) below, Bureau of the Budget approval is required and is indicated in the regulation, or order, or on the form or instruction sheet.

(2) When a published regulation or order requiring you to file any reports is revoked, you do not need to file any more reports due after that date unless they are required by another published regulation or order or unless you are notified to continue to file them in accordance with the rules stated in paragraph (d) below. This does not, however, excuse you from filing any reports due before the regulation or order was revoked.

(d) *Reports not specified in an order or regulation.* The Civilian Production Administration frequently needs information which is not required under a specific regulation or order. In such cases you must file reports when you receive or have received a written notice to do so in one of the following ways:

(1) A letter or other written instrument specifically addressed to you issued in the name of the War Production Board or Civilian Production Administration countersigned or attested by the Recording Secretary, or in accordance with Civilian Production Administration Regulation No. 1 (§ 903.0); or

(2) A report form or instruction sheet with an official form number in the "WPB" or "CPA" series bearing your name or enclosed in an envelope specifically addressed to you.

Approval of the Bureau of the Budget will be indicated on the notice or on a report form or instruction sheet referred to in the notice. The rules governing Bureau of the Budget approval are explained in paragraph (e) below.

(e) *Bureau of the Budget approval.* The Civilian Production Administration obtains the approval of the Bureau of the Budget before reports are required, in accordance with the Federal Reports Act of 1942. It is easy to tell when this approval has been obtained, as all War Production Board and Civilian Production Administration reporting forms or instructions bear a Bureau of the Budget approval number and generally specify the date on which Bureau of the Budget approval expires. In all cases where the date of expiration is shown you need file the report only up to the date specified, unless new or revised forms or instructions are issued having a later expiration date for Bureau of the Budget approval. This does not mean, however, that you are excused after that date from filing a report which was due before it. Where no special form is to be used, the order, regulation or letter will indicate Bureau of the Budget approval.

(f) *Change from War Production Board to Civilian Production Administration makes no change in rules for reports.* As explained in CPA Regulation 1 (§ 903.0) all actions taken by the War Production Board remain in effect until they expire or are revoked or amended and references in them to the War Production Board are deemed to be references to the Civilian Production Administration. Consequently, you must file under this Regulation all reports which you were required to file under a War Production Board order or regulation or by a written notice from the War Production Board in accordance with the rules stated in paragraph (d), just as if the Civilian Production Administration had required you to file them in the first place.

Issued this 16th day of November 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revoked 8-29-47

COMPLETE

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

[Priorities Reg. 12, as Amended Oct. 8, 1945]

RERATINGS

§ 944.33 *Priorities Regulation 12*—(a) *Purpose of this regulation.* This regulation tells what happens when the grade of a particular preference rating is changed. Such a change is referred to as a "rerating". A rerating does not increase the amount of materials which can be obtained; it changes only the grade of the rating. The rerating may either raise the original rating (for example, when an original rating of CC is raised to MM) or lower it (as when an original rating of MM is lowered to CC). These are referred to as "upward reratings" or "downward reratings".

(b) *How a rerating starts.* Every rating comes first from the War Production Board or from the Army, Navy or other government agency operating under authorization from the War Production Board. Sometimes this rating is found to be too high or too low. The War Production Board or other government agency may then rerate in one of the following ways:

(1) By issuing a new regulation or order or certificate (such as Form WPB–541A); or

(2) By amending an existing regulation, order or certificate; or

(3) By issuing a specific authorization or direction changing the grade of the rating. This authorization or direction may be issued on an official form or by letter or telegram.

(c) *Use of new rating where the original rating has not been used.* If a rating is changed before it has been used by the person authorized to use it, he may use only the new rating, whether higher or lower than the old. The paragraphs following do not deal with this kind of case, but only with the situation where the person has already placed his order before the rerating occurs.

(d) *Upward reratings.* (1) When a person receives an upward rerating from his customer, he must immediately rerate each unfilled order to which he has extended the customer's old rating, by giving notice of the rerating to his supplier if the use of the rerating is necessary to enable him to fill the customer's order on time.

(2) When an upward rerating occurs in any other case, a person may, but is not required to, use the higher rating on orders already placed by him but not yet filled. (This may occur either on application of the rating or on extension under Priorities Regulation No. 3.)

(e) *Downward reratings.* (1) Whenever a downward rerating is issued to a named person, he must immediately rerate each unfilled order to which he has applied the old rating by giving notice of the rerating to his supplier, unless the rerating certificate or letter or other rerating instrument states otherwise.

(2) If a regulation or order of the War Production Board, which assigns a rating to a class or group of persons without naming them individually, is amended to lower the grade of the rating, they may not apply the old rating to orders placed after the amendment. Orders to which they have already applied the rating for delivery within three months after the amendment remain validly rated but they must rerate all orders which they have placed for delivery after three months from that date, by giving notice of the rerating to their suppliers.

(3) If any person receives a downward rerating from his customer, he must immediately rerate each order for more than $25 worth of material to which he has extended the customer's old rating, by giving notice of the rerating to his supplier. (For the rules about cancellation of preference ratings, see § 944.4a of Priorities Regulation 1.)

(f) *Rerating procedure.* Where a person (other than a Government agency itself authorized to issue ratings) has placed a rated order which is still unfilled and the rating is changed, the way to use the new rating is to give notice of the rerating by sending to the person with whom the rated order was placed a letter or telegram stating that there has been a rerating and giving the new rating. The information given must be definite enough so that the person receiving it will know exactly the items rerated, the old and new rating, and the original purchase order referred to.

(g) *Partial reratings.* In some cases a purchaser may have used one grade of rating to cover more than one unit in a single purchase order. If some units are then rerated downward the new rating must be used by him for these items but the higher unchanged rating stands for all items not rerated. However, if giving effect to such a rerating would require the supplier to deliver fractional parts of a customary sales unit, he may either fill the order as rerated or treat the customary sales unit as though it bore the lowest rating applicable to any part of it.

(h) *Effect of rerating on sequence of filling rated orders.* Section 944.7 of Priorities Regulation 1 covers the subject of sequence of filling rated orders. The general rules of that section apply also where a rerating occurs. The only difference is that a rerated purchase or delivery order is to be treated by the person with whom the order was placed as if it had carried the new rating at the time the old rating was received by him. He must make any change in his production and delivery schedules necessary to give effect to the rerating except that:

(1) Material specifically produced for a rated order is not to be diverted and delivered under a higher rerated order if such material is completed at the time the rerating is received, or is in production and scheduled for completion within fifteen days thereafter, unless such diversion is specifically directed by the War Production Board, or unless the new rating is AAA; and

(2) No person is required by reason of a rerating to terminate or interrupt immediately a schedule of production or operations in any case where such termination or interruption would result in a substantial loss of production or delay in operations: *Provided, however,* That in any such case termination or interruption of the schedule required by the rerating shall not be postponed more than forty days after receipt of the rerating.

(i) The War Production Board may specify different rules for the treatment of outstanding ratings at the time it rerates them.

Issued this 8th day of October 1945.

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

Supersedes 9-10-46

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

[Priorities Reg. 13, as Amended Jan. 17, 1946]

SPECIAL SALES

Explanation and Scope

Par.
(a) What this regulation does.
(b) Definitions.
(c) Sales not covered by this regulation.

General Rules for All Special Sales

(d) Most special sales may be made freely; general rules.
(e) Use of material acquired with priorities assistance.
(f) Sales through an agent.

Restricted Special Sales

(g) Materials or products on List A.
(h) Materials or products on List B (export)
(i) Sales as scrap of materials or products other than plant-generated scrap.

Provisions Relating to Buyers

(j) Provisions relating to buyers.

Miscellaneous Provisions

(k) Records.
(l) Revisions of Lists A and B.
(m) Letters and questions.

LIST A—RESTRICTIONS ON SPECIAL SALES (DOMESTIC)

A. General rules.
B. Classes of buyers.
C. Exceptions from the restrictions on the list.
D. Buyers' obligations.

LIST B—RESTRICTIONS ON SPECIAL SALES FOR EXPORT

Explanation and Scope

§ 944.34 *Priorities Regulation 13*—(a) *What this regulation does.* This regulation covers special sales, which, in general, are sales of materials or products by persons who acquired or made them for use and not for sale or resale. This is more fully explained in paragraph (b) (1). Special sales may be made freely, except for certain sales of surplus under CPA directions, materials or products on List A (Domestic) or List B (Export), and certain sales as scrap. This is the only CPA regulation on special sales, and a seller who wants to make a special sale need not look at any other CPA regulation or order unless this regulation says he must. However, all buyers must comply with applicable CPA orders on use, inventory, resale, etc., as explained in paragraph (j).

(b) *Definitions.* As used in this regulation:

(1) "Special sale" means a sale of a material or product by any person (including a Government agency) who acquired or made it for use and not for sale or resale. All sales by trustees in bankruptcy, receivers and other kinds of liquidators (in the course of liquidation as distinct from continued operation of a business) are special sales even though neither they nor their beneficiaries bought for use. All sales at public auction by general auctioneers are special sales regardless of the purpose for which the material or product was acquired. All sales of surplus materials or products by Government agencies are special sales. Transfers of materials acquired or made for use, from one plant or operating unit to another which is owned by the same person but which normally buys separately, are special sales.

(2) "Material or product" means any commodity, equipment, accessory, part, assembly or product of any kind in finished, semi-finished or raw material form.

(3) A "used" material or product is one which has been put into actual use.

(4) "Persons buying for use" include, among others, a contractor who buys with intent to incorporate the material in a building or product for a third person.

(c) *Sales not covered by this regulation.* The following types of sales are not considered special sales and are not governed by this regulation, even though they may involve materials or products acquired or made for use:

(1) A sale of a material or product by a person regularly engaged in the business of selling it. He is governed, however, by all CPA orders and regulations which apply to his business and to the material or product he is selling.

(2) Sales of plant-generated scrap, meaning scrap which is generated in the course of manufacture or is the waste of industrial fabrication. Sales of other kinds of scrap are covered by paragraph (i).

(3) Sales of rationed products which are controlled by another Government Agency.

(4) Sales of foods for humans or animals, medicines, tobacco, oils and fats, petroleum and petroleum products including natural and liquefied petroleum gases.

(5) [Deleted Oct. 1, 1945.]

(6) A sale of an entire business which is transferred as a going concern to a new owner who continues to operate it in the same or substantially the same form.

(7) [Deleted Oct. 1, 1945.]

General Rules for All Special Sales

(d) *Most special sales may be made freely; general rules.* A seller may make a special sale of most materials or products freely to anyone without CPA authorization and without requiring the buyer to apply or extend a preference rating. The only exceptions are certain sales of surplus under CPA directions, special sales of materials or products on List A (domestic sales) and on List B (export), and certain sales as scrap, as explained in paragraphs (d) (4), (g), (h) and (i). In addition, all sellers are subject to the following general rules and conditions:

(1) If the seller knows that a person who wants to buy the material or product will use it for a prohibited purpose or would have more of it than he is permitted to have, the sale may not be made. The buyers' obligations are stated in paragraph (j).

(2) At special sales, preference ratings have no effect either by way of obliging a holder to sell or by way of determining as among several buyers who shall get the material or product. However, this does not excuse a seller from complying with the restrictions on List A or B applying to the items listed.

(3) Even if the buyer gives the seller a preference rating at a special sale, the seller cannot use this rating to replace the material or product he has sold. The effect of this rating stops when the seller receives it.

(4) If the sale relates to surplus Government-owned or Government-involved materials or products (including contractor inventories and sales by owning or disposal agencies), the seller may be subject to regulations of the Surplus Property Administration. The seller must also comply with any directions on specific materials or products which may be issued by the CPA as part of this regulation or otherwise.

(e) *Use of material acquired with priorities assistance.* This regulation does not change the general rule of § 944.11 of Priorities Regulation 1 that material acquired with priorities assistance must, if possible, be used for the purpose for which the assistance was given. Where such material cannot be used for this purpose, then this regulation applies if a special sale is made.

(f) *Sales through an agent.* Where a person sells through an agent, except at public auction sales, the sale is a special sale only if it would be a special sale if made directly by the principal. If it is a special sale, the restrictions of this regulation apply to the principal and also to his agent if the latter knows or has reason to know the facts. In cases of special sales made at public auctions, the restrictions of this regulation are applicable both to the auctioneer and to his principal.

Restricted Special Sales

(g) *Materials or products on List A.* A special sale of a material or product on List A attached to this regulation, other than a sale for export, may be made only under the conditions described in the list.

(h) *Materials or products on List B (export).* A special sale of a material or product on List B to a foreign purchaser or to a domestic purchaser who is buying for export or for resale to a foreign purchaser may be made only under the conditions described in the list. Used materials or used products, however, may be sold freely for export unless a notation on List B indicates a

restriction on the sale in their used condition. Also, if an exporter, is unable to export material purchased for export, he may make a special sale of it in the domestic market under the rules of this regulation. Nothing in this regulation relieves any exporter from complying with all applicable regulations of the Foreign Economic Administration or other Government agencies who may have jurisdiction over exports.

(i) *Sales as scrap of materials or products other than plant-generated scrap.* (1) Any material or product (other than those listed below and plant-generated scrap) may be sold as scrap in a special sale if it is obsolete, unusable or not-readily-salable and will be used or consumed principally as scrap although some part of it may possibly be salvaged by the scrap buyer. A person may make such a special sale as scrap without stripping, disassembling or breaking up the material or product before sale. The sale may be made either to any consumer of scrap to be used only as scrap, or to any person regularly engaged in the collection, disassembling, sorting, and disposal of that kind of scrap material, primarily for remelt or other scrap use. Subsequent sales of any salvaged materials or products by such a scrap dealer are not covered by this regulation, but are subject to any CPA orders or regulations which apply to the distribution of the particular material or product. The above does not apply to the following:

Used tin cans sold as scrap are governed by Order M-325.

(2) If the buyer by contract, warranty or otherwise has stated that the particular material or product being sold as scrap will be used or disposed of as scrap, this regulation does not relieve the buyer from compliance with that condition.

(3) The sale at low prices, even as low as scrap prices, of prime or off-grade materials or products for use or resale "as is" does not constitute a sale as scrap and such sales may not be made under this paragraph. Instead such a sale is subject to all the other rules of this regulation which apply to special sales of the particular materials or products.

(4) This paragraph permits special sales as scrap only for use or resale within the 48 States and the District of Columbia.

Provisions Relating to Buyers

(j) *Provisions relating to buyers*—(1) *Use and quantity restrictions still apply.* The buyer at a special sale may not violate any CPA order or regulation controlling the amount of any material or product he may make or the use or disposition that he may make of it. He must also comply with any applicable order which limits the amount of any material or product he may buy (in terms of a specified quantity or quota, as distinguished from a provision requiring CPA permission for all purchases. The latter type of provision does not apply when a special sale is made unless required by this regulation). All the prohibitions in CPA orders or regulations against the use of materials or products for particular purposes remain in effect, and even though a special sale may not be restricted by this regulation, the buyer may have to get permission to use under the applicable order.

(2) *Inventories.* A person buying for use may accept delivery of any item of a material or product bought on a special sale under this regulation if his total inventory of that item is or will by virtue of accepting such delivery be not in excess of his succeeding six months' requirements. This permits a person to exceed applicable inventory limits only if he acquires the excess under this regulation. However, if thereafter he places orders for deliveries of the particular item from producers or distributors, he may not receive such further deliveries until his inventory is reduced to a practicable minimum working inventory or other applicable limit, and such orders may not call for delivery before that time. This paragraph does not apply to persons buying for resale. It also does not permit a person to stockpile in anticipation of starting or resuming civilian production except as permitted by other applicable regulations or orders. However, if any applicable CPA order or regulation permits a larger inventory than six months, this paragraph does not restrict receipts below the larger amount.

(3) *Persons buying for resale.* If a person at a special sale buys a material or product for resale, he may not resell in violation of any CPA regulation or order which applies to persons engaged in the business of selling the particular material or product. Even if the buyer for resale has not previously sold the material or product as part of his regular business, he is subject to the same restrictions in reselling as a regular wholesaler, retailer or other distributor of it under all applicable CPA regulations and orders, unless the particular regulation or order specifically states otherwise. For example, if an order requires specific CPA permission before a regular distributor of a product can sell it, any person who buys it at a special sale for resale must do what the order says.

(4) *Reports.* If any order or regulation provides that a buyer of a material or product must make any report or furnish any information either to the Civilian Production Administration or to the seller, this regulation does not excuse him from these requirements.

Miscellaneous Provisions

(k) *Records.* Any person making a sale under this regulation must keep sufficient records so that he can show that the sale was permitted under this regulation.

(l) *Revisions of Lists A and B.* Lists A and B attached to this regulation will be revised from time to time. A person wishing to sell a material or product under this regulation should be sure that he has the lists which are in effect at the time of the sale. Copies may be obtained from any field office of the CPA.

(m) *Letters and questions.* Any letters or questions about this regulation should be sent to the Civilian Production Administration in Washington 25, D. C., marked "Ref: P.R. 13".

Issued this 17th day of January 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—RESTRICTIONS ON SPECIAL SALES (DOMESTIC)

A. *General rules.* Special sales in the domestic market of materials or products in Column 1 of List A below are restricted to certain classes of buyers as indicated below in section B, and in accordance with any special rules for a particular material or product as shown on the list. The listings show in some instances the class or group of materials and do not always list all the trade names and related materials. Exceptions to the restrictions are indicated below in section C. Special sales of materials or products not listed may be made freely, but all special sales are subject to the general rules in paragraphs (d), (e) and (f) of the regulation.

B. *Classes of buyers.* Special sales of materials or products on this List A may be made to the following classes of buyers:

(1) To a producer of the same kind of material or product.

(2) To a reprocessor, unless a note in Column 4 of the list indicates to the contrary with respect to a particular material or product. A reprocessor means any person who remakes, repairs or reworks new, rejected or second-grade materials or products of the kind being sold.

(3) To a regular dealer, unless Column 3 or a note in Column 4 of the list indicates to the contrary with respect to a particular material or product. A dealer means any wholesaler or retailer regularly dealing in the materials or products of the kind being sold, and reselling them from stock or inventory to industrial users or to other persons. It also includes persons who recondition or rebuild equipment and machinery of the kind being sold for resale to industrial users. Such persons are not, however, relieved from compliance with any CPA orders or regulations which control the distribution of the material by them.

If this List A shows no restrictions on the special sale of a material or product to a regular dealer, the seller may sell it to any person for resale who gives him the following certification, provided the seller has no reason to believe that it is false.

The undersigned buyer certifies under Priorities Regulation 13 to the seller and to the CPA that he will in good faith offer for sale the material or product covered by this order in substantially the same time and manner as would a person regularly dealing in it, that he will render substantially the same type of service as would such a person, and that he will comply with all CPA regulations and orders applicable to such a person.

(Signature)

Any person giving such a certification must comply with all applicable CPA regulations and orders as he has certified he will. The standard certification provided in Priorities Regulation 7 may not be used in place of this certification.

(4) To persons buying for use subject to the restrictions indicated in Columns 2 and 4 of the list.

C. *Exceptions from the restrictions on the list.* Even if this List A shows a restriction on the special sale of a particular material or product, the sale may still be made if

one or more of the following conditions apply:

(1) *Special permission.* If the list requires special authorization from the CPA in order for a sale of a particular material or product to be made, or if other conditions imposed by the list cannot be met, the seller may apply on Form WPB–1161 for special permission to sell unless the list states that some other form must be used. If Form WPB–1161 is applicable, and permission is given, it may be restricted to a specific buyer or class of buyers, or may permit the sale to any buyer for resale who gives the certification described in section B (3) above relating to dealers.

(2) *Used materials or products.* If the material or product is used, it may be sold freely to anyone unless a notation on List A indicates a restriction on its sale.

(3) *Small quantity exemption.* A special sale may be made freely if all the material or product of the same kind or type that the seller has at any one plant, operating unit or location did not cost him more than $100. In the case of any materials or products involved in a Government contract termination, this exemption applies if there is no more than $100 worth of the material or product in the termination inventory at any one location. Similarly, $100 worth (at cost) of any material or product may be sold at any single public auction, regardless of the amount of the material or product the seller has. Also, for the purpose of determining whether a particular lot of material or product is suitable for the prospective customer's use, a person may make a special sale of a sample lot, provided the amount involved (at cost to the seller) of any such sample does not exceed $20.

(4) *Special orders.* If the Civilian Production Administration by an order or in any other way has ruled that all persons engaged in a particular business may sell or exchange the materials or products between themselves, they may do so.

(5) *Disposal of contract termination inventories.* For the purpose of making a settlement of a Government contract, surplus materials or products on List A may be transferred freely from any subcontractor or prime contractor to a procuring agency or disposal agency of the Government, providing the procuring agency has so directed. However, if any material or product is later withdrawn from the contract settlement, its disposition is controlled by this List A.

(6) *Sales to Government stockpiling agencies.* A person may sell surplus materials or products on List A freely to one of the following Government Corporations or to anyone buying as agent for one of them: Commodity Credit Corporation, Defense Supplies Corporation, Metals Reserve or Rubber Reserve Company.

(7) *Transfers of surplus Government-owned materials or products.* Transfers by Government agencies of surplus materials or products, or of idle or excess materials or products not acquired for sale or resale, may be made freely to a Government Disposal Agency acting as such and may be made freely between and within the War Department, Navy Department, Maritime Commission, War Shipping Administration, Veterans' Administration, and the Defense Plant Corporation, and from the Government Disposal Agencies to any of the above.

D. *Buyers obligations.* No matter who the buyer is or how the sale is made or authorized, the buyer is always subject to the conditions and other provisions stated in paragraph (j) of the regulation.

List A—Restrictions on Special Sales (Domestic)

Explanation of terms used

"WPB–1161" (or other designated Civilian Production Administration form number) means that the seller may not sell to the class of buyer listed at the head of the column without special Civilian Production Administration permission pursuant to application on the form specified. A note in the Remarks Column may show limited exceptions to this requirement. Section C (1) in the introduction to this list tells how to get permission.

"PR–CC" means that the seller may sell only to a person in the particular class of buyer who gives him a CC or higher preference rating. These ratings cannot be used further by the seller, as explained in paragraph (d) (3) of the regulation. This regulation does not in any way assign preference ratings.

"WOP" means that the seller can sell to the class of buyer listed at the head of the column without any preference rating, allocation, or other special permission being necessary.

Provisions in the Remarks Column applicable to the particular material or product must be complied with.

Materials or products (new, unless "used" is specified) (1)	Persons buying for use (2)	Wholesalers or retailers regularly dealing in the materials or products in the form held by the holder (3)	Remarks (4)
PART I—METALS AND METALLIC ORES			
Antimony*	WPB-1161	WPB-1161	*No authorization required providing the buyer certifies to the seller that his aggregate purchases from all sources in any month, including the purchase in question, do not exceed 224 pounds (contained antimony).
Tin: Pig tin	WPB-1161	WPB-1161	
Uranium	WPB-1161	WOP	
PART II—CHEMICALS			
All chemicals are unlisted in List A but the uses of certain chemicals are restricted by applicable M orders. See paragraph (j).			
PART III—TEXTILE FIBERS, FABRICS, CLOTHING, LEATHER AND RELATED PRODUCTS			
These restrictions do not apply, if the material was acquired without a priority rating or authorization from the Civilian Production Administration.			
Cordage (see Rope)*			
Fibers:			
Cordage fibers (Manila and Agave only)	WPB-1161	WPB-1161	
Materials obtained under Conservation Order M-328B and orders in the M-388 series.	PR-CC	PR-CC	
Rope* (Manila only)	WPB-1161**	WPB-1161**	*"Rope" means any rope or cable, treated or untreated, composed of three or more strands each strand composed of two or more yarns. May not be sold to a reprocessor. **No authorization required if the total amount of all rope the seller has at any one plant, operating unit or location is not more than 5,000 lbs.
PART IV—MISCELLANEOUS MATERIALS AND PRODUCTS			
Rubber:			
Natural rubber	WPB-1161	WPB-1161	
Natural rubber latex	WPB-1161	WPB-1161	
Chlorinated rubber (natural)	WPB-1161	WPB-1161	

List B—Restrictions on Special Sales for Export

Special sales for export of materials and products on this List B are restricted as shown in the list in accordance with paragraph (h) of the regulation. For explanation of terms used, see List A.

Materials or products (new, unless "used" is specified) (1)	Persons buying for export or foreign purchasers (2)	Remarks (3)
PART I—METALS AND METALLIC ORES		
Antimony*	WPB-1161	*No authorization required providing the buyer certifies to the seller that his aggregate purchases from all sources in any month, including the purchase in question, do not exceed 224 pounds (contained antimony).
Babbitt and tin bearing alloys:		
Containing 12 percent or less tin by weight.	WPB-1161*	*No authorization required if the special sale does not exceed 1,000 pounds for one shipment.
Containing more than 12 percent tin by weight.	WPB-1161	
Solder:		
Containing 30 percent or less tin content by weight.	WPB-1161*	*No authorization required if the special sale does not exceed 1,000 pounds for one shipment.
Containing more than 30 percent tin by weight.	WPB-1161	
Tin	WPB-1161	
Uranium	WPB-1161	
PART II—DELETED AUG. 22, 1945		
PART III—TEXTILE FIBERS, FABRICS, CLOTHING, LEATHER AND RELATED PRODUCTS		
These restrictions do not apply if the material was acquired without a priority rating or authorization from the Civilian Production Administration.		
Cordage (see Rope).		
Fabrics (Woven, felted, knitted and braided):		
Burlap	PR-CC	
Fibers:		
Cordage fiber: Manila, agave, jute and coir.	WPB-1161	
Hemp, Benares Sunn	WPB-1161	
Materials obtained under Conservation Orders M-328B and orders in the M-388 series.	PR-CC	
Rope (Manila and agave only)	WPB-1161	
PART IV—MISCELLANEOUS MATERIALS AND PRODUCTS		
Rubber:		
Natural rubber	WPB-1161	
Natural rubber latex	WPB-1161	
Reclaimed	WPB-1161	
Synthetic—all types	WPB-1161	
NOTE: Part V deleted Oct. 1, 1945.		

Direction 1: Expired June 30, 1945.
Direction 2: Revoked May 31, 1945.

Direction 3

Government agencies and state or local governments are entitled to certain priorities in getting surplus property from government disposal agencies under the Surplus Property Act of 1944 and Surplus Property Board Regulation 2. Although, under paragraph (d) (2) of Priorities Regulation 13, CPA preference ratings no longer have any effect on disposals of surplus property, disposals under SPB Regulation 2 are still subject to any individual directives which the CPA may issue with respect to delivery of specified surplus property to a named buyer or class of buyers. Such directives will be issued only where a particular material or product is urgently needed, and is not readily obtainable from new production because of generally short supply. Disposal agencies must also comply with the restrictions on special sales of the materials and products on Lists A and B of Priorities Regulation 13. (Issued Oct. 1, 1945.)

Direction 4

Inventory Exemption for Surplus Aircraft Materials for Use in Manufacture of Civilian Aircraft

(a) *What this direction does.* The reduction in military aircraft programs has resulted in large surpluses of aircraft quality materials and components far exceeding foreseeable commercial requirements for civilian aircraft. In order to encourage the disposal of these materials for use in the manufacture of civilian aircraft, this direction permits such manufacturers to receive them on special sales without regard to inventory restrictions.

(b) *Inventory exception.* The inventory restrictions of paragraph (j) (2) of Priorities Regulation 13 and other CPA inventory restrictions on receipts do not apply to delivery and acceptance of idle, excess or surplus materials or components received by a civilian aircraft manufacturer or aircraft sub-assembly manufacturer, provided all the following conditions are complied with:

(1) The materials must be received from aircraft or aircraft sub-assembly contractors or from Government owning or disposal agencies; and

(2) They must be received pursuant to a special sale under Priorities Regulation 13; and

(3) They must be acquired for use in the manufacture of civilian aircraft and components and not for sale or resale.

(c) *Further deliveries.* A person who receives materials or components under this direction may not thereafter receive further deliveries of the particular item from producers or distributors of it until his inventory of it is reduced to a practicable minimum working inventory or other applicable limitation, and his orders may not call for delivery before that time. (Issued Aug. 29, 1945.)

SUBJECT: PR-13, Amended 9-10-46 1/
Special Sales

This Regulation establishes restrictions on both buyer and seller in the disposal by sale of unneeded equipment, materials and products. The definition of special sales provides that all sales of surplus materials or products by Government agencies are special sales.

Paragraph (d) states that most special sales may be made freely without prior CPA authorization. It also states that sales of Government-owned materials or products (including contractor inventories and sales by owning or disposal agencies) may be subject to WAA regulations.

The requirement for certifications by purchasers in Part IV of List A to PR-13 must be adhered to in the disposition of any excess building materials or equipment acquired with priorities assistance assigned under PR-13 or its directions.

Certifications now required from the buyer are those incorporated in HEPR-1 (channeling sales of Government-owned surplus building materials) instead of those formerly contained in Direction 7 to PR-13, which has been revoked. These certifications are to assure that all such building materials remain in the housing program.

1/ Supersedes PR-13, dated 1-17-46

SUBJECT: PR-13, Amended 12-20-46 1/
Special Sales

This Regulation establishes restrictions on both buyer and seller in the disposal by sale of unneeded equipment, materials and products. The definition of special sales provides that all sales of surplus materials or products by Government agencies are special sales.

Paragraph (d) states that most special sales may be made freely without prior CPA authorization. It also states that sales of Government-owned materials or products (including contractor inventories and sales by owning or disposal agencies) may be subject to WAA regulations.

The requirement for certifications by purchasers in Part IV of List A to PR-13 must be adhered to in the disposition of any excess building materials or equipment acquired with priorities assistance assigned under PR-33 or its directions

Certifications required from the buyer are those incorporated in HEPR-1 (channeling sales of Government-owned surplus building materials). These certifications are to assure that all such building materials remain in the housing program

1/ This supersedes PR-13, dated 9-10-46.

Superseded 12-20-46

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

[Priorities Reg. 13, as Amended, Sept. 10, 1946]

SPECIAL SALES

Explanation and Scope

Par.
(a) What this regulation does
(b) Definitions.
(c) Sales not covered by this regulation.

General Rules for All Special Sales

(d) Most special sales may be made freely; general rules
(e) Use of material acquired with priorities assistance.
(f) Sales through an agent.

Restricted Special Sales

(g) Materials or products on List A.
(h) Materials or products on List B (export)
(i) Sales as scrap of materials or products other than plant-generated scrap.

Provisions Relating to Buyers

(j) Provisions relating to buyers

Miscellaneous Provisions

(k) Records.
(l) Revisions of Lists A and B.
(m) Letters and questions.

LIST A—RESTRICTIONS ON SPECIAL SALES (DOMESTIC)

A. General rules.
B. Classes of buyers.
C. Exceptions from the restrictions on the list.
D. Buyers' obligations.

LIST B—RESTRICTIONS ON SPECIAL SALES FOR EXPORT

Explanation and Scope

§ 944.34 *Priorities Regulation 13*—(a) *What this regulation does.* This regulation covers special sales, which, in general, are sales of materials or products by persons who acquired or made them for use and not for sale or resale. This is more fully explained in paragraph (b) (1). Special sales may be made freely, except for certain sales of surplus under CPA directions, materials or products on List A (Domestic) or List B (Export), and certain sales as scrap. This is the only CPA regulation on special sales, and a seller who wants to make a special sale need not look at any other CPA regulation or order unless this regulation says he must. However, all buyers must comply with applicable CPA orders on use, inventory resale, etc., as explained in paragraph (j).

(b) *Definitions.* As used in this regulation:

(1) "Special sale" means a sale of a material or product by any person (including a Government agency) who acquired or made it for use and not for sale or resale. All sales by trustees in bankruptcy, receivers and other kinds of liquidators (in the course of liquidation as distinct from continued operation of a business) are special sales even though neither they nor their beneficiaries bought for use. All sales at public auction by general auctioneers are special sales regardless of the purpose for which the material or product was acquired. All sales of surplus materials or products by Government agencies are special sales. Transfers of materials acquired or made for use, from one plant or operating unit to another which is owned by the same person but which normally buys separately, are special sales.

(2) "Material or product" means any commodity, equipment, accessory, part, assembly or product of any kind in finished, semi-finished or raw material form.

(3) A "used" material or product is one which has been put into actual use.

(4) "Persons buying for use" include, among others, a contractor who buys with intent to incorporate the material in a building or product for a third person.

(c) *Sales not covered by this regulation.* The following types of sales are not considered special sales and are not governed by this regulation, even though they may involve materials or products acquired or made for use:

(1) A sale of a material or product by a person regularly engaged in the business of selling it. He is governed, however, by all CPA orders and regulations which apply to his business and to the material or product he is selling.

(2) Sales of plant-generated scrap, meaning scrap which is generated in the course of manufacture or is the waste of industrial fabrication. Sales of other kinds of scrap are covered by paragraph (i).

(3) Sales of rationed products which are controlled by another Government Agency.

(4) Sales of foods for humans or animals, medicines, tobacco, oils and fats, petroleum and petroleum products including natural and liquefied petroleum gases.

(5) [Deleted Oct. 1, 1945.]

(6) A sale of an entire business which is transferred as a going concern to a new owner who continues to operate it in the same or substantially the same form.

(7) [Deleted Oct. 1, 1945.]

General Rules for All Special Sales

(d) *Most special sales may be made freely; general rules.* A seller may make a special sale of most materials or products freely to anyone without CPA authorization and without requiring the buyer to apply or extend a preference rating. The only exceptions are certain sales of surplus under CPA directions, special sales of materials or products on List A (domestic sales) and on List B (export), and certain sales as scrap, as explained in paragraphs (d) (4), (g), (h) and (i). In addition, all sellers are subject to the following general rules and conditions:

(1) If the seller knows that a person who wants to buy the material or product will use it for a prohibited purpose or would have more of it than he is permitted to have, the sale may not be made. The buyers' obligations are stated in paragraph (j)

(2) At special sales, preference ratings have no effect either by way of obliging a holder to sell or by way of determining as among several buyers who shall get the material or product. However, this does not excuse a seller from complying with the restrictions on List A or B applying to the items listed.

(3) Even if the buyer gives the seller a preference rating at a special sale, the seller cannot use this rating to replace the material or product he has sold. The effect of this rating stops when the seller receives it.

(4) If the sale relates to surplus Government-owned or Government-involved materials or products (including contractor inventories and sales by owning or disposal agencies), the seller may be subject to regulations of the War Assets Administration. The seller must also comply with any directions on specific materials or products which may be issued by the CPA as part of this regulation or otherwise.

(e) *Use of material acquired with priorities assistance.* This regulation does not change the general rule of § 944.11 of Priorities Regulation 1 that material acquired with priorities assistance must, if possible, be used for the purpose for which the assistance was given. Where such material cannot be used for this purpose, then this regulation applies if a special sale is made.

(f) *Sales through an agent.* Where a person sells through an agent, except at public auction sales, the sale is a special sale only if it would be a special sale if made directly by the principal. If it is a special sale, the restrictions of this regulation apply to the principal and also to his agent if the latter knows or has reason to know the facts. In cases of special sales made at public auctions the restrictions of this regulation are applicable both to the auctioneer and to his principal.

Restricted Special Sales

(g) *Materials or products on List A.* A special sale of a material or product on List A attached to this regulation, other than a sale for export, may be made only under the conditions described in the list.

(h) *Materials or products on List B (export).* A special sale of a material or product on List B to a foreign purchaser or to a domestic purchaser who is buying for export or for resale to a foreign purchaser may be made only under the conditions described in the list. Used materials or used products, however, may be sold freely for export unless a notation on List B indicates a restriction on the sale in their used condition. Also, if an exporter, is unable to export material purchased for export, he may make a special sale of it in the domestic market under the rules of this regulation. Nothing in this regulation

relieves any exporter from complying with all applicable regulations of the Office of International Trade, Department of Commerce, or other Government agencies who may have jurisdiction over exports.

(i) *Sales as scrap of materials or products other than plant-generated scrap.* (1) Any material or product (other than those listed below and plant-generated scrap) may be sold as scrap in a special sale if it is obsolete, unusable or not-readily-salable and will be used or consumed principally as scrap although some part of it may possibly be salvaged by the scrap buyer. A person may make such a special sale as scrap without stripping, disassembling or breaking up the material or product before sale. The sale may be made either to any consumer of scrap to be used only as scrap, or to any person regularly engaged in the collection, disassembling, sorting, and disposal of that kind of scrap material, primarily for remelt or other scrap use. Subsequent sales of any salvaged materials or products by such a scrap dealer are not covered by this regulation, but are subject to any CPA orders or regulations which apply to the distribution of the particular material or product. The above does not apply to the following:

Used tin cans sold as scrap are governed by Order M-325

(2) If the buyer by contract, warranty or otherwise has stated that the particular material or product being sold as scrap will be used or disposed of as scrap, this regulation does not relieve the buyer from compliance with that condition.

(3) The sale at low prices, even as low as scrap prices, of prime or off-grade materials or products for use or resale "as is" does not constitute a sale as scrap and such sales may not be made under this paragraph. Instead such a sale is subject to all the other rules of this regulation which apply to special sales of the particular materials or products.

(4) This paragraph permits special sales as scrap only for use or resale within the United States, its territories or possessions.

Provisions Relating to Buyers

(j) *Provisions relating to buyers*—(1) *Use and quantity restrictions still apply.* The buyer at a special sale may not violate any CPA order or regulation controlling the amount of any material or product he may make or the use or disposition that he may make of it. He must also comply with any applicable order which limits the amount of any material or product he may buy (in terms of a specified quantity or quota as distinguished from a provision requiring CPA permission for all purchases. The latter type of provision does not apply when a special sale is made unless required by this regulation). All the prohibitions in CPA orders or regulations against the use of materials or products for particular purposes remain in effect, and even though a special sale may not be restricted by this regulation, the buyer may have to get permission to use under the applicable order.

(2) *Inventories.* (i) Persons buying for use may accept delivery of any item of a material or product bought on a special sale under this regulation if his total inventory of that item is or will by virtue of accepting such delivery be not in excess of his succeeding 90 days requirements. Directions issued pursuant to this regulation may impose more restrictive limitations on particular products. This permits a person to exceed other applicable inventory limits only if he acquires the excess under this regulation. However, if as a result of deliveries of materials or products accepted under this paragraph, his working inventory exceeds a practicable minimum or other applicable limits, he must promptly adjust his outstanding orders with his suppliers, and, if necessary, postpone or cancel them as described in paragraph (e) of Priorities Regulation 32. Paragraph (h) of Priorities Regulation 32 explains what receipts are permitted from suppliers after adjustment of orders. This paragraph does not permit a person to stockpile in anticipation of starting or resuming civilian production, except as permitted by Priorities Regulation 32. However, if any applicable CPA order or regulation permits a larger inventory than 90 days, this paragraph does not restrict receipts below the larger amount.

(ii) Persons buying for resale are subject to all applicable inventory restrictions. However, any material obtained under this regulation by such persons must be offered for sale promptly in accordance with applicable CPA orders and regulations.

(3) *Persons buying for resale.* If a person at a special sale buys a material or product for resale, he may not resell in violation of any CPA regulation or order which applies to persons engaged in the business of selling the particular material or product. Even if the buyer for resale has not previously sold the material or product as part of his regular business, he is subject to the same restrictions in reselling as a regular wholesaler, retailer or other distributor of it under all applicable CPA regulations and orders, unless the particular regulation or order specifically states otherwise. For example, if an order requires specific CPA permission before a regular distributor of a product can sell it, any person who buys it at a special sale for resale must do what the order says.

(4) *Reports.* If any order or regulation provides that a buyer of a material or product must make any report or furnish any information either to the Civilian Production Administration or to the seller, this regulation does not excuse him from these requirements.

(j) (5) *Obligations of persons giving certificates.* Any person giving any of the certificates required by this regulation may obtain and use or dispose of the materials or products which he gets with his certificate only in accordance with its terms.

Miscellaneous Provisions

(k) *Records.* Any person making a sale under this regulation must keep sufficient records so that he can show that the sale was permitted under this regulation.

(l) *Revisions of Lists A and B.* Lists A and B attached to this regulation will be revised from time to time. A person wishing to sell a material or product under this regulation should be sure that he has the lists which are in effect at the time of the sale.

(m) *Letters and questions.* Any letters or questions about this regulation should be sent to the Civilian Production Administration in Washington 25, D. C., marked "Ref: P.R. 13".

Issued this 10th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—RESTRICTIONS ON SPECIAL SALES (DOMESTIC)

A. *General rules.* Special sales in the domestic market of materials or products in Column 1 of List A below are restricted to certain classes of buyers as indicated below in section B, and in accordance with any special rules for a particular material or product as shown on the list. The listings show in some instances the class or group of materials and do not always list all the trade names and related materials. Exceptions to the restrictions are indicated below in section C. Special sales of materials or products not listed may be made freely, but all special sales are subject to the general rules in paragraphs (d), (e) and (f) of the regulation.

B. *Classes of buyers.* Special sales of materials or products on this List A may be made to the following classes of buyers:

(1) To a producer of the same kind of material or product.

(2) To a reprocessor, unless a note in Column 4 of the list indicates to the contrary with respect to a particular material or product. A reprocessor means any person who remakes, repairs or reworks new, rejected or second-grade materials or products of the kind being sold.

(3) To a regular dealer, unless Column 3 or a note in Column 4 of the list indicates to the contrary with respect to a particular material or product. A dealer means any wholesaler or retailer regularly dealing in the materials or products of the kind being sold, and reselling them from stock or inventory to industrial users or to other persons. It also includes persons who recondition or rebuild equipment and machinery of the kind being sold for resale to industrial users. Such persons are not, however, relieved from compliance with any CPA orders or regulations which control the distribution of the material by them.

If this List A shows no restrictions on the special sale of a material or product to a regular dealer, the seller may sell it to any person for resale who gives him the following certification, provided the seller has no reason to believe that it is false.

The undersigned buyer certifies under Priorities Regulation 13 to the seller and to the CPA that he will in good faith offer for sale the material or product covered by this order in substantially the same time and manner as would a person regularly dealing in it, that he will render substantially the same type of service as would such a person, and that he will comply with all CPA regulations and orders applicable to such a person.

(Signature)

Any person giving such a certification must comply with all applicable CPA regulations and orders as he has certified he will. The standard certification provided in Priorities Regulation 7 may not be used in place of this certification.

(4) To persons buying for use subject to the restrictions indicated in Columns 2 and 4 of the list.

C. *Exceptions from the restrictions on the list.* Even if this List A shows a restriction

on the special sale of a particular material or product, the sale may still be made if one or more of the following conditions apply:

(1) *Special permission.* If the list requires special authorization from the CPA in order for a sale of a particular material or product to be made, or if other conditions imposed by the list cannot be met, the seller may apply on Form CPA–1161 for special permission to sell unless the list states that some other form must be used. If Form CPA–1161 is applicable, and permission is given, it may be restricted to a specific buyer or class of buyers, or may permit the sale to any buyer for resale who gives the certification described in section B (3) above relating to dealers.

(2) *Used materials or products.* If the material or product is used, it may be sold freely to anyone unless a notation on List A indicates a restriction on its sale.

(3) *Small quantity exemption.* A special sale may be made freely if all the material or product of the same kind or type that the seller has at any one plant, operating unit or location did not cost him more than $100. In the case of any materials or products involved in a Government contract termination, this exemption applies if there is no more than $100 worth of the material or product in the termination inventory at any one location. Similarly, $100 worth (at cost) of any material or product may be sold at any single public auction, regardless of the amount of the material or product the seller has. Also, for the purpose of determining whether a particular lot of material or product is suitable for the prospective customer's use, a person may make a special sale of a sample lot, provided the amount involved (at cost to the seller) of any such sample does not exceed $20.

(4) *Special orders.* If the Civilian Production Administration by an order or in any other way has ruled that all persons engaged in a particular business may sell or exchange the materials or products between themselves, they may do so.

(5) *Disposal of contract termination inventories.* For the purpose of making a settlement of a Government contract, surplus materials or products on List A may be transferred freely from any subcontractor or prime contractor to a procuring agency or disposal agency of the Government, providing the procuring agency has so directed. However, if any material or product is later withdrawn from the contract settlement, its disposition is controlled by this List A.

(6) *Sales to Government stockpiling agencies.* A person may sell surplus materials or products on List A freely to one of the following Government Corporations or to anyone buying as agent for one of them: Commodity Credit Corporation or Reconstruction Finance Corporation (Office of Defense Supplies, Office of Metals Reserve, or Office of Rubber Reserve).

(7) *Transfers of surplus Government-owned materials or products.* Transfers by Government agencies of surplus materials or products, or of idle or excess materials or products not acquired for sale or resale, may be made freely to a Government Disposal Agency acting as such and may be made freely between and within the War Department, Navy Department, Maritime Commission, War Shipping Administration, Veterans' Administration, and the Reconstruction Finance Corporation, Office of Defense Plant, and from the Government Disposal Agencies to any of the above.

D. *Buyers obligations.* No matter who the buyer is or how the sale is made or authorized, the buyer is always subject to the conditions and other provisions stated in paragraph (j) of the regulation.

EXPLANATION OF TERMS USED

"CPA–1161" (or other designated Civilian Production Administration form number) means that the seller may not sell to the class of buyer listed at the head of the column without special Civilian Production Administration permission pursuant to application on the form specified. A note in the Remarks Column may show limited exceptions to this requirement. Section C (1) in the introduction to this list tells how to get permission.

"WOP" means that the seller can sell to the class of buyer listed at the head of the column without any preference rating, allocation, or other special permission being necessary.

Provisions in the Remarks Column applicable to the particular material or product must be complied with

NOTE: Table amended Sept. 10, 1946.

Materials or products (new, unless "used" is specified) (1)	Persons buying for use (2)	Wholesalers or retailers regularly dealing in the materials or products in the form held by the holder (3)	Remarks (4)
PART I—METALS AND METALLIC ORES			
Antimony*	CPA–1161	CPA–1161	*No authorization required providing the buyer certifies to the seller that his aggregate purchases from all sources in any month, including the purchase in question, do not exceed 224 pounds (contained antimony)
Tin: Pig tin	CPA–1161	CPA–1161	
Uranium	CPA–1161	CPA–1161	
PART II—CHEMICALS			
All chemicals are unlisted in List A but the uses of certain chemicals are restricted by applicable M orders. See paragraph (j)			
PART III—TEXTILE FIBERS, FABRICS, CLOTHING, LEATHER AND RELATED PRODUCTS			
These restrictions do not apply, if the material was acquired without a priority rating or authorization from the Civilian Production Administration.			
Cordage (see Rope)			
Fibers.			
Cordage fibers (Manila and Agave only)	CPA–1161	CPA–1161	
Materials obtained under Conservation Order M–328B or its several schedules.	CPA–1161	CPA–1161	
Rope (Manila only)	(*)	(*)	*Special sales may only be made to persons who give the following certificate in writing with their purchase order: "The undersigned certifies to the seller and the CPA, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the material covered by this purchase order will be used or disposed of only in accordance with the provisions of Order M–84."
PART IV—MISCELLANEOUS MATERIALS AND PRODUCTS			
Building materials or equipment acquired with priorities assistance under PR 33 or its directions. (The restrictions of List A do not apply to sales of building materials or equipment by WAA.)	(*)	(**)	*Special sales may only be made to persons who give the following certificate in writing with their purchase order: "The undersigned certifies to the seller and the CPA, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the materials and equipment covered by this purchase are required for and will be used in construction of housing accommodations, or in production, for which priorities assistance has been assigned under the VEHP, or in construction for which priorities assistance has been assigned under the Veterans' Administration Construction Program." **Special sales may only be made to wholesalers or retailers regularly dealing in the materials or products in the form held by the holders who give the following certificate in writing with their purchase order: "The undersigned certifies to the seller and the CPA, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the materials and equipment covered by this purchase order will be publicly offered for sale without delay, and will be disposed of only to persons who give a certificate in writing with their purchase orders in substantially the form of the certificate required for sales to persons buying for use under List A of PR 13."
Rubber.			
Natural rubber	CPA–1161	CPA–1161	
Natural rubber latex	CPA–1161	CPA–1161	
Chlorinated rubber (natural)	CPA–1161	CPA–1161	

List B—Restrictions on Special Sales for Export

Special sales for export of materials and products on this List B are restricted as shown in the list in accordance with paragraph (h) of the regulation. For explanation of terms used, see List A.

Materials or products (new unless "used" is specified) (1)	Persons buying for export or foreign purchasers (2)	Remarks (3)
PART I—METALS AND METALLIC ORES		
Antimony*	CPA-1161	*No authorization required providing the buyer certifies to the seller that his aggregate purchases from all sources in any month including the purchase in question, do not exceed 224 pounds (contained antimony)
Babbitt and tin bearing alloys.		
Containing 12 percent or less tin by weight	CPA-1161*	*No authorization required if the special sale does not exceed 1,000 pounds for one shipment
Containing more than 12 percent tin by weight	CPA-1161	
Solder:		
Containing 30 percent or less tin content by weight	CPA-1161*	*No authorization required if the special sale does not exceed 1,000 pounds for one shipment.
Containing more than 30 percent tin by weight.	CPA-1161	
Tin	CPA-1161	
Uranium	CPA-1161	
PART II—DELETED AUG. 22, 1945		
PART III—TEXTILE FIBERS, FABRICS, CLOTHING, LEATHER AND RELATED PRODUCTS		
These restrictions do not apply if the material was acquired without a priority rating or authorization from the Civilian Production Administration		
Cordage (see Rope).		
Fabrics (Woven, felted, knitted and braided):		
Burlap	CPA-1161	
Fibers:		
Cordage fiber: Manila, agave, jute and coir.	CPA-1161	
Hemp, Benares Sunn	CPA-1161	
Materials obtained under Conservation Order M-328B or its several schedules.	CPA-1161	
Rope (Manila and agave only)	CPA-1161	
PART IV—MISCELLANEOUS MATERIALS AND PRODUCTS		
Building materials or equipment acquired with priorities assistance assigned under PR 33.	CPA-1161	
Rubber:		
Natural rubber	CPA-1161	
Natural rubber latex	CPA-1161	
Reclaimed	CPA-1161	
Synthetic—all types	CPA-1161	
NOTE: Part V deleted Oct. 1, 1945		

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

[Priorities Reg. 13, as Amended Dec. 20, 1946]

SPECIAL SALES

Explanation and Scope

Par.
(a) What this regulation does
(b) Definitions.
(c) Sales not covered by this regulation.

General Rules for All Special Sales

(d) Most special sales may be made freely; general rules
(e) Use of material acquired with priorities assistance.
(f) Sales through an agent.

Restricted Special Sales

(g) Materials or products on List A.
(h) Materials or products on List B (export)
(i) Sales as scrap of materials or products other than plant-generated scrap.

Provisions Relating to Buyers

(j) Provisions relating to buyers

Miscellaneous Provisions

(k) Records.
(l) Revisions of Lists A and B.
(m) Letters and questions.

LIST A—RESTRICTIONS ON SPECIAL SALES (DOMESTIC)

A. General rules.
B. Classes of buyers.
C. Exceptions from the restrictions on the list.
D. Buyers' obligations.

LIST B—RESTRICTIONS ON SPECIAL SALES FOR EXPORT

Explanation and Scope

§ 944.34 *Priorities Regulation 13*—(a) *What this regulation does.* This regulation covers special sales, which, in general, are sales of materials or products by persons who acquired or made them for use and not for sale or resale. This is more fully explained in paragraph (b) (1). Special sales may be made freely, except for certain sales of surplus under CPA directions, materials or products on List A (Domestic) or List B (Export), and certain sales as scrap. This is the only CPA regulation on special sales, and a seller who wants to make a special sale need not look at any other CPA regulation or order unless this regulation says he must. However, all buyers must comply with applicable CPA orders on use, inventory, resale, etc., as explained in paragraph (j).

(b) *Definitions.* As used in this regulation:

(1) "Special sale" means a sale of a material or product by any person (including a Government agency) who acquired or made it for use and not for sale or resale. All sales by trustees in bankruptcy, receivers and other kinds of liquidators (in the course of liquidation as distinct from continued operation of a business) are special sales even though neither they nor their beneficiaries bought for use. All sales at public auction by general auctioneers are special sales regardless of the purpose for which the material or product was acquired. All sales of surplus materials or products by Government agencies are special sales. Transfers of materials acquired or made for use, from one plant or operating unit to another which is owned by the same person but which normally buys separately, are special sales.

(2) "Material or product" means any commodity, equipment, accessory, part, assembly or product of any kind in finished, semi-finished or raw material form.

(3) A "used" material or product is one which has been put into actual use.

(4) "Persons buying for use" include, among others, a contractor who buys with intent to incorporate the material in a building or product for a third person.

(c) *Sales not covered by this regulation.* The following types of sales are not considered special sales and are not governed by this regulation, even though they may involve materials or products acquired or made for use:

(1) A sale of a material or product by a person regularly engaged in the business of selling it. He is governed, however, by all CPA orders and regulations which apply to his business and to the material or product he is selling.

(2) Sales of plant-generated scrap, meaning scrap which is generated in the course of manufacture or is the waste of industrial fabrication. Sales of other kinds of scrap are covered by paragraph (i).

(3) Sales of rationed products which are controlled by another Government Agency.

(4) Sales of foods for humans or animals, medicines, tobacco, oils and fats, petroleum and petroleum products including natural and liquefied petroleum gases.

(5) [Deleted Oct. 1, 1945.]

(6) A sale of an entire business which is transferred as a going concern to a new owner who continues to operate it in the same or substantially the same form.

(7) [Deleted Oct. 1, 1945.]

General Rules for All Special Sales

(d) *Most special sales may be made freely; general rules.* A seller may make a special sale of most materials or products freely to anyone without CPA authorization and without requiring the buyer to apply or extend a preference rating. The only exceptions are certain sales of surplus under CPA directions, special sales of materials or products on List A (domestic sales) and on List B (export), and certain sales as scrap, as explained in paragraphs (d) (4), (g), (h) and (i). In addition, all sellers are subject to the following general rules and conditions:

(1) If the seller knows that a person who wants to buy the material or product will use it for a prohibited purpose or would have more of it than he is permitted to have, the sale may not be made. The buyers' obligations are stated in paragraph (j).

(2) At special sales, preference ratings have no effect either by way of obliging a holder to sell or by way of determining as among several buyers who shall get the material or product. However, this does not excuse a seller from complying with the restrictions on List A or B applying to the items listed.

(3) Even if the buyer gives the seller a preference rating at a special sale, the seller cannot use this rating to replace the material or product he has sold. The effect of this rating stops when the seller receives it.

(4) If the sale relates to surplus Government-owned or Government-involved materials or products (including contractor inventories and sales by owning or disposal agencies), the seller may be subject to regulations of the War Assets Administration. The seller must also comply with any directions on specific materials or products which may be issued by the CPA as part of this regulation or otherwise.

(e) *Use of material acquired with priorities assistance.* This regulation does not change the general rule of § 944.11 of Priorities Regulation 1 that material acquired with priorities assistance must, if possible, be used for the purpose for which the assistance was given. Where such material cannot be used for this purpose, then this regulation applies if a special sale is made.

(f) *Sales through an agent.* Where a person sells through an agent, except at public auction sales the sale is a special sale only if it would be a special sale if made directly by the principal. If it is a special sale, the restrictions of this regulation apply to the principal and also to his agent if the latter knows or has reason to know the facts. In cases of special sales made at public auctions the restrictions of this regulation are applicable both to the auctioneer and to his principal.

Restricted Special Sales

(g) *Materials or products on List A.* A special sale of a material or product on List A attached to this regulation, other than a sale for export, may be made only under the conditions described in the list.

(h) *Materials or products on List B (export).* A special sale of a material or product on List B to a foreign purchaser or to a domestic purchaser who is buying for export or for resale to a foreign purchaser may be made only under the conditions described in the list. Used materials or used products, however, may be sold freely for export unless a notation on List B indicates a restriction on the sale in their used condition. Also, if an exporter, is unable to export material purchased for export, he may make a special sale of it in the domestic market under the rules of this regulation. Nothing in this regulation

relieves any exporter from complying with all applicable regulations of the Office of International Trade, Department of Commerce, or other Government agencies who may have jurisdiction over exports.

(i) *Sales as scrap of materials or products other than plant-generated scrap.* (1) Any material or product (other than plant-generated scrap) may be sold as scrap in a special sale if it is obsolete, unusable or not-readily salable and will be used or consumed principally as scrap although some part of it may possibly be salvaged by the scrap buyer. A person may make such a special sale as scrap without stripping, disassembling or breaking up the material or product before sale. The sale may be made either to any consumer of scrap to be used only as scrap, or to any person regularly engaged in the collection, disassembling, sorting, and disposal of that kind of scrap material, primarily for remelt or other scrap use. Subsequent sales of any salvaged materials or products by such a scrap dealer are not covered by this regulation, but are subject to any CPA orders or regulations which apply to the distribution of the particular material or product.

(2) If the buyer by contract, warranty or otherwise has stated that the particular material or product being sold as scrap will be used or disposed of as scrap, this regulation does not relieve the buyer from compliance with that condition.

(3) The sale at low prices, even as low as scrap prices, of prime or off-grade materials or products for use or resale "as is" does not constitute a sale as scrap and such sales may not be made under this paragraph. Instead such a sale is subject to all the other rules of this regulation which apply to special sales of the particular materials or products.

(4) This paragraph permits special sales as scrap only for use or resale within the United States, its territories or possessions.

Provisions Relating to Buyers

(j) *Provisions relating to buyers*—(1) *Use and quantity restrictions still apply.* The buyer at a special sale may not violate any CPA order or regulation controlling the amount of any material or product he may make or the use or disposition that he may make of it. He must also comply with any applicable order which limits the amount of any material or product he may buy (in terms of a specified quantity or quota as distinguished from a provision requiring CPA permission for all purchases. The latter type of provision does not apply when a special sale is made unless required by this regulation) All the prohibitions in CPA orders or regulations against the use of materials or products for particular purposes remain in effect, and even though a special sale may not be restricted by this regulation, the buyer may have to get permission to use under the applicable order.

(2) *Inventories.* (i) Persons buying for use may accept delivery of any item of a material or product bought on a special sale under this regulation if his total inventory of that item is or will by virtue of accepting such delivery be not in excess of his succeeding 90 days requirements. Directions issued pursuant to this regulation may impose more restrictive limitations on particular products. This permits a person to exceed other applicable inventory limits only if he acquires the excess under this regulation. However, if as a result of deliveries of materials or products accepted under this paragraph, his working inventory exceeds a practicable minimum or other applicable limits, he must promptly adjust his outstanding orders with his suppliers, and, if necessary, postpone or cancel them as described in paragraph (e) of Priorities Regulation 32. Paragraph (h) of Priorities Regulation 32 explains what receipts are permitted from suppliers after adjustment of orders. This paragraph does not permit a person to stockpile in anticipation of starting or resuming civilian production, except as permitted by Priorities Regulation 32. However, if any applicable CPA order or regulation permits a larger inventory than 90 days, this paragraph does not restrict receipts below the larger amount.

(ii) Persons buying for resale are subject to all applicable inventory restrictions. However, any material obtained under this regulation by such persons must be offered for sale promptly in accordance with applicable CPA orders and regulations.

(3) *Persons buying for resale.* If a person at a special sale buys a material or product for resale, he may not resell in violation of any CPA regulation or order which applies to persons engaged in the business of selling the particular material or product. Even if the buyer for resale has not previously sold the material or product as part of his regular business, he is subject to the same restrictions in reselling as a regular wholesaler, retailer or other distributor of it under all applicable CPA regulations and orders, unless the particular regulation or order specifically states otherwise. For example, if an order requires specific CPA permission before a regular distributor of a product can sell it, any person who buys it at a special sale for resale must do what the order says.

(4) *Reports.* If any order or regulation provides that a buyer of a material or product must make any report or furnish any information either to the Civilian Production Administration or to the seller, this regulation does not excuse him from these requirements.

[(5) *Obligations of persons giving certificates.* Any person giving any of the certificates required by this regulation may obtain and use or dispose of the materials or products which he gets with his certificate only in accordance with its terms.

Miscellaneous Provisions

(k) *Records.* Any person making a sale under this regulation must keep sufficient records so that he can show that the sale was permitted under this regulation

(l) *Revisions of Lists A and B.* Lists A and B attached to this regulation will be revised from time to time. A person wishing to sell a material or product under this regulation should be sure that he has the lists which are in effect at the time of the sale.

(m) *Letters and questions.* Any letters or questions about this regulation should be sent to the Civilian Production Administration in Washington 25, D. C., marked "Ref: P.R. 13"

Issued this 20th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J JOSEPH WHELAN,
Recording Secretary.

LIST A—RESTRICTIONS ON SPECIAL SALES (DOMESTIC)

A. *General rules* Special sales in the domestic market of materials or products in Column 1 of List A below are restricted to certain classes of buyers as indicated below in section B. and in accordance with any special rules for a particular material or product as shown on the list The listings show in some instances the class or group of materials and do not always list all the trade names and related materials Exceptions to the restrictions are indicated below in section C Special sales of materials or products not listed may be made freely, but all special sales are subject to the general rules in paragraphs (d), (e) and (f) of the regulation.

B. *Classes of buyers.* Special sales of materials or products on this List A may be made to the following classes of buyers:

(1) To a producer of the same kind of material or product.

(2) To a reprocessor, unless a note in Column 4 of the list indicates to the contrary with respect to a particular material or product. A reprocessor means any person who remakes, repairs or reworks new, rejected or second-grade materials or products of the kind being sold.

(3) To a regular dealer, unless Column 3 or a note in Column 4 of the list indicates to the contrary with respect to a particular material or product. A dealer means any wholesaler or retailer regularly dealing in the materials or products of the kind being sold, and reselling them from stock or inventory to industrial users or to other persons It also includes persons who recondition or rebuild equipment and machinery of the kind being sold for resale to industrial users Such persons are not, however, relieved from compliance with any CPA orders or regulations which control the distribution of the material by them.

If this List A shows no restrictions on the special sale of a material or product to a regular dealer, the seller may sell it to any person for resale who gives him the following certification, provided the seller has no reason to believe that it is false.

The undersigned buyer certifies under Priorities Regulation 13 to the seller and to the CPA that he will in good faith offer for sale the material or product covered by this order in substantially the same time and manner as would a person regularly dealing in it, that he will render substantially the same type of service as would such a person, and that he will comply with all CPA regulations and orders applicable to such a person.

(Signature)

Any person giving such a certification must comply with all applicable CPA regulations and orders as he has certified he will. The standard certification provided in Priorities Regulation 7 may not be used in place of this certification.

Removed 2-5-47

OBSOLETE

Dir. 3 to PR 13

CIVILIAN PRODUCTION ADMINISTRATION

APR. 5, 1946
[As Amended]

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

[Priorities Reg. 13, Direction 3, as Amended Apr. 5, 1946]

Government agencies and state or local governments are entitled to certain priorities in getting surplus property from government disposal agencies under the Surplus Property Act of 1944 and War Assets Administration Regulation 2. Although, under paragraph (d) (2) of Priorities Regulation 13, preference ratings no longer have any effect on disposals of surplus property, disposals under WAA Regulation 2 are still subject to any individual directives which the CPA may issue with respect to delivery of specified surplus property to a named buyer or class of buyers. In general, such directives will be issued only in cases of emergencies, such as those involving floods, fires, explosions, or emergency replacements for essential services. (Direction 16 to Priorities Regulation 13 explains when CPA may issue urgency certificates for surplus government owned equipment.) Disposal agencies must also comply with the restrictions on special sales of the materials and products on Lists A and B of Priorities Regulation 13, and with any applicable directions to that regulation.

Issued this 5th day of April 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revoked 8-15-46

CIVILIAN PRODUCTION ADMINISTRATION

Dir. 7 to PR 13

JULY 8, 1946
[As Amended]

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

[Priorities Reg. 13, Direction 7, as Amended July 8, 1946]

DISPOSAL OF CERTAIN SURPLUS BUILDING MATERIALS FOR THE VETERANS' EMERGENCY HOUSING AND THE VETERANS' ADMINISTRATION CONSTRUCTION PROGRAMS

Direction 7 to Priorities Regulation 13 is hereby amended to read as follows:

(a) *What this direction does.* There is urgent need for building materials for the Veterans' Emergency Housing Program and the Veterans' Administration Construction Program, and these materials are not now available in sufficient quantities from new production. The purpose of this direction is to give persons buying for use or resale for use for these programs first opportunity to acquire certain building materials held by War Assets Administration as surplus property. It permits sales by WAA during an initial offering period to be determined by WAA only to buyers described in paragraph (c) (1). Thereafter sales may be made to other buyers in accordance with the Surplus Property Act and applicable regulations of WAA.

Although this direction restricts sales during the initial offering period to persons who will use or dispose of the material for the purposes specified, it does not prohibit the WAA from making sales to the persons and for the purposes specified upon such other terms and in such quantities as the WAA may determine; and preference ratings have no effect upon any sales which may be made by the WAA either by way of obliging it to sell or by way of determining as among the several buyers permitted by this direction who shall get the material from the WAA.

(b) *Materials covered by this direction.* This direction only applies to the building materials listed in Table A at the end of this direction. It applies whether the listed materials are new or used.

(c) *Restriction on sales by WAA.* Unless otherwise directed by the Civilian Production Administration, the WAA may not sell any new or used building materials covered by this direction except to purchasers described below:

(1) During the initial offering period to be determined by WAA with respect to any lot of these materials, WAA may only sell:

(i) To Veterans' Administration for use only in the Veterans' Administration Construction Program.

(ii) To persons purchasing the materials for use who give a certificate in writing with their purchase orders in substantially the following form:

The undersigned certifies to the seller and the Civilian Production Administration, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the materials covered by this purchase order are required for and will be incorporated in a housing project to which priorities assistance has been assigned under the Veterans' Emergency Housing Program (Priorities Regulation 33), or in a project to which an MM rating has been assigned under the Veterans' Administration Construction Program.

(iii) To persons purchasing the materials for resale who give a certificate in writing with their purchase orders in substantially the following form:

The undersigned certifies to the seller and the Civilian Production Administration, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the materials covered by this purchase order will be offered for sale promptly, and that during the period ending 60 days after they are first offered for sale, the materials will be disposed of only to persons who give a certificate in writing with their purchase order in subetantially the form described in paragraph (c) (1) (ii) of Direction 7 to Priorities Regulation 13.

(iv) To Reconstruction Finance Corporation buying under Section 18 (e) of the Surplus Property Act for resale to persons who give it in writing the certification described in paragraph (c) (1) (ii).

The standard certification in Priorities Regulation 7 may not be used instead of the certifications described above. As among the eligible buyers described in paragraphs (c) (1) (i), (c) (1) (ii), (c) (1) (iii), and (c) (1) (iv), WAA shall give preference to orders from Veterans' Administration over other buyers.

(2) After the initial period described in paragraph (c) (1) has expired, WAA may dispose of the unsold balance of any lot to other buyers in accordance with the Surplus Property Act and applicable regulations of WAA.

(d) *Obligations of persons giving certificate.* Any person giving one of the certificates described above may obtain and use or dispose of the materials he gets with the certificate only in accordance with its terms.

(e) *Effect of urgency certificates on sales by WAA.* The restrictions of paragraph (c) do not apply to sales of materials or equipment by WAA to holders of urgency certificates issued under Direction 16 to Priorities Regulation 13. However, urgency certificates will only be issued under the conditions described in Direction 16.

Issued this 8th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

(New and used building materials covered by this direction.)

Bathtubs
Building board (except hardboard)
Cast iron low pressure boilers for residential heating use
Cast iron pressure pipe and fittings
Cast iron soil pipe and fittings
Clay sewer pipe
Common and face brick
Concrete blocks
Concrete reinforcing bars and mesh
Floor furnaces
Furnace pipe, fittings, and duct work
Gypsum board
Gypsum lath
Hardwood flooring
Insulation board, structural
Laminated fibre board
Lavatories
Lumber
Millwork (including doors and built in kitchen cabinets)
Nails, all types and sizes (except 3d to 6d, cement and bright, box and common)
Prefabricated panels
Prefabricated sections
Radiation (cast iron tubular, cast iron convector, extended surface convector)
Screwed pipe fittings in the following classes:
- (a) Gray cast recessed drainage, 2" and under
- (b) Gray cast steam fittings, 3" and under (125 lbs., S. W. P.)
- (c) Malleable fittings, including unions, 2" and under (150 lbs., S. W. P.)

Sinks
Softwood plywood
Steel registers and grills
Structural clay tile
Warm air furnaces
Water closets

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 13, Direction 9]

SPECIAL INVENTORY RESTRICTION ON BUYERS OF SELECTED STEEL PRODUCTS AT SPECIAL SALES

(a) *What this direction does.* In view of the curtailed supplies of steel due to work stoppages and to assure widest distribution until normal supplies are available, this direction modifies temporarily the inventory limitations of paragraph (j) (2) of Prorities Regulation 13 which are applicable to users of certain steel products bought on special sales. This direction only applies to the following types of steel products: hot or cold rolled carbon steel sheet, 14-gauge and lighter; flat galvanized sheet and strip; electrical silicon sheet; tin plate; wire rope and cable.

(b) *Special restriction on inventories of users of certain steel products bought on special sales.* No person buying steel products of the type described in paragraph (a) of this direction for use may accept delivery of any item of these products bought on a special sale under Priorities Regulation 13, if his inventory of that item is, or will by virtue of such acceptance become, more than he needs during the succeeding 45 days on the basis of his current or scheduled method and rate of operation, or, in the case of a person whose operations are suspended due to a work stoppage in his own plant, more than he would need during the first 45 days after resumption of operations. This is an exception to the provisions of paragraph (j) (2) of Priorities Regulation 13.

(c) *Exceptions.* The restrictions imposed by this direction on inventories of steel products bought on special sales do not apply to materials which were bought prior to January 29, 1946, even if the material has not yet been loaded or shipped. Also it does not apply to special sales specifically authorized by the CPA on Form WPB–1161. Applications for specific authorization should be filed by the seller, and in general they will be granted only in case of extreme hardship.

Issued this 29th day of January 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

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

[Priorities Reg. 13, Direction 15]

SALE OF SOLDER, ANTIMONIAL LEAD DIE METAL, AND BATTERY LEAD SCRAP BY WAR ASSETS CORPORATION

(a) *What this direction does.* There is a critical shortage in the supply of tin and lead. From time to time substantial quantities of solder, antimonial lead die metal and battery lead scrap are declared surplus by Government agencies to the War Assets Corporation. In most cases this material is not usable in the form in which it is sold by War Assets Corporation, and must be reprocessed. This direction restricts the classes of buyers to whom War Assets Corporation may sell these materials. However, it does not prohibit the War Assets Corporation from making sales of the type permitted by this direction upon such other terms and in such quantities as the War Assets Corporation may determine. Preference ratings have no effect upon any sales which may be made by the War Assets Corporation either by way of obliging it to sell, or by way of determining as among the several buyers permitted by this direction who shall get the material from the War Assets Corporation.

(b) *Restrictions on sales by War Assets Corporation.* War Assets Corporation may not sell any solder, antimonial lead die metal or battery lead scrap to any person unless (i) the sale has been specifically authorized by the Civilian Production Administration on Form WPB–1161; or (ii) the purchaser is a smelter or reprocessor and gives a certificate with his purchase order in substantially the following form:

> The undersigned certifies to the seller and CPA, subject to the penalties of section 36 (A) of the U. S. Criminal Code that (i) he is a tin or lead smelter or reprocessor; (ii) that his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding three months requirements; and (iii) the material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations.

The standard certification in Priorities Regulation 7 may not be used instead of this certificate.

(c) *Obligation of person giving certificate.* Any person giving the certificate described above may obtain and use the material he gets with the certificate only in accordance with its terms.

Issued this 21st day of March 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

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

[Priorities Reg. 13, Direction 16]

URGENCY CERTIFICATES FOR SURPLUS EQUIPMENT

(a) *What this direction does.* Schedule I of Priorities Regulation 28 lists certain critical products. Increased production of these products is essential to the reconversion program. This direction describes how a person engaged in the production of any of these critical products may apply for a CPA urgency certificate which may help him to acquire surplus equipment from the War Assets Administration. Preference ratings have no effect on sales by War Assets Administration either by way of obliging it to sell, or by way of determining as among several buyers who shall get the material or product. The urgency certificates issued under this direction are not preference ratings, and may not be used to obtain equipment from new production.

(b) *How to apply for an urgency certificate.* Application for a CPA urgency certificate to acquire Government owned surplus equipment under this direction should be made on Form CPA–4425, addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: PR–13, Direction 16. This form can be obtained from the Civilian Production Administration, Washington 25, D. C., or CPA District Construction Offices.

(c) *When the CPA may issue urgency certificates.* (1) It is the general policy of the CPA not to grant urgency certificates for Government owned surplus property. However, the CPA may in limited cases grant such certificates, good for 60 days, for items of equipment needed to support production of critical products under the following conditions:

(i) The equipment is required to sustain or increase production of a critical product listed in Schedule I of Priorities Regulation 28; and,

(ii) The applicant has been unable to obtain the equipment from new production as soon as required, without a rating. (If a CC rating has been assigned, and the equipment is not obtainable from new production as soon as required, an urgency certificate may be issued in place of the rating. If a CC rating has already been assigned, or an application has already been submitted for a rating for the desired equipment, a request to substitute an urgency certificate under this direction may be made by letter addressed to CPA, Washington 25, D. C., Ref.: PR–13, Direction 16, instead of using CPA 4425).

(2) CPA will carefully screen all requests, and issue urgency certificates only when in its judgment such action is deemed necessary in the interest of production of the critical products described in Schedule I of Priorities Regulation 28.

(d) *How to use an urgency certificate.* If a CPA urgency certificate is issued, it will be given to the applicant in duplicate. These certificates are good only for Government property which has been declared surplus to War Assets Administration and will cover equipment of the type requested or equivalent equipment. The certificate holder should present both copies of the certificate to a local sales office of War Assets Administration, together with his written order or bid as required by it. It is important that these certificates be filed with War Assets Administration promptly, since every urgency certificate expires 60 days after its issuance by CPA.

(e) *Effect of urgency certificates on disposal agencies.* (1) Unless CPA specifically directs otherwise, the local sales office of War Assets Administration must give precedence to holders of CPA urgency certificates over any other class of buyers in selling any surplus equipment of the type covered by urgency certificates which have been filed with it and which have not expired. The price and terms of sale of specific equipment to a holder of an urgency certificate and the relative precedence among holders of urgency certificates will be determined by War Assets Administration. If the sale is made through a dealer, War Assets Administration will designate the certificate holder who is to receive the equipment, and the dealer must give War Assets Administration a certification in substantially the following form:

> The undersigned certifies to the seller and to CPA, subject to the criminal penalties of section 35 (A) of the United States Criminal Code that he will resell promptly the equipment obtained with this certificate to_____ (insert name of urgency certificate holder designated by War Assets Administration).

The standard certification described in Priorities Regulation 7 may not be used instead of this certification. Any person giving the certification described above must dispose of the equipment he gets with it in accordance with its terms.

(2) If a holder of an urgency certificate is unwilling or unable to meet the price and terms of sale determined by War Assets Administration, it is not required to make the sale.

(f) *Expiration of urgency certificates.* Every urgency certificate expires 60 days after its issuance by CPA. If any person to whom an urgency certificate has been issued is unable to obtain the equipment covered by the certificate before it expires, he may file an application on Form CPA–4425 for renewal, after the original certificate has expired. CPA may issue a new certificate if the applicant still meets the criteria described in paragraph (c).

Issued this 5th day of April 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

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

[Priorities Reg. 16, as Amended Dec. 7, 1945]

APPEALS PROCEDURE

§ 944.37 *Priorities Regulation 16*—(a) *What this regulation does.* This regulation explains the procedure for appealing from orders, regulations and administrative actions of the Civilian Production Administration, except suspension orders issued on the recommendation of Compliance Commissioners. It also explains how the appeals will be handled by CPA.

(b) *Definitions.* For purposes of the regulation: "An appeal" means a request for individual relief on the grounds that compliance by the appellant or another would work an exceptional and unreasonable hardship which is not suffered generally by others in the same industry or activity, or on the grounds of improper discrimination. It does not include an initial application or initial request for an authorization, a preference rating, an allocation or any other administrative action expressly contemplated by the orders and regulations of CPA. In the absence of exceptional and unreasonable hardship not suffered generally by others or in the absence of improper discrimination an appellant may expect his appeal to be denied. There are two kinds of appeals, and they are defined below:

(1) "Appeal from an order or regulation" means an initial appeal for individual relief from any provision of a published order or regulation (including any published direction, schedule or other supplement to an order or regulation) which applies generally to all persons or to a class of persons described in the order or regulation.

(2) "Appeal from administrative action" means an appeal for reconsideration or modification of CPA action taken with respect to a particular person. Such administrative actions include the issuance of or refusal to issue individual authorizations, directives, preference ratings or quotas. The action of the CPA in granting or denying an initial "appeal from an order or regulation", or in granting or denying an application for an authorization under an order, is an administrative action; so a request for reconsideration of such action on the grounds of hardship or improper discrimination is an "appeal from administrative action".

(c) *How appeals are prepared and filed.* An appeal not prepared and filed as required below may be returned to the appellant without action.

(1) *Number of copies.* Unless otherwise specified, all appeals must be filed in triplicate.

(2) *Form of appeal.* An "appeal from an order or regulation" should refer to the provision appealed from, and must be filed on Form WPB–1477 unless the order or regulation specifies filing upon some other particular form or by letter. An "appeal from administrative action" must (unless otherwise stated in specific instructions) be filed by letter referring to the action appealed from and identifying the initial request by WPB or CPA form number and case number, if any.

(3) *Statement of grounds for appeal.* The fact that a person is appealing must be stated, and the grounds for claiming exceptional and unreasonable hardship or improper discrimination should be clearly set out.

(4) [Deleted Nov. 27, 1945.]

(5) *Request for consideration by the Appeals Board.* If the appellant, in the case of an "appeal from administrative action", wants consideration of his appeal by the Appeals Board, he should expressly request in writing its referral to the Appeals Board as further explained in paragraph (e) below.

(d) *Where appeals are filed.* (1) "Appeals from orders or regulations" must be filed where indicated in the orders or regulations, except that no appeal is to be filed with a CPA field office. If the order or regulation does not indicate a place of filing, or if it specifies filing with the field office, such appeals should be addressed to the Routing Service, Civilian Production Administration, Washington 25, D. C.

(2) An "appeal from administrative action" should be addressed to the Routing Service, Civilian Production Administration, Washington 25, D. C. However, any request to reopen a case granted or denied on the recommendation of the Appeals Board may be filed with that Board. Appeals should never be addressed to the Recording Secretary who attests the execution of Civilian Production Administration actions.

(e) *Appeals Board.* (1) The Appeals Board of the Civilian Production Administration is established as an impartial body primarily to consider "appeals from administrative actions" in cases in which exceptional and unreasonable hardship or improper discrimination is claimed. Any person complaining of administrative action on these grounds may have an "appeal from administrative action" submitted to the Appeals Board for final action if he expressly requests it in writing. On the other hand, the Appeals Board will not normally consider any cases which do not involve these factors or which are not "appeals from administrative actions". It is not its ordinary function to review actions involving judgment as to the proper distribution of materials, programming of military or civilian production and their relative essentiality. If the basis for the appeal is relative essentiality and not a claim of exceptional and unreasonable hardship or improper discrimination no request for referral to the Appeals Board should be made. For further information concerning proceedings before the Appeals Board see Direction 1 to this regulation.

(2) Any "appeal from administrative action" in which exceptional and unreasonable hardship or improper discrimination is claimed, if not granted promptly on the recommendation of the official who took the action appealed from (or an official superior to him) will be referred to the Appeals Board: *Provided*, That the referral has been expressly requested in writing by the appellant. However, the referral to the Appeals Board will preclude further consideration of the case by such officials on the above grounds, and the decision of the Appeals Board will be final.

(3) [Deleted Oct. 12, 1945.]

(f) *Grants and denials of appeals.* (1) An "appeal from an order or regulation" will generally be granted or denied on the recommendation of the official administering the order or regulation. Any "appeal from administrative action" may be granted or denied on the recommendation of the official who took the original action unless referral to the Appeals Board has been requested in writing by the appellant. Any "appeal from administrative action" may be granted or denied on the recommendation of the Appeals Board.

(2) The grant or denial of any appeal in whole or in part will be valid only when issued in the name of the Civilian Production Administration, countersigned or attested by the Recording Secretary, or in accordance with CPA Regulation No. 1 (§ 903.0) The grant or denial of an appeal referred to the Appeals Board will be indicated by a phrase such as "on the recommendation of the Appeals Board".

(3) The denial of any appeal, in whole or in part, on the recommendation of the Appeals Board, is final unless the Appeals Board elects to reopen the matter.

(g) *Public files.* Whenever an order or another regulation of the Civilian Production Administration expressly so provides, public files containing records relating to the appeals from such orders or regulations or from administrative actions taken under them shall be set up and shall be available for public inspection during the business hours of the Civilian Production Administration.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of December 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Dir. 17 to PR-13

CIVILIAN PRODUCTION ADMINISTRATION

MAY 1, 1946

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

[Priorities Reg. 13, Direction 17]

SALE OF CARBON STEEL BLACK ANNEALED OR GALVANIZED WIRE BY WAR ASSETS ADMINISTRATION

(a) *What this direction does.* There is an urgent need for carbon steel black annealed or galvanized wire suitable for use in making wire bale ties for baling hay, straw, alfalfa, other farm products, paper and rags, since this type of wire is not readily obtainable in sufficient quantities from new production.

The purpose of this direction is to earmark not more than 7,500 tons of carbon steel black annealed or galvanized wire in gauges 12–16 inclusive held by War Assets Administration as surplus property, and to make this material available for the above uses. It permits sales by WAA only to buyers who give the certification described in paragraph (b), except that 15% of any lot may be disposed of to other buyers. The direction only applies to wire of the type described which is declared surplus in Iowa, Minnesota, Missouri, or states east of the Mississippi River.

Although this direction restricts certain sales to persons who will use the wire for the purposes specified, it does not prohibit WAA from making sales, to the persons and for the purposes specified, upon such other terms and in such quantities as WAA may determine; and preference ratings have no effect upon any sales which may be made by WAA, either by way of obliging it to sell or by way of determining as among the several buyers permitted by this direction who shall get the material from WAA.

(b) *Restriction on sales by WAA.* WAA may not sell wire of the type described in paragraph (a), except to purchasers described below:

(1) With respect to any lot of wire which WAA determines is available for sale, 85% may be sold only to buyers who give a certificate with their purchase orders in substantially the following form:

> The undersigned certifies to the seller and OPA, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that (1) he is a producer of wire bale ties; and (ii) the material obtained under this purchase order will be used only for the production of wire bale ties suitable for use in baling hay, straw, alfalfa, other farm products, paper and rags.

The standard certificate in Priorities Regulation 7 may not be used instead of this certificate.

(2) The other 15% may be sold freely to other buyers in accordance with the Surplus Property Act of 1944 and applicable regulations of WAA.

(c) *Obligations of persons giving certificates.* Any person giving the certificate described above may obtain and use the material he gets with the certificate only in accordance with its terms.

(d) *Expiration date.* Unless sooner revoked this direction shall expire on July 31, 1946, or as soon as WAA has sold to buyers under paragraph (b) (1) 7,500 tons of the type of wire described in paragraph (a), if that occurs before July 31, 1946. The expiration of the direction shall not relieve any person who has obtained wire by use of the certificate referred to above from the obligation of using the wire in accordance with the certificate which he has given.

Issued this 1st day of May 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

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

[Priorities Regulation 13, Direction 19

DISPOSAL OF SURPLUS BRASS MILL PRODUCTS, COPPER WIRE MILL PRODUCTS, AND COPPER AND COPPER BASE ALLOY SCRAP BY WAR ASSETS ADMINISTRATION

(a) *What this direction does.* There is a critical shortage in the supply of brass mill products, copper wire mill products, and copper and copper base alloy scrap, and these materials are not now readily obtainable in sufficient quantities from new production. The purpose of this direction is to limit the sale of these materials by War Assets Administration to persons who have immediate need for them in order to provide the greatest possible relief for the civilian deficiencies and to assure the widest distribution of this strategic property. It limits sales of these materials by the War Assets Administration to persons who give the certification described below, and provides for directed deliveries to certain persons when in the judgment of the Civilian Production Administration such action is deemed necessary to assure continued supply of the shapes and forms required for civilian uses.

Although this direction restricts sales to persons who will use the material for the purposes specified, it does not prohibit WAA from making sales, to the persons and for the purposes specified, upon such other terms and in such quantities as WAA may determine; and preference ratings have no effect upon any sales which may be made by WAA either by way of obliging it to sell or by way of determining as among the several buyers permitted by this direction, who shall get the material from WAA.

(b) *Restrictions on sales by WAA.* Unless the Civilian Production Administration specifically directs otherwise, the WAA may sell any of the products covered by this direction only as follows:

(1) Brass mill and copper wire mill products:

(i) Sales specifically authorized by Civilian Production Administration on Form CPA-1161.

(ii) Sales to Reconstruction Finance Corporation for resale under section 18 (e) of the Surplus Property Act of 1944 to persons who give to RFC either of the certificates described in paragraphs (b) (1) (iii) and (b) (1) (iv).

(iii) Sales to persons buying for their own use who give a certification with their purchase order in substantially the following form:

> The undersigned certifies to the seller and Civilian Production Administration, subject to the penalties of Section 35 (A) of the United States Criminal Code, that (i) he requires the material covered by this purchase order for his own use in manufacturing or processing operations; (ii) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding three months requirements; and (iii) the material obtained under this purchase order will be used or disposed of only in accordance with applicable Civilian Production Administration orders and regulations.

(iv) Sales to persons buying for resale who give a certificate with their purchase order in substantially the following form:

> The undersigned certifies to the seller and Civilian Production Administration, subject to the penalties of section 35 (A) of the United States Criminal Code, that (i) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of that permitted by applicable Civilian Production Administration orders and regulations; and (ii) the material obtained under this purchase order will be offered for sale promptly in accordance with applicable Civilian Production Administration orders and regulations.

(2) Copper and copper base alloy scrap, including ammunition cases:

(i) Sales specifically authorized by Civilian Production Administration on Form CPA-1161.

(ii) Sales to Reconstruction Finance Corporation for resale under section 18 (e) of the Surplus Property Act of 1944 to persons who give to RFC the certificate described in paragraph (b) (2) (iii).

(iii) Sales to smelters or reprocessors who give a certificate with their purchase order in substantially the following form:

> The undersigned certifies to the seller and Civilian Production Administration, subject to the penalties of section 35 (A) of the United States Criminal Code, that (i) he is a smelter or reprocessor; (ii) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding three months requirements; and (iii) the materials obtained under this purchase order will be used or disposed of only in accordance with applicable Civilian Production Administration orders and regulations.

The standard certification in Priorities Regulation 7 may not be used instead of these certifications.

(c) *Obligations of persons giving certificate.* Any person giving any of the certificates described above may obtain and use or dispose of the products covered by this direction which he gets with his certificate, only in accordance with its terms.

(d) *Special directives.* The Civilian Production Administration may issue special directives requiring the delivery of particular lots of brass mill or copper wire mill products, copper or copper base alloy scrap to smelters, brass mills or copper wire mills for further fabrication, when in its judgment such action is necessary to assure the continued flow of copper and copper base alloy products in the shapes and forms required for civilian uses. The Civilian Production Administration may also issue special directives requiring delivery of particular lots of brass mill and copper wire mill products, copper or copper base alloy scrap to users of such products who have less than five days inventory of them on hand.

Issued this 3d day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: PR-16, Issued 12-7-45, Amended 8-30-46 1/
Appeals Procedure

This regulation states the general rules governing the form and place of filing appeals from CPA orders, regulations, and administrative actions.

The FPHA rarely utilizes this procedure. However, because it is a basic regulation in the operation of the priorities system, it is included in the Bulletin for information, and for possible use in advising local public housing bodies who may request FPHA assistance.

1/ This cover sheet applies to two regulations: the main document, PR-16, dated 12-7-45, and the partial amendment dated 8-30-46.

Superseded 12-10-46

SUBJECT: Direction 23 to PR-13, dated 10-4-46 1/
Disposal of Educational Equipment by Government Disposal Agencies

This Direction prescribes a priority position for non-profit educational institutions in the procurement of equipment which is available and held by governmental disposal agencies.

FPHA property officers should be familiar with the terms of this Direction, and refer to the list when disposing of any equipment.

1/ This is a new insert and an entry should be made in the Index for Part I Section 3.

Superseded 1-3-47

SUBJECT: Direction 23 to PR-13, Amended 11-26-46 1/
Disposal of Equipment to Educational Institutions

This Direction prescribes a priority position for non-profit educational institutions in the procurement of certain scarce equipment, which may be available in the hands of government disposal agencies.

The list of items has been augmented to include several types of equipment for cafeterias, kitchens, and dining rooms.

FPHA property officers should be familiar with the terms of this Direction, and refer to the list when any equipment becomes available for disposal.

1/ Supersedes Direction 23 to PR-13, dated 10-4-46.

SUBJECT: Direction 23 to PR-13, Amended 12-20-46 1/
Disposal of Equipment to Educational Institutions

This Direction prescribes a priority position for non-profit educational institutions in the procurement of certain scarce equipment, which may be available in the hands of government disposal agencies.

This revision of the Direction provides an extension of the expiration date, and thus continues the preference and assistance to educational institutions through March 1947.

FPHA property officers should be familiar with the terms of this Direction, and refer to the list when any equipment becomes available for disposal.

1/ Supersedes Direction 23 to PR-13, dated 11-26-46.

Superseded 11-26-46

OBSOLETE

Dir. 23 to PR 13

CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

OCT. 4, 1946
(Corrected Copy)

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

[Priorities Reg. 13, Direction 23]

DISPOSAL OF EDUCATIONAL EQUIPMENT BY GOVERNMENT DISPOSAL AGENCIES

(a) *Purpose of this direction.* There is a critical shortage in the supply of certain educational equipment required by nonprofit institutions participating in the Veterans' Educational Program. These institutions must have the equipment immediately in order to make the benefits of the program available to the veteran students for whom the program is intended. The institutions are unable to obtain the equipment from other sources in time to take care of this program. The purpose of this direction is to make it possible for nonprofit educational institutions whose needs for equipment are certified by the Federal Works Agency to obtain immediately any of the needed equipment which is available in the hands of the government disposal agencies.

(b) *Effect of orders certified by FWA.* (1) Unless otherwise specifically directed by the Civilian Production Administration or by the Housing Expediter, government disposal agencies must give precedence over orders from buyers in any other category (except holders of CPA urgency certificates or holders of Housing Expediter certificates) to orders from nonprofit educational institutions for equipment listed on Table A of this direction, when these orders have been certified by FWA as necessary to enable the educational institution to meet the requirements of the Veterans' Educational Program. Nonprofit educational institutions desiring to place purchase orders with a disposal agency under this direction should forward them immediately to the appropriate FWA division office in the region in which the institution is located for certification by FWA and transmission by it to appropriate disposal agencies.

(2) The government disposal agencies must fill each order given precedence under paragraph (b) (1) as quickly as possible, irrespective of the preferences of the Surplus Property Act.

(3) The price and terms of sale of specific equipment to such educational institutions will be determined by the government disposal agencies and are not affected by this direction. This direction does not apply to equipment which has been advertised or publicly offered for sale or to equipment located outside of the 48 states, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(c) *Expiration date.* This direction expires December 31, 1946.

Issued this 4th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

Educational equipment to be made available immediately to educational institutions under this direction. This direction applies only to items included in the indicated Standard Commodity Classification.

Standard commodity classification	*Electrical Machinery and Apparatus*
32 1200 1, 32 1200 2, 32 1200 3	Generator sets, 125 kw and under.
32 1400	Rotary converters.
32 1900	Miscellaneous electrical rotating equipment.
32 2100	Switchgear.
32 3000	Power conversion equipment (non-rotating rectifiers).
32 5000	Secondary distribution equipment and wiring devices.
	Woodworking Machinery and Equipment
33 6200	Sawing machines (power saws), except sawmills.
33 6300	Surfacing machines.
33 6400	Lathes, woodworking, except veneer lathes.
33 6500	Jointers, matchers, and molders.
33 6600	Mortisers and tenoners.
33 6800	Veneer and plywood machinery, including veneer lathes.
	Metalworking machinery
34 1000	Machine tools.
	Secondary metal forming and cutting machines and equipment:
34 4111 1	Bending machines, plate and sheet roll, under 8' capacity, plate thickness under 3/8".
34 4121 1	Plate and sheet roll levelers, under 8' width capacity, thickness under 3/8".
34 4131 1, 34 4132 1, 34 4133 1, 34 4134 1	Plate and sheet-press and apron brakes, under and over 7' width capacity, but lighter than 15 gage.
34 4141 1	Plate and sheet beading rolls, lighter than 15 gage.
34 4145 1, 34 4145 2	Plate and sheet combination rolls, up to 15 gage.
34 4149	Miscellaneous plate or sheet roll forming machines.
34 4200	Hydraulic presses.
34 4300	Mechanical presses.
34 4400	Shearing and punching machines.
34 4500	Forging machinery.
34 4600	Wire forming machines.
34 4700	Manual presses.
34 4900	Miscellaneous secondary metal forming and cutting machines and equipment.
	Welding machinery and equipment:
34 5100	Electric welding equipment.
34 5200	Gas-welding machinery and equipment.
34 6000	Testing and measuring machines.
34 7100	Heat treating furnaces and devices (including hardening, annealing, tempering, normalizing, cyaniding, carburizing operations).
34 7200	Electroplating and anodizing equipment.
34 7300	Assembled fixtures and apparatus.
34 7400	Riveting machines.
34 7500	Metal heating furnaces and devices.
34 7600	Metal spraying equipment.
34 8000	Portable metalworking machines and tools (power driven).
	Tools, attachments and accessories for machine tools and other metal-working machines:
34 9100	Cutting tools for machine tools.
34 9200	Cutting and forming tools for metal forming machines.
34 9300	Attachments and accessories for machine tools.
34 9400	Tool room specialties.
	Business Education Equipment
38 1100	Punched card, bookkeeping, tabulating and accounting machines and collateral equipment.
38 1200	Billing machines, accounting principles, and collateral equipment except autographic registers.
38 2100	Adding machines.
38 2200	Calculating machines.
38 5000	Duplicating machines.
	Communication Equipment and Electronic Devices
41 1000	Radio broadcast receiving equipment.
41 2000	Radio broadcast transmitting apparatus.
41 3000	Commercial and specialized radio communications equipment, except broadcast.
41 4400	Object detection apparatus (Radar and Loran).
41 4500	Radio Goniometer equipment and similar apparatus (direction finders).
41 5000	Electronic tubes.
41 8000	Electronic equipment components and subassemblies.
	Heating Equipment
51 3130	Boilers, gas fired, 50 hp 600 psi.
51 3831	Pumps, circulating, ½ gal. per min., motor driven.
51 4660	Humidifiers, cabinet type.
	Furniture
54 3000	Office furniture.
54 4200	School furniture.
54 4300	Auditorium furniture.
54 5100	Laboratory furniture.
54 8000	Industrial and factory furniture.
	Optical Instruments and Apparatus
56 6000	Laboratory research and testing instruments and apparatus, optical.
56 7000	Magnifying instruments.
56 8000	Optical elements and assemblies.

Indicating, Recording, and Controlling Instruments and Accessories

Standard commodity classification	
57 1000	Temperature and hygrometric instruments and accessories.
57 2000	Electrical quantity instruments and accessories, except watt-hour meters (57 2600).
57 3000	Pressure measuring instruments, gauges, and accessories.
57 4000	Flow and liquid level instruments and accessories, except gas meters, domestic types (57 4400) and water meters, domestic type (57 4500).
57 5000	Mechanical motion, rotation, timing, and cycle instruments and accessories.
57 7000	Control valves and regulators, except voltage.
57 9000	Miscellaneous indicating, recording, and controlling instruments and accessories, except watches and clocks.

Professional and Scientific Instruments and Apparatus

58 4360	Sterilizers, bacteriology and laboratory.
58 5100	Chemical laboratory apparatus.
58 5200	Laboratory testing instruments and apparatus.
58 5500	Physical chemistry and chemical physics instruments and apparatus.
58 5600	Physics study apparatus.
58 5700	Blowers and vacuum pumps, laboratory.
58 5800	Constant temperature apparatus and devices, laboratory.
58 6000	Balances and weights, laboratory.

Engineering Instruments and Apparatus

58 8100	Drawing instruments and drafting machines.
58 8200	Drafting tools.
58 8300	Drafting accessories.
58 8400	Slide rules.
58 8700	Surveying instruments.
58 9000	Miscellaneous professional and scientific instruments and apparatus.

Glass and Clay Products Laboratory Ware

77 5000	Technical and scientific laboratory glassware.
77 6130	China and porcelain laboratory ware.

Superseded 12-20-46

Dir. 23 to PR 13

CIVILIAN PRODUCTION ADMINISTRATION

NOV. 26, 1946
[As Amended]

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

[Priorities Reg. 13, Direction 23, as amended Nov. 26, 1946]

DISPOSAL OF EDUCATIONAL EQUIPMENT BY GOVERNMENT DISPOSAL AGENCIES

(a) *Purpose of this direction.* There is a critical shortage in the supply of certain educational equipment required by nonprofit institutions participating in the Veterans' Educational Program. These institutions must have the equipment immediately in order to make the benefits of the program available to the veteran students for whom the program is intended. The institutions are unable to obtain the equipment from other sources in time to take care of this program. The purpose of this direction is to make it possible for nonprofit educational institutions whose needs for equipment are certified by the Federal Works Agency to obtain immediately any of the needed equipment which is available in the hands of the government disposal agencies.

(b) *Effect of orders certified by FWA.* (1) Unless otherwise specifically directed by the Civilian Production Administration or by the Housing Expediter, government disposal agencies must give precedence over orders from buyers in any other category (except holders of CPA urgency certificates or holders of Housing Expediter certificates) to orders from nonprofit educational institutions for equipment listed on Table A of this direction, when these orders have been certified by FWA as necessary to enable the educational institution to meet the requirements of the Veterans' Educational Program. Nonprofit educational institutions desiring to place purchase orders with a disposal agency under this direction should forward them immediately to the appropriate FWA division office in the region in which the institution is located for certification by FWA and transmission by it to appropriate disposal agencies.

(2) The government disposal agencies must fill each order given precedence under paragraph (b) (1) as quickly as possible, irrespective of the preferences of the Surplus Property Act.

(3) The price and terms of sale of specific equipment to such educational institutions will be determined by the government disposal agencies and are not affected by this direction. This direction does not apply to equipment which has been advertised or publicly offered for sale or to equipment located outside of the 48 states, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(c) *Expiration date.* This direction expires December 31, 1946.

Issued this 26th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

Educational equipment to be made available immediately to educational institutions under this direction. This direction applies only to items included in the indicated Standard Commodity Classification.

Standard commodity classification	*Electrical Machinery and Apparatus*
32 1200 1, 32 1200 2, 32 1200 3	Generator sets, 125 kw and under.
32 1400	Rotary converters.
32 1900	Miscellaneous electrical rotating equipment.
32 2100	Switchgear.
32 3000	Power conversion equipment (non-rotating rectifiers).
32 5000	Secondary distribution equipment and wiring devices.
	Woodworking Machinery and Equipment
33 6200	Sawing machines (power saws), except sawmills.
33 6300	Surfacing machines.
33 6400	Lathes, woodworking, except veneer lathes.
33 6500	Jointers, matchers, and molders.
33 6600	Mortisers and tenoners.
33 6800	Veneer and plywood machinery, including veneer lathes.
	Metalworking machinery
34 1000	Machine tools.
	Secondary metal forming and cutting machines and equipment:
34 4111 1	Bending machines, plate and sheet roll, under 8' capacity, plate thickness under 3/8".
34 4121 1	Plate and sheet roll levelers, under 8' width capacity, thickness under 3/8".
34 4131 1, 34 4132 1, 34 4133 1, 34 4134 1	Plate and sheet-press and apron brakes, under and over 7' width capacity, but lighter than 15 gage.
34 4141 1	Plate and sheet beading rolls, lighter than 15 gage.
34 4145 1, 34 4145 2	Plate and sheet combination rolls, up to 15 gage.
34 4149	Miscellaneous plate or sheet roll forming machines.
34 4200	Hydraulic presses.
34 4300	Mechanical presses.
34 4400	Shearing and punching machines.
34 4500	Forging machinery.
34 4600	Wire forming machines.
34 4700	Manual presses.
34 4900	Miscellaneous secondary metal forming and cutting machines and equipment.
	Welding machinery and equipment:
34 5100	Electric welding equipment.
34 5200	Gas-welding machinery and equipment.
34 6000	Testing and measuring machines.
34 7100	Heat treating furnaces and devices (including hardening, annealing, tempering, normalizing, cyaniding, carburizing operations).
34 7200	Electroplating and anodizing equipment.
34 7300	Assembled fixtures and apparatus.
34 7400	Riveting machines.
34 7500	Metal heating furnaces and devices.
34 7600	Metal spraying equipment.
34 8000	Portable metalworking machines and tools (power driven).
	Tools, attachments and accessories for machine tools and other metal-working machines:
34 9100	Cutting tools for machine tools.
34 9200	Cutting and forming tools for metal forming machines.
34 9300	Attachments and accessories for machine tools.
34 9400	Tool room specialties.
	Business Education Equipment
38 1100	Punched card, bookkeeping, tabulating and accounting machines and collateral equipment.
38 1200	Billing machines, accounting principles, and collateral equipment except autographic registers.
38 2100	Adding machines.
38 2200	Calculating machines.
38 5000	Duplicating machines.
	Communication Equipment and Electronic Devices
41 1000	Radio broadcast receiving equipment.
41 2000	Radio broadcast transmitting apparatus.
41 3000	Commercial and specialized radio communications equipment, except broadcast.
41 4400	Object detection apparatus (Radar and Loran).
41 4500	Radio Goniometer equipment and similar apparatus (direction finders).
41 5000	Electronic tubes.
41 8000	Electronic equipment components and subassemblies.
	Heating Equipment
51 3130	Boilers, gas fired, 50 hp 600 psi.
51 3831	Pumps, circulating, ½ gal. per min., motor driven.
51 4660	Humidifiers, cabinet type.
	Furniture
54 3000	Office furniture.
54 4200	School furniture.
54 4300	Auditorium furniture.
54 5100	Laboratory furniture.
54 8000	Industrial and factory furniture.
	Optical Instruments and Apparatus
56 6000	Laboratory research and testing instruments and apparatus, optical.
56 7000	Magnifying instruments.
56 8000	Optical elements and assemblies.
	Indicating, Recording, and Controlling Instruments and Accessories
57 1000	Temperature and hygrometric instruments and accessories.
57 2000	Electrical quantity instruments and accessories, except watt-hour meters (57 2600).
57 3000	Pressure measuring instruments, gauges, and accessories.
57 4000	Flow and liquid level instruments and accessories, except gas meters, domestic types (57 4400) and water meters, domestic type (57 4500).
57 5000	Mechanical motion, rotation, timing, and cycle instruments and accessories.
57 7000	Control valves and regulators, except voltage.
57 9000	Miscellaneous indicating, recording, and controlling instruments and accessories, except watches and clocks.
	Professional and Scientific Instruments and Apparatus
58 4360	Sterilizers, bacteriology and laboratory.
58 5100	Chemical laboratory apparatus.
58 5200	Laboratory testing instruments and apparatus.
58 5500	Physical chemistry and chemical physics instruments and apparatus.
58 5600	Physics study apparatus.
58 5700	Blowers and vacuum pumps, laboratory.
58 5800	Constant temperature apparatus and devices, laboratory.
58 6000	Balances and weights, laboratory.

Standard Commodity Classification	*Engineering Instruments and Apparatus*
58 8100	Drawing instruments and drafting machines.
58 8200	Drafting tools.
58 8300	Drafting accessories.
58 8400	Slide rules.
58 8700	Surveying instruments.
58 9000	Miscellaneous professional and scientific instruments and apparatus.
	Glass and Clay Products Laboratory Ware
77 5000	Technical and scientific laboratory glassware.
77 6130	China and porcelain laboratory ware.

Standard Commodity Classification	*Equipment for Cafeterias, Kitchens and Dining Rooms*
32 8400	Kitchen cooking appliances.
32 8500	Food preparations appliances, household and commercial.
51 6000	Cooking and warming equipment, commercial, except electric.
52 2000	Household mechanical refrigerator units (16 cu. ft. or less, self-contained).
52 3200	Commercial reach-in refrigerators, mechanical.

Standard Commodity Classification	*Equipment for Cafeterias, Kitchens and Dining Rooms*
52 8100	Refrigerators, ice, household.
52 8220	Ice refrigeration units, reach-in refrigerators.
75 1100	Cooking and kitchen utensils, household and commercial.
75 1300	Kitchen tools, except cutlery.
75 4100	Table and kitchen cutlery, household and institutional.
75 4200	Food processing cutlery.

Dir. 23 to PR 13

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

DEC. 20, 1946
[As Amended]

[Priorities Reg. 13, Direction 23, as Amended Dec. 20, 1946]

DISPOSAL OF EDUCATIONAL EQUIPMENT BY GOVERNMENT DISPOSAL AGENCIES

The following direction is issued pursuant to Priorities Regulation 13:

(a) *Purpose of this direction.* There is a critical shortage in the supply of certain educational equipment required by nonprofit institutions participating in the Veterans' Educational Program. These institutions must have the equipment immediately in order to make the benefits of the program available to the veteran students for whom the program is intended. The institutions are unable to obtain the equipment from other sources in time to take care of this program. The purpose of this direction is to make it possible for nonprofit educational institutions whose needs for equipment are certified by the Federal Works Agency to obtain immediately any of the needed equipment which is available in the hands of the government disposal agencies.

(b) *Effect of orders certified by FWA.* (1) Unless otherwise specifically directed by the Civilian Production Administration or by the Housing Expediter, government disposal agencies must give precedence over orders from buyers in any other category (except holders of CPA urgency certificates or holders of Housing Expediter certificates) to orders from nonprofit educational institutions for equipment listed on Table A of this direction, when these orders have been certified by FWA as necessary to enable the educational institution to meet the requirements of the Veterans' Educational Program. Nonprofit educational institutions desiring to place purchase orders with a disposal agency under this direction should forward them immediately to the appropriate FWA division office in the region in which the institution is located for certification by FWA and transmission by it to appropriate disposal agencies.

(2) The government disposal agencies must fill each order given precedence under paragraph (b) (1) as quickly as possible, irrespective of the preferences of the Surplus Property Act.

(3) The price and terms of sale of specific equipment to such educational institutions will be determined by the government disposal agencies and are not affected by this direction. This direction does not apply to equipment which has been advertised or publicly offered for sale or to equipment located outside of the 48 states, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(c) *Expiration date.* This direction expires March 31, 1947.

Issued this 20th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

Educational equipment to be made available immediately to educational institutions under this direction. This direction applies only to items included in the indicated Standard Commodity Classification.

Standard commodity classification	
	Electrical Machinery and Apparatus
32 1200 1 32 1200 2 32 1200 3	Generator sets, 125 kw and under.
32 1400	Rotary converters.
32 1900	Miscellaneous electrical rotating equipment.
32 2100	Switchgear.
32 3000	Power conversion equipment (non-rotating rectifiers).
32 5000	Secondary distribution equipment and wiring devices.
	Woodworking Machinery and Equipment
33 6200	Sawing machines (power saws), except sawmills.
33 6300	Surfacing machines.
33 6400	Lathes, woodworking, except veneer lathes.
33 6500	Jointers, matchers, and molders.
33 6600	Mortisers and tenoners.
33 6800	Veneer and plywood machinery, including veneer lathes.
	Metalworking Machinery
34 1000	Machine tools.
	Secondary metal forming and cutting machines and equipment:
34 4111 1	Bending machines, plate and sheet roll, under 8' capacity, plate thickness under 3/8".
34 4121 1	Plate and sheet roll levelers, under 8' width capacity, thickness under 3/8".
34 4131 1 34 4132 1 34 4133 1 34 4134 1	Plate and sheet-press and apron brakes, under and over 7' width capacity, but lighter than 15 gage.
34 4141 1	Plate and sheet beading rolls, lighter than 15 gage.
34 4145 1 34 4145 2	Plate and sheet combination rolls, up to 15 gage.
34 4149	Miscellaneous plate or sheet roll forming machines.
34 4200	Hydraulic presses.
34 4300	Mechanical presses.
34 4400	Shearing and punching machines.
34 4500	Forging machinery.
34 4600	Wire forming machines.
34 4700	Manual presses.
34 4900	Miscellaneous secondary metal forming and cutting machines and equipment.
	Welding machinery and equipment:
34 5100	Electric welding equipment.
34 5200	Gas-welding machinery and equipment.
34 6000	Testing and measuring machines.
34 7100	Heat treating furnaces and devices (including hardening, annealing, tempering, normalizing, cyaniding, carburizing operations).
34 7200	Electroplating and anodizing equipment.
34 7300	Assembled fixtures and apparatus.
34 7400	Riveting machines.
34 7500	Metal heating furnaces and devices.
34 7600	Metal spraying equipment.

Standard commodity classification	*Metalworking Machinery*—Con.
34 8000	Portable metalworking machines and tools (power driven).
	Tools, attachments and accessories for machine tools and other metal-working machines:
34 9100	Cutting tools for machine tools.
34 9200	Cutting and forming tools for metal forming machines.
34 9300	Attachments and accessories for machine tools.
34 9400	Tool room specialties.
	Business Education Equipment
38 1100	Punched card, bookkeeping, tabulating and accounting machines and collateral equipment.
38 1200	Billing machines, accounting principles, and collateral equipment except autographic registers.
38 2100	Adding machines.
38 2200	Calculating machines.
38 5000	Duplicating machines.
	Communication Equipment and Electronic Devices
41 1000	Radio broadcast receiving equipment.
41 2000	Radio broadcast transmitting apparatus.
41 3000	Commercial and specialized radio communications equipment, except broadcast.
41 4400	Object detection apparatus (Radar and Loran).
41 4500	Radio Goniometer equipment and similar apparatus (direction finders).
41 5000	Electronic tubes.
41 8000	Electronic equipment components and subassemblies.
	Heating Equipment
51 3130	Boilers, gas fired, 50 hp 600 psi.
51 3831	Pumps, circulating, ½ gal. per min., motor driven.
51 4660	Humidifiers, cabinet type.
	Furniture
54 3000	Office furniture.
54 4200	School furniture.
54 4300	Auditorium furniture.
54 5100	Laboratory furniture.
54 8000	Industrial and factory furniture.
	Optical Instruments and Apparatus
56 6000	Laboratory research and testing instruments and apparatus, optical.
56 7000	Magnifying instruments.
56 8000	Optical elements and assemblies.
	Indicating, Recording, and Controlling Instruments and Accessories
57 1000	Temperature and hygrometric instruments and accessories.
57 2000	Electrical quantity instruments and accessories, except watt-hour meters (57 2600).
57 3000	Pressure measuring instruments, gauges, and accessories.
57 4000	Flow and liquid level instruments and accessories, except gas meters, domestic types (57 4400) and water meters, domestic type (57 4500).

Standard commodity classification	Indicating, Recording, and Controlling Instruments and Accessories—Continued
57 5000	Mechanical motion, rotation, timing, and cycle instruments and accessories.
57 7000	Control valves and regulators, except voltage.
57 9000	Miscellaneous indicating, recording, and controlling instruments and accessories, except watches and clocks.
	Professional and Scientific Instruments and Apparatus
58 4360	Sterilizers, bacteriology and laboratory.
58 5100	Chemical laboratory apparatus.
58 5200	Laboratory testing instruments and apparatus.
58 5500	Physical chemistry and chemical physics instruments and apparatus.
58 5600	Physics study apparatus.

Standard commodity classification	Professional and Scientific Instruments and Apparatus—Continued
58 5700	Blowers and vacuum pumps, laboratory.
58 5800	Constant temperature apparatus and devices, laboratory.
58 6000	Balances and weights, laboratory.
	Electrical Instruments and Apparatus
58 8100	Drawing instruments and drafting machines.
58 8200	Drafting tools.
58 8300	Drafting accessories.
58 8400	Slide rules.
58 8700	Surveying instruments.
58 9000	Miscellaneous professional and scientific instruments and apparatus.
	Glass and Clay Products Laboratory Ware
77 5000	Technical and scientific laboratory glassware.
77 6130	China and porcelain laboratory ware.

Standard commodity classification	Equipment for Cafeterias, Kitchens and Dining Rooms
32 8400	Kitchen cooking appliances.
32 8500	Food preparation appliances, household and commercial.
51 6000	Cooking and warming equipment, commercial, except electric.
52 2000	Household mechanical refrigerator units (16 cu. ft. or less, self-contained).
52 3200	Commercial reach-in refrigerators, mechanical.
52 8100	Refrigerators, ice, household.
52 8220	Ice refrigeration units, reach-in refrigerators.
75 1100	Cooking and kitchen utensils, household and commercial.
75 1300	Kitchen tools, except cutlery.
75 4100	Table and kitchen cutlery, household and institutional.
75 4200	Food processing cutlery.

CIVILIAN PRODUCTION ADMINISTRATION

PR 16
AUG. 30, 1946
[As Amended]

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

[Priorities Reg. 16, as amended Aug. 30, 1946]

APPEALS PROCEDURE

Section 944.37 *Priorities Regulation 16* is amended in the following respects:

(1) Insert a new paragraph (e) (3) as follows:

(3) The Appeals Board will not hear any appeals filed with it on or after September 2, 1946, requesting relief from any provision of Order VHP–1 or from administrative action taken under that order.

(2) Delete paragraph (g).

Issued this 30th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

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

[Priorities Reg. 16, Direction 1]

INFORMATION FOR APPELLANTS CONCERNING PROCEEDINGS BEFORE THE APPEALS BOARD

(a) *Appeals procedure.* (1) The rules governing the form and place of filing appeals are stated in Priorities Regulation 16, which should be consulted.

(2) Within the War Production Board different kinds of appeals are often handled in different ways. However, regardless of the internal routing of appeals, an appellant may as a matter of right obtain consideration of his case by the Appeals Board. The only exception is stated in paragraph (e) (3) of Priorities Regulation 16.

(3) The decisions of the Appeals Board are the final decisions of the War Production Board unless the Appeals Board elects to reopen the case. It will not ordinarily reopen a case unless the appellant offers new and substantial information in addition to that previously presented.

(b) *Action by the Appeals Board.* (1) Owing to the constantly changing demands of war production the Appeals Board cannot always follow "precedents" established in earlier cases. It is the policy of the Board, however, to follow previous actions so long as to do so is consistent with existing War Production Board policies.

(2) Whether a hardship is exceptional and unreasonable or whether there has been improper discrimination is often a question of degree. The Board weighs carefully the facts in each case in the light of similar hardships falling upon others. The Board may consider hardship upon the appellant, the appellant's employees, the local community, or particular consumers.

(c) *Hearings by the Appeals Board.* (1) If the Appeals Board desires to obtain additional facts not contained in the file it may, in its discretion, hold a public hearing on any appeal. In such a case the Appeals Board will fix the date and time of the hearing by correspondence with the appellant, or by telephone. Hearings are held only in Washington, D. C.

(2) Any appellant may request a hearing. The Appeals Board tries to arrange for all hearings requested. Most appeals, however, are decided on the basis of the written record without hearings. The appellant's case is not prejudiced by the fact that he does not request a hearing.

(3) When required for wartime security, the Appeals Board may decline to make public recommendations or information considered by it in reaching a decision.

(d) *Presentation of case if a hearing is held.* The Appeals Board is not a judicial body, hence its proceedings are not limited by legal rules of evidence. Hearings before the Board are informal and you may present your case in your own way. It is not necessary to be represented by counsel although you may be if you so choose. Ordinarily the oath is not administered to witnesses. Nevertheless, any misrepresentation of fact, or any withholding of fact is punishable under the Federal Statutes. The obligation is just as serious as if the oath were administered. The following comments may be of help to you:

(1) It is well to open your case with a short statement of the issues involved and the facts on which you rely as causing exceptional and unreasonable hardship, or indicating improper discrimination.

(2) You can then develop the issues in greater detail so as to give the Board a clear understanding of the supporting facts.

(3) All statements intended to bear upon the Board's decision should, so far as possible, be supported by proof or exhibits.

(4) It is often convenient, although not necessary, to provide the members of the Board (of whom there are five) with a written statement of statistical and other pertinent data offered in support of your case.

(5) Following your statement the Administrator of the Order, or other official who has previously considered your case is heard if he wishes to make any statement. Members of the Board then usually ask questions releating to the issues involved, as they are entitled to do at any point in the proceedings.

(6) Persons claiming an interest in an appeal are then, in the discretion of the Appeals Board, given an opportunity to be heard. This may include competitors, representatives of various divisions of the War Production Board or representatives of the Army, Navy or other government agencies.

(7) The appellant before the hearing is closed is then given an opportunity to answer such comments as have been made.

(8) Hearings are expected to take not more than one hour but additional time may be granted in exceptional cases.

(9) A verbatim transcript of the hearings is taken and becomes a part of the record. The Appeals Board considers only the relevant evidence in reaching its decisions.

Issued this 3d day of May 1945.

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

Superseded 8-7-46

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

[Priorities Reg. 28, as Amended June 25, 1946]

RESTRICTED PRIORITIES ASSISTANCE FOR NON-MILITARY PURPOSES

§ 944.49 *Priorities Regulation 28*—(a) *Background and purpose of this regulation.* With the exception of certain areas of critical shortages, such as the housing and apparel fields, the increased supply of many materials resulting from reduction in military procurement is generally adequate to meet demands. It is the declared policy of the Civilian Production Administration to remove priority controls as quickly as possible. In view of this situation and policy, the issuance of preference ratings by the CPA will be restricted to a minimum. Outside the areas of critical shortages mentioned above, limited priorities assistance may be given for non-military purposes only in specific instances where the need is clearly demonstrated as necessary to assist reconversion or insure the continued fulfillment of essential civilian or export needs. This regulation describes the conditions under which CC ratings will be assigned in such cases, except for textile fabrics or yarns for use in the United States which are covered by Priorities Regulation 28A.

Paragraph (b) below lists other regulations and orders which explain the assignment and use of preference ratings for purposes not covered by this regulation. Paragraph (c) states how applications should be filed under this regulation for use in this country. Paragraph (d) gives the general rules governing the assignment of such ratings, and paragraphs (e) through (h) cover the special situations where these ratings may be granted. Paragraph (i) explains how CC ratings are granted for export.

(b) *Other procedures for assigning ratings.* Priorities Regulation 1 explains in general the rating system, including the sequence of ratings and the purposes for which AAA and MM ratings are assigned. In addition, Priorities Regulation 28A, and certain orders in the M–317 and M–328 series, explain the assignment of CC ratings for certain textiles and related items, and Priorities Regulation 33 explains the assignment of HH ratings for housing.

(c) *How to apply for a CC rating.* Applications for a CC rating under this regulation for uses in the United States, its territories and possessions, should be made on Form CPA–541A addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR–28. Applications for textile yarns and fabrics covered by Priorities Regulation 28A should be made in accordance with that regulation, and applications for other textiles and related items for certain end uses should be made as explained in orders in the M–317 and M–328 series.

(d) *When the Civilian Production Administration will assign a CC rating under this regulation.* (1) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), CC ratings may be granted for specific items and quantities of materials in the limited classes of cases described in paragraphs (e) through (h) below, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(2) In the case of production materials and operating supplies, the CPA will not generally assign ratings for more than a 60-day supply of the item in question. This 60-day limitation does not preclude later applications.

(3) Preference ratings will not be assigned for the procurement of items which will be resold without change in form.

(4) The CPA will not grant a CC rating under this regulation where it would preempt an undue proportion of the limited amounts of material available. If the material is in such short supply that it is generally hard to obtain the CPA may provide other procedures rather than a rating under this regulation.

(5) CC ratings will be denied where it appears that the item for which the rating is requested is available under different terms of sale or from a supplier other than the applicant's customary one.

(6) In certain cases, the assignment of CC ratings is governed by or forbidden by other orders of CPA. Thus, no CC ratings will be assigned for items on List A of Priorities Regulation 3, or for iron or steel during the effective period of Direction 13 to Priorities Regulation 1. However, CPA may in a few circumstances authorize the placing of a "certified order" for steel as explained in Direction 12 to Order M–21.

(7) Where it appears that a CC rating assigned under this regulation will have an undue impact on a single source of supply, the Civilian Production Administration may limit the amount of materials or equipment that may be ordered with the rating from a single source or ordered for delivery during one period of time.

(e) *Critical products.* The CPA may assign a CC rating as explained in Schedule I to this regulation to get material which is needed to sustain or increase production of an item or service listed on that Schedule which the CPA has determined to be in such tight supply that it is a serious threat to the economy.

(f) *Production materials, capital equipment and MRO.* Under the conditions stated in paragraph (d), the CPA may grant a CC rating to get production materials, capital equipment or maintenance, repair and operating supplies (MRO) in the following cases:

(1) The CPA may assign a CC rating to get a "bottleneck" item where a great majority of the materials or of the equipment needed is on hand or is obtainable without priorities assistance and it is demonstrated that failure to receive it in the quantity and on the date requested will prevent an entire plant from beginning, resuming or maintaining operations at the minimum economic rate. The "minimum economic rate" of operation means the rate of operation at which the plant as a whole must operate to avoid incurring a financial loss, without regard to any particular product if the plant makes more than one. If a plant is currently operating at less than capacity without incurring a financial loss, the minimum economic rate of operation will not be considered a higher rate than the current one, even though some of the plant's regular products are not currently being produced.

(2) Special consideration, not limited to bottleneck items, will be given to the needs of small business and to the business needs of World War II Veterans up to the minimum economic rate of operation. For this purpose "small business" generally means a business in which not more than 250 persons are actively employed. A veteran who wants to get farm machinery or equipment listed in War Food Order 135 of the Department of Agriculture for use on a farm should apply under that order for a veterans' preference certificate. No farmer should apply under this regulation for such farm machinery or equipment unless he qualifies under paragraph (h) (4) below.

NOTE: Subparagraph (3) formerly subparagraph (4), redesignated June 25, 1946. Former subparagraph (3) deleted June 25, 1946.

(3) CC ratings, however, will not be ordinarily assigned under this paragraph (f) for specialized machinery or equipment designed and made solely for the production of a critical product listed in Schedule I to this regulation. CC ratings for such machinery and equipment will be assigned only under the criteria stated in paragraph (h) below, as it is considered that such specialized machinery or equipment will be used to better advantage for maximum production of critical products if it is sold through normal channels of distribution to the greatest extent possible.

(g) *Construction.* Under the conditions stated in paragraph (d), the CPA may assign CC ratings to get construction

material and equipment in the following cases:

(1) A bottleneck item which is needed to complete non-housing construction, and which is to be physically incorporated in the structure. CC ratings will not be assigned under this paragraph (g) (1) for any materials listed on Schedule A to Priorities Regulation 33.

(2) An item of material not listed on Schedule A to Priorities Regulation 33 which will be physically incorporated in a dwelling and is needed to make the dwelling habitable.

(3) A person applying for a CC rating to get construction materials or equipment must show on his application Form CPA-541A that approval for the project has been granted on Form CPA-4386 or CPA-4423, or that the construction is exempt under Veterans Housing Program Order No. 1.

(h) *Additional assistance in special cases.* Paragraphs (e) through (g) state the provisions under which CC ratings will be given in most situations with the special restrictions and considerations applicable to those situations. In addition, under the conditions in paragraph (d) but without regard to special conditions in paragraphs (e) through (g), the CPA may grant a CC rating under this regulation to get material in the following cases:

(1) The item is needed to prevent a delay in the completion on time of military procurement, production or construction; or

(2) The item is needed for incorporation into a product to be delivered on a CC or HH rating, and the item is not on hand or available on order; or

(3) The item is needed for use by the applicant to eliminate serious hazard to the life, health or safety of a large number of people, or to maintain or establish essential public or other community service; or

(4) The item is essential to replace one which has been destroyed by flood, fire, tornado or other act of God, and the item (i) is to be used on a farm, or (ii) is essential to the continued operation of a plant, facility or service at the minimum economic rate; or

(5) The item is essential to the continued operation of a plant, facility or service at the minimum economic rate and is shown to fall in one of the following cases:

(i) It is needed in an emergency to replace equipment which has actually broken down and cannot be repaired; or

(ii) It is needed to replace equipment which is subject to recurring mechanical breakdowns and is out of service so frequently as to impede operations; or

(iii) It is needed to replace equipment which has been condemned as unsafe or illegal by public authority or insurance underwriters and which cannot be repaired and must be replaced under requirements of law or insurance contracts; or

(6) The item is needed as a repair part to prevent imminent breakdown of machinery or equipment; or

(7) Failure to obtain delivery of the item would result in exceptional community hardship or in unreasonable and exceptional hardship not suffered generally by others in the same industry or activity.

(8) The item is needed for emergency requirements for veterans educational facilities.

(9) The item is required to complete construction or equipment of a plant required for industrial food manufacturing, processing, packaging preservation and storage (except soft drinks, alcoholic beverages and chewing gum). CC ratings will ordinarily be granted for this purpose only where vital for famine relief, or processing or storage of this year's crops. Restaurants, hotels, retail stores and farms are not included in this category.

(i) *CC Ratings for export*—(1) *General.* In the case of materials for export (other than certain textiles and related items referred to in paragraph (i)(2) below), applications from Canada should be filed with the Priorities Officer of Canada, and will be handled on the same basis as United States applications. In the case of other exports, upon demonstration that a rating is required, a CC rating may be assigned for procurement in this country of materials for export to prevent serious injury to the minimum essential civilian economies of friendly foreign nations; or to aid in the restoration, development and maintenance of foreign sources of supplies vitally needed in this country; or for other reasons of public policy. Applications for such ratings should be made to the Office of International Trade, Department of Commerce on the forms prescribed by that agency.

(2) *Certain textiles and related items.* For exports, including shipments to Canada, of cotton broad woven fabrics for which set-asides are provided in the distribution schedules of Order M-317A, seine twine, fish netting, and cotton yarn, CC ratings may be granted, on specific applications only, to the extent of the export programs fixed by the CPA. Applications for such ratings should be made to the Office of International Trade, Department of Commerce, on the forms prescribed by that Agency; except that for shipments to Canada, applications should be filed with the Cotton Administrator of the Wartime Prices and Trade Board and will be acted on by the CPA.

Issued this 25th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: PR-28, Amended 8-7-46 1/
Restricted Priorities Assistance for Non-military Purposes

1. Substance. This regulation, known as the "bottle-neck breaker," describes the limited conditions under which CC ratings will be assigned by the CPA. Especially important is paragraph (d) (1), requiring a determination that the use of substitute and less scarce materials is not practicable, that reasonable efforts have been made to get the required item without a rating, and that the rating is required to obtain the item by the latest date and in the minimum quantity practicable.

2. Explanation. Assistance under this regulation may be obtained for FPHA projects, as explained in Chapter 3480 of the Manual of Policy and Procedure, and is available to obtain materials and equipment for construction and maintenance operations. However, a CC rating will not be assigned for any materials listed on Schedule A to PR-33.

1/ Supersedes PR-28, dated 6-25-46

Amended 9-6-46

CIVILIAN PRODUCTION ADMINISTRATION

Corrected Copy

PR 28

AUG. 7, 1946

[As Amended]

Corrected Copy

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

[Priorities Reg. 28, as Amended Aug. 7, 1946]

RESTRICTED PRIORITIES ASSISTANCE FOR NON-MILITARY PURPOSES

§ 944.49 *Priorities Regulation 28*—(a) *Background and purpose of this regulation.* With the exception of certain areas of critical shortages, such as the housing and apparel fields, the increased supply of many materials resulting from reduction in military procurement is generally adequate to meet demands. It is the declared policy of the Civilian Production Administration to remove priority controls as quickly as possible. In view of this situation and policy, the issuance of preference ratings by the CPA will be restricted to a minimum. Outside the areas of critical shortages mentioned above, limited priorities assistance may be given for non-military purposes only in specific instances where the need is clearly demonstrated as necessary to assist reconversion or insure the continued fulfillment of essential civilian or export needs. This regulation describes the conditions under which CC ratings will be assigned in such cases, except for textile fabrics or yarns for use in the United States which are covered by Priorities Regulation 28A.

Paragraph (b) below lists other regulations and orders which explain the assignment and use of preference ratings for purposes not covered by this regulation. Paragraph (c) states how applications should be filed under this regulation for use in this country. Paragraph (d) gives the general rules governing the assignment of such ratings, and paragraphs (e) through (h) cover the special situations where these ratings may be granted. Paragraph (i) explains how CC ratings are granted for export.

(b) *Other procedures for assigning ratings.* Priorities Regulation 1 explains in general the rating system, including the sequence of ratings and the purposes for which AAA and MM ratings are assigned. In addition, Priorities Regulation 28A, and certain orders in the M–317 and M–328 series, explain the assignment of CC ratings for certain textiles and related items, and Priorities Regulation 33 explains the assignment of HH ratings for housing.

(c) *How to apply for a CC rating.* Applications for a CC rating under this regulation for uses in the United States, its territories and possessions, should be made on Form CPA–541A addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR–28. Applications for textile yarns and fabrics covered by Priorities Regulation 28A should be made in accordance with that regulation, and applications for other textiles and related items for certain end uses should be made as explained in orders in the M–317 and M–328 series.

(d) *When the Civilian Production Administration will assign a CC rating under this regulation.* (1) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), CC ratings may be granted for specific items and quantities of materials in the limited classes of cases described in paragraphs (e) through (h) below, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(2) In the case of production materials and operating supplies, the CPA will not generally assign ratings for more than a 60-day supply of the item in question. This 60-day limitation does not preclude later applications.

(3) Preference ratings will not be assigned for the procurement of items which will be resold without change in form.

(4) The CPA will not grant a CC rating under this regulation where it would preempt an undue proportion of the limited amounts of material available. If the material is in such short supply that it is generally hard to obtain the CPA may provide other procedures rather than a rating under this regulation.

(5) CC ratings will be denied where it appears that the item for which the rating is requested is available under different terms of sale or from a supplier other than the applicant's customary one.

(6) In certain cases, the assignment of CC ratings is governed by or forbidden by other orders of CPA. Thus, no CC ratings will be assigned for items on List A of Priorities Regulation 3. CC ratings will be assigned for deliveries of iron or steel after September 30, 1946, under the provisions of this regulation. CC ratings will not be assigned for deliveries of iron or steel before September 30, however the Civilian Production Administration may in a few circumstances authorize the placing of "certified orders" for steel, iron castings, or merchant pig iron as explained in Directions 12 and 13 to Order M–21.

(7) Where it appears that a CC rating assigned under this regulation will have an undue impact on a single source of supply, the Civilian Production Administration may limit the amount of materials or equipment that may be ordered with the rating from a single source or ordered for delivery during one period of time.

(e) *Critical products.* (1) The CPA may assign a CC rating as explained in Schedule I to this regulation to get material which is needed to sustain or increase production of an item or service listed on that Schedule which the CPA has determined to be in such tight supply that it is a serious threat to the economy.

(2) The Civilian Production Administration may assign CC ratings for the fourth quarter requirements for iron castings and steel of certain products listed on Direction 18 to this regulation on a single application as explained in that direction.

(f) *Production materials, capital equipment and MRO.* Under the conditions stated in paragraph (d), the CPA may grant a CC rating to get production materials, capital equipment or maintenance, repair and operating supplies (MRO) in the following cases:

(1) The CPA may assign a CC rating to get a "bottleneck" item where a great majority of the materials or of the equipment needed is on hand or is obtainable without priorities assistance and it is demonstrated that failure to receive it in the quantity and on the date requested will prevent an entire plant from beginning, resuming or maintaining operations at the minimum economic rate. The "minimum economic rate" of operation means the rate of operation at which the plant as a whole must operate to avoid operating at a financial loss, without regard to any particular product if the plant makes more than one. If a plant is currently operating at less than capacity without incurring a financial loss, the minimum economic rate of operation will not be considered a higher rate than the current one, even though some of the plant's regular products are not currently being produced.

(2) Special consideration, not limited to bottleneck items, will be given to the needs of small business and to the business needs of World War II Veterans up to the minimum economic rate of operation. For this purpose "small business" generally means a business in which not more than 250 persons are actively employed. A veteran who wants to get farm machinery or equipment listed in War Food Order 135 of the Department of Agriculture for use on a farm should apply under that order for a veterans' preference certificate. No farmer should apply under this regulation for such farm machinery or equipment unless he qualifies under paragraph (h) (4) below.

(3) CC ratings, however, will not be ordinarily assigned under this paragraph (f) for specialized machinery or equipment designed and made solely for the production of a critical product listed in Schedule I to this regulation. CC ratings for such machinery and equipment will be assigned only under the criteria stated in paragraph (h) below, as it is considered that such specialized machinery or equipment will be used to better advantage for maximum production of critical products if it is sold through normal channels of distribution to the greatest extent possible.

(g) *Construction.* Under the conditions stated in paragraph (d), the CPA may assign CC ratings in the following cases:

(1) A bottleneck item which is needed to complete non-housing construction, and which is to be physically incorporated in the structure. CC ratings will not be assigned under this paragraph (g) (1) for any materials listed on Schedule A to Priorities Regulation 33.

(2) An item of material not listed on Schedule A to Priorities Regulation 33 which will be physically incorporated in a dwelling and is needed to make the dwelling habitable.

(3) An item of production material, capital equipmnet, MRO, or material for construction needed by a producer of industrially made houses, sections or panels. Capital equipment will be rated for expansion of facilities only in special cases where the National Housing Agency recommends increased production under the Veterans' Emergency Housing Program. An industrially made house, section or panel is either produced in a factory or, in the case of concrete, precast either in a factory or on the site. CC ratings will be assigned only to producers approved by the National Housing Agency to participate in the Veterans' Emergency Housing Program. The standards which the National Housing Agency applies in such approvals may be obtained at the Office of the Housing Administrator, Washington 25, D. C.

(4) An item of specialized equipment (except for site-preparation equipment) needed for the erection of industrially made houses or which will be continually used for erection of conventional dwelling units under the Veterans' Emergency Housing Program, or an item of MRO needed for such equipment.

NOTE: Subparagraph (5) formerly subparagraph (3) redesignated Aug. 7, 1946.

(5) A person applying for a CC rating to get construction materials or equipment must show on his application Form CPA-541A that approval for the project has been granted on Form CPA-4386 or CPA-4423, or that the construction is exempt under Veterans Housing Program Order No. 1.

(h) *Additional assistance in special cases.* Paragraphs (e) through (g) state the provisions under which CC ratings will be given in most situations with the special restrictions and considerations applicable to those situations. In addition, under the conditions in paragraph (d) but without regard to special conditions in paragraphs (e) through (g), the CPA may grant a CC rating under this regulation to get material in the following cases:

(1) The item is needed to prevent a delay in the completion on time of military procurement, production or construction; or

(2) The item is needed for incorporation into a product to be delivered on a CC or HH rating, and the item is not on hand or available on order; or

(3) The item is needed for use by the applicant to eliminate serious hazard to the life, health or safety of a large number of people, or to maintain or establish essential public or other community service; or

(4) The item is essential to replace one which has been destroyed by flood, fire, tornado or other act of God, and the item (i) is to be used on a farm, or (ii) is essential to the continued operation of a plant, facility or service at the minimum economic rate; or

(5) The item is essential to the continued operation of a plant, facility or service at the minimum economic rate and is shown to fall in one of the following cases:

(i) It is needed in an emergency to replace equipment which has actually broken down and cannot be repaired; or

(ii) It is needed to replace equipment which is subject to recurring mechanical breakdowns and is out of service so frequently as to impede operations; or

(iii) It is needed to replace equipment which has been condemned as unsafe or illegal by public authority or insurance underwriters and which cannot be repaired and must be replaced under requirements of law or insurance contracts; or

(6) The item is needed as a repair part to prevent imminent breakdown of machinery or equipment; or

(7) Failure to obtain delivery of the item would result in exceptional community hardship or in unreasonable and exceptional hardship not suffered generally by others in the same industry or activity.

(8) The item is needed for emergency requirements for veterans educational facilities.

(9) The item is required to complete construction or equipment of a plant required for industrial food manufacturing, processing, packaging preservation and storage (except soft drinks, alcoholic beverages and chewing gum). CC ratings will ordinarily be granted for this purpose only where vital for famine relief, or processing or storage of this year's crops. Restaurants, hotels, retail stores and farms are not included in this category.

(i) *CC Ratings for export*—(1) *General.* In the case of materials for export (other than certain textiles and related items referred to in paragraph (i)(2) below), applications from Canada should be filed with the Priorities Officer of Canada, and will be handled on the same basis as United States applications. In the case of other exports, upon demonstration that a rating is required, a CC rating may be assigned for procurement in this country of materials for export to prevent serious injury to the minimum essential civilian economies of friendly foreign nations; or to aid in the restoration, development and maintenance of foreign sources of supplies vitally needed in this country; or for other reasons of public policy. Applications for such ratings should be made to the Office of International Trade, Department of Commerce on the forms prescribed by that agency.

(2) *Certain textiles and related items.* For exports, including shipments to Canada, of cotton broad woven fabrics for which set-asides are provided in the distribution schedules of Order M-317A, seine twine, fish netting, and cotton yarn, CC ratings may be granted, on specific applications only, to the extent of the export programs fixed by the CPA. Applications for such ratings should be made to the Office of International Trade, Department of Commerce, on the forms prescribed by that Agency; except that for shipments to Canada, applications should be filed with the Cotton Administrator of the Wartime Prices and Trade Board and will be acted on by the CPA.

Issued this 7th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 1-22-47

SUBJECT: PR-28, Amended 9-6-46 1/
Policy on CC Ratings

This regulation, known as the "bottle-neck breaker", describes the limited conditions under which CC ratings will be assigned by the CPA. By this amendment there has been added, in paragraph (g) (5), a provision for priorities assistance to producers of new items to carry out production agreements made with the Housing Expediter.

Especially important is paragraph (d) (1), which provides that CC ratings may be assigned provided that the use of substitute and less scarce materials is not practicable, that reasonable efforts have been made to get the required item without a rating, and that the rating is required to obtain the item by the latest date and in the minimum quantity practicable.

Assistance under this regulation may be obtained for FPHA projects, as explained in Chapter 3480 of the Manual of Policy and Procedure. However, a CC rating will not be assigned for any materials listed on Schedule A to PR-33, except in disaster cases.

1/ Supersedes PR-28, dated 8-7-46.

Superseded 3-13-47

SUBJECT: PR-28, Amended 1-8-47 1/
Policy on CC Ratings

This regulation describes the very limited conditions under which CC ratings will be assigned by the CPA. The scope of such priorities assistance has been drastically modified, as explained in paragraph (a) of the regulation.

Under the terms of the revised order, CC ratings can be obtained in connection with housing (1) for bottleneck items to provide essential community facilities and public utilities, (2) for capital equipment (except for site preparation equipment), and (3) to maintain or increase production of critical building materials and products.

However, even under these restrictive terms of PR-28, it is expected that the FPHA will have access to the CC rating for any kind of materials necessary for completion of within-quota temporary re-use housing projects, provided it is shown that diligent efforts have not been able to obtain the item by the time needed without a rating.

1/ Supersedes PR-28, dated 9-6-46

SUBJECT: PR-28, Amended 2-13-47 1/
Policy on CC Ratings

This regulation describes the very limited conditions under which CC ratings will be assigned by the CPA. The scope of such priorities assistance has been drastically modified, as explained in paragraph (a) of the regulation.

Under the terms of the revised order, CC ratings can be obtained in connection with housing in the following cases only: (1) to maintain existing utility services or to provide essential utilities for new housing projects; (2) to eliminate imminent or existing serious hazard to the life, health or safety of a large number of people; (3) to maintain or increase production of critical building materials and products; and (4) for capital equipment to be used in construction or erection (excluding site preparation equipment).

1/ Supersedes PR-28, dated 1-8-47.

Superseded 1-8-47

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

[Priorities Reg. 28, as Amended Sept. 6, 1946]

RESTRICTED PRIORITIES ASSISTANCE FOR NON-MILITARY PURPOSES

§ 944.49 *Priorities Regulation 28*—(a) *Background and purpose of this regulation.* With the exception of certain areas of critical shortages, such as the housing and apparel fields, the increased supply of many materials resulting from reduction in military procurement is generally adequate to meet demands. It is the declared policy of the Civilian Production Administration to remove priority controls as quickly as possible. In view of this situation and policy, the issuance of preference ratings by the CPA will be restricted to a minimum. Outside the areas of critical shortages mentioned above, limited priorities assistance may be given for non-military purposes only in specific instances where the need is clearly demonstrated as necessary to assist reconversion or insure the continued fulfillment of essential civilian or export needs. This regulation describes the conditions under which CC ratings will be assigned in such cases, except for textile fabrics or yarns for use in the United States which are covered by Priorities Regulation 28A.

Paragraph (b) below lists other regulations and orders which explain the assignment and use of preference ratings for purposes not covered by this regulation. Paragraph (c) states how applications should be filed under this regulation for use in this country. Paragraph (d) gives the general rules governing the assignment of such ratings, and paragraphs (e) through (h) cover the special situations where these ratings may be granted. Paragraph (i) explains how CC ratings are granted for export.

(b) *Other procedures for assigning ratings.* Priorities Regulation 1 explains in general the rating system, including the sequence of ratings and the purposes for which AAA and MM ratings are assigned. In addition, Priorities Regulation 28A, and certain orders in the M–317 and M–328 series, explain the assignment of CC ratings for certain textiles and related items, and Priorities Regulation 33 explains the assignment of HH ratings for housing.

(c) *How to apply for a CC rating.* Applications for a CC rating under this regulation for uses in the United States, its territories and possessions, should be made on Form CPA–541A addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR–28. Applications for textile yarns and fabrics covered by Priorities Regulation 28A should be made in accordance with that regulation, and applications for other textiles and related items for certain end uses should be made as explained in orders in the M–317 and M–328 series.

(d) *When the Civilian Production Administration will assign a CC rating under this regulation.* (1) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), CC ratings may be granted for specific items and quantities of materials in the limited classes of cases described in paragraphs (e) through (h) below, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(2) In the case of production materials and operating supplies, the CPA will not generally assign ratings for more than a 60-day supply of the item in question. This 60-day limitation does not preclude later applications.

(3) Preference ratings will not be assigned for the procurement of items which will be resold without change in form.

(4) The CPA will not grant a CC rating under this regulation where it would preempt an undue proportion of the limited amounts of material available. If the material is in such short supply that it is generally hard to obtain the CPA may provide other procedures rather than a rating under this regulation.

(5) CC ratings will be denied where it appears that the item for which the rating is requested is available under different terms of sale or from a supplier other than the applicant's customary one.

(6) In certain cases, the assignment of CC ratings is governed by or forbidden by other orders of CPA. Thus, no CC ratings will be assigned for items on List A of Priorities Regulation 3. CC ratings will be assigned for deliveries of iron or steel after September 30, 1946, under the provisions of this regulation. CC ratings will not be assigned for deliveries of iron or steel before September 30, however the Civilian Production Administration may in a few circumstances authorize the placing of "certified orders" for steel, iron castings, or merchant pig iron as explained in Directions 12 and 13 to Order M–21.

(7) Where it appears that a CC rating assigned under this regulation will have an undue impact on a single source of supply, the Civilian Production Administration may limit the amount of materials or equipment that may be ordered with the rating from a single source or ordered for delivery during one period of time.

(e) *Critical products.* (1) The CPA may assign a CC rating as explained in Schedule I to this regulation to get material which is needed to sustain or increase production of an item or service listed on that Schedule which the CPA has determined to be in such tight supply that it is a serious threat to the economy.

(2) The Civilian Production Administration may assign CC ratings for the fourth quarter requirements for iron castings and steel of certain products listed on Direction 18 to this regulation on a single application as explained in that direction.

(f) *Production materials, capital equipment and MRO.* Under the conditions stated in paragraph (d), the CPA may grant a CC rating to get production materials, capital equipment or maintenance, repair and operating supplies (MRO) in the following cases:

(1) The CPA may assign a CC rating to get a "bottleneck" item where a great majority of the materials or of the equipment needed is on hand or is obtainable without priorities assistance and it is demonstrated that failure to receive it in the quantity and on the date requested will prevent an entire plant from beginning, resuming or maintaining operations at the minimum economic rate. The "minimum economic rate" of operation means the rate of operation at which the plant as a whole must operate to avoid operating at a financial loss, without regard to any particular product if the plant makes more than one. If a plant is currently operating at less than capacity without incurring a financial loss, the minimum economic rate of operation will not be considered a higher rate than the current one, even though some of the plant's regular products are not currently being produced.

(2) Special consideration, not limited to bottleneck items, will be given to the needs of small business and to the business needs of World War II Veterans up to the minimum economic rate of operation. For this purpose "small business" generally means a business in which not more than 250 persons are actively employed. A veteran who wants to get farm machinery or equipment listed in War Food Order 135 of the Department of Agriculture for use on a farm should apply under that order for a veterans' preference certificate. No farmer should apply under this regulation for such farm machinery or equipment unless he qualifies under paragraph (h) (4) below.

(3) CC ratings, however, will not be ordinarily assigned under this paragraph (f) for specialized machinery or equipment designed and made solely for the production of a critical product listed in Schedule I to this regulation. CC ratings for such machinery and equipment will be assigned only under the criteria stated in paragraph (h) below, as it is considered that such specialized machinery or equipment will be used to better advantage for maximum production of critical products if it is sold through normal channels of distribution to the greatest extent possible.

(g) *Construction.* Under the conditions stated in paragraph (d), the CPA may assign CC ratings in the following cases:

(1) A bottleneck item which is needed to complete non-housing construction, and which is to be physically incorporated in the structure. CC ratings will not be assigned under this paragraph (g) (1) for any materials listed on Schedule A to Priorities Regulation 33.

(2) An item of material not listed on Schedule A to Priorities Regulation 33 which will be physically incorporated in a dwelling and is needed to make the dwelling habitable.

(3) An item of production material, capital equipment, MRO, or material for construction needed by a producer of industrially made houses, sections or panels. Capital equipment will be rated for expansion of facilities only in special cases where the National Housing Agency recommends increased production under the Veterans' Emergency Housing Program. An industrially made house, section or panel is either produced in a factory or, in the case of concrete, precast either in a factory, or on the site. CC ratings will be assigned only to producers approved by the National Housing Agency to participate in the Veterans' Emergency Housing Program. The Standards which the National Housing Agency applies in such approvals may be obtained at the Office of the Housing Administrator, Washington 25, D. C.

(4) An item of specialized equipment (except for site-preparation equipment) needed for the erection of industrially made houses or which will be continually used for erection of conventional dwelling units under the Veterans' Emergency Housing Program, or an item of MRO needed for such equipment.

(5) An item of production material, capital equipment, MRO, or material for construction needed by a producer of a new type material who has entered into an individual agreement with the Housing Expediter for financial aid (such as premium payments or a guaranteed market under the Veterans' Emergency Housing Act, or other financial assistance) for the production of such materials and who needs the item to carry out the agreement.

NOTE: Subparagraph (6) formerly subparagraph (5), redesignated Sept. 6, 1946.

(6) A person applying for a CC rating to get construction materials or equipment must show on his application Form CPA–541A that approval for the project has been granted on Form CPA–4386 or CPA–4423, or that the construction is exempt under Veterans Housing Program Order No. 1.

(h) *Additional assistance in special cases.* Paragraphs (e) through (g) state the provisions under which CC ratings will be given in most situations with the special restrictions and considerations applicable to those situations. In addition, under the conditions in paragraph (d) but without regard to special conditions in paragraphs (e) through (g), the CPA may grant a CC rating under this regulation to get material in the following cases:

(1) The item is needed to prevent a delay in the completion on time of military procurement, production or construction; or

(2) The item is needed for incorporation into a product to be delivered on a CC or HH rating, and the item is not on hand or available on order; or

(3) The item is needed for use by the applicant to eliminate serious hazard to the life, health or safety of a large number of people, or to maintain or establish essential public or other community service; or

(4) The item is essential to replace one which has been destroyed by flood, fire, tornado or other act of God, and the item (i) is to be used on a farm, or (ii) is essential to the continued operation of a plant, facility or service at the minimum economic rate; or

(5) The item is essential to the continued operation of a plant, facility or service at the minimum economic rate and is shown to fall in one of the following cases:

(i) It is needed in an emergency to replace equipment which has actually broken down and cannot be repaired; or

(ii) It is needed to replace equipment which is subject to recurring mechanical breakdowns and is out of service so frequently as to impede operations; or

(iii) It is needed to replace equipment which has been condemned as unsafe or illegal by public authority or insurance underwriters and which cannot be repaired and must be replaced under requirements of law or insurance contracts; or

(6) The item is needed as a repair part to prevent imminent breakdown of machinery or equipment; or

(7) Failure to obtain delivery of the item would result in exceptional community hardship or in unreasonable and exceptional hardship not suffered generally by others in the same industry or activity.

(8) The item is needed for emergency requirements for veterans educational facilities.

(9) The item is required to complete construction or equipment of a plant required for industrial food manufacturing, processing, packaging preservation and storage (except soft drinks, alcoholic beverages and chewing gum). CC ratings will ordinarily be granted for this purpose only where vital for famine relief, or processing or storage of this year's crops. Restaurants, hotels, retail stores and farms are not included in this category.

(i) *CC Ratings for export*—(1) *General.* In the case of materials for export (other than certain textiles and related items referred to in paragraph (i) (2) below), applications from Canada should be filed with the Priorities Officer of Canada, and will be handled on the same basis as United States applications. In the case of other exports, upon demonstration that a rating is required, a CC rating may be assigned for procurement in this country of materials for export to prevent serious injury to the minimum essential civilian economies of friendly foreign nations; or to aid in the restoration, development and maintenance of foreign sources of supplies vitally needed in this country; or for other reasons of public policy. Applications for such ratings should be made to the Office of International Trade, Department of Commerce on the forms prescribed by that agency.

(2) *Certain textiles and related items.* For exports, including shipments to Canada, of cotton broad woven fabrics for which set-asides are provided in the distribution schedules of Order M–317A, seine twine, fish netting, and cotton yarn, CC ratings may be granted, on specific applications only to the extent of the export programs fixed by the CPA. Applications for such ratings should be made to the Office of International Trade, Department of Commerce, on the forms prescribed by that Agency; except that for shipments to Canada, applications should be filed with the Cotton Administrator of the Wartime Prices and Trade Board and will be acted on by the CPA.

Issued this 6th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 2-13-47

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

PR 28
JAN. 8, 1947
[As Amended]

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

[Priorities Reg. 28, as Amended Jan. 8, 1947]

RESTRICTED PRIORITIES ASSISTANCE

§ 944.49 *Priorities Regulation 28*—(a) *Purpose of this regulation.* This regulation describes the very limited scope of priorities assistance which will be granted in the future. It is designed to cover only the brief period of time which is expected to exist before all such priorities assistance will end.

In line with the announced policy of restoring normal buyer-seller relations as soon as possible, the issuance of CC ratings will be limited to cases of nondeferrable need for the military services, cases in connection with the Veterans' Emergency Housing Program, cases of public emergency and a few other exceptional situations mentioned below. CC ratings will no longer be granted for production materials, MRO, capital equipment or construction materials or equipment for the purpose of starting or maintaining any individual plant or business at a minimum economic rate, or to alleviate individual hardship. In addition, general priorities assistance will no longer be given to manufacturers of those products which were formerly listed as critical on Schedule I to this regulation, which has been revoked. CC ratings for export will be granted under this regulation only in rare cases falling under the rules explained in paragraph (d).

In view of the revised terms of the regulation itself drastically curtailing the assignment of CC ratings for all materials, most of the former directions to this regulation which contained similarly restrictive provisions for certain materials, have been revoked as no longer necessary. Provisions in directions which imposed a limit on the quantity of CC rated orders for certain materials which a supplier had to schedule for shipment are in paragraph (e). The directions still in effect are listed at the end of this regulation.

Priorities Regulation 28A, under which special assistance was formerly granted for textile yarn and fabric, has also been revoked. Assistance for these materials from now on will be granted only under the very limited conditions of this regulation.

(b) *Exceptional cases when CC ratings may be assigned.* (1) If all the conditions of paragraph (b) (2) below are met, CC ratings may be granted in the following limited cases:

(i) Where an item is needed to fill a military order which cannot be deferred without serious results to the defense program or to the health and welfare of the enlisted personnel (In this case a certification from the responsible military agencies recommending the issuance of a CC rating is required); or

(ii) Where an item is needed to provide essential utility services or, in an emergency, to eliminate serious hazard to the life, health or safety of a large number of people; or

(iii) Where an item is required in connection with the Veterans' Emergency Housing Program under the following conditions (no ratings will be issued for the purchase of specialized machinery or for an item to be incorporated in construction):

I. To maintain or increase the production of a building material or product which is determined to be in critically short supply; or

II. For capital equipment (except for site preparation equipment) which is a bottleneck in the production or erection of housing accommodations.

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), a CC rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraphs (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *How to apply for a CC rating.* Applications for a CC rating under this regulation for uses in the United States, its territories and possessions should be made on Form CPA–541A addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR–28. Since CC ratings will no longer be given to support a minimum economic rate of production or to give special help to small business or the business needs of veterans, no questions on Form CPA–541A need be answered which were designed for such cases. For example, Questions 7b, 13, and 16 on Form CPA–541A (as revised 4–23–46) may be left unanswered. On the other hand, supporting data required by Item 14 is of major importance and should clearly show how the application qualifies under paragraph (b) above.

(d) *CC ratings for export*—(1) *For Canada.* In the case of materials for export to Canada applications should be filed with the Priorities Officer of Canada, Ottawa, Canada and will be handled on the same basis as United States applications.

(2) *Other exports.* In the case of other exports, upon demonstration that a rating is required CC ratings may be assigned for procurement in this country of minimum quantities of materials necessary to the restoration, development and maintenance of foreign sources of supplies vitally needed in this country; or in other exceptional cases for reasons of public policy. Applications for such ratings should be made to the Office of International Trade, Department of Commerce, Washington 25, D. C., on Form CPA–541A.

(e) *Limit on required acceptance of CC ratings for certain products.* For the products listed below CC ratings which have been assigned in the past might take an undue proportion of a producer's limited supply. To avoid this unfair impact, no manufacturer of any of these items need accept or fill a CC rated order for any such item if it would cause him to deliver on CC rated orders in any calendar month more than 50% of his total deliveries of that item in that month on all orders, both rated and unrated:

(1) The following items of textile machinery:

(i) Women's full fashioned hosiery machinery (30 and 32 section machines only).

(ii) Button sewer machine units.

(iii) Buttonhole machinery.

(iv) 36'' high post sewing machines.

(2) The following items of bottling equipment for non-alcoholic beverages:

(i) Filler-Crowners, with rated capacity of 75 cases and under per hour.

(ii) Carbonators, with rated capacity of 300 gallons and under per hour.

(iii) Bottle Washers (Soakers) with rated capacity of 120 cases and under per hour.

(3) The following miscellaneous items:

(i) Cylinders for low-pressure gas (20 lb. and 100 lb. sizes only).

(f) *Existing CC ratings remain valid.* Nothing in this amendment of Priorities Regulation 28 of January 8, 1947 affects the validity of CC ratings granted before then. All orders bearing such CC ratings as well as those with CC ratings assigned under this amended regulation must be accepted and filled in accordance with the Priorities Regulations.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

DIRECTIONS TO PR–28

The following directions to PR–28 are still in effect (January 8, 1947):

Direction 6 (amended January 8, 1947) Use of CC ratings for trucks.

Direction 18 (amended November 4, 1946) CC ratings for iron castings and steel.

Direction 20 (amended January 8, 1947) Restrictions on use of ratings for equipment to establish veterans in business.

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 28, as Amended Feb. 13, 1947]

RESTRICTED PRIORITIES ASSISTANCE

§ 944.49 *Priorities Regulation 28*—(a) *Purpose of this regulation.* This regulation describes the very limited scope of priorities assistance which will be granted in the future. It is designed to cover only the brief period of time which is expected to exist before all such priorities assistance will end.

In line with the announced policy of restoring normal buyer-seller relations as soon as possible, the issuance of CC ratings will be limited to cases of nondeferrable need for the military services, the U. S. Maritime Commission, the Veterans' Administration, or the Atomic Energy Commission, cases in connection with the Veterans' Emergency Housing Program, cases of public emergency and a few other exceptional situations mentioned below. CC ratings will no longer be granted for production materials, MRO, capital equipment or construction materials or equipment for the purpose of starting or maintaining any individual plant or business at a minimum economic rate, or to alleviate individual hardship. CC ratings for export will be granted under this regulation only in rare cases falling under the rules explained in paragraph (d).

In view of the revised terms of the regulation itself drastically curtailing the assignment of CC ratings for all materials, most of the former directions to this regulation which contained similarly restrictive provisions for certain materials, have been revoked as no longer necessary. Provisions in directions which imposed a limit on the quantity of CC rated orders for certain materials which a supplier had to schedule for shipment are in paragraph (e). The directions still in effect are listed at the end of this regulation.

Priorities Regulation 28A, under which special assistance was formerly granted for textile yarn and fabric, has also been revoked. Assistance for these materials from now on will be granted only under the very limited conditions of this regulation.

(b) *Exceptional cases when CC ratings may be assigned.* (1) If all the conditions of paragraph (b) (2) below are met, CC ratings may be granted in the following limited cases:

(i) Where an essential item is needed in an emergency for the Army, Navy, the U. S. Maritime Commission, the Veterans' Administration or the Atomic Energy Commission to meet the requirements of their most urgent projects. In these cases a recommendation for approval by designated officials located in the Washington headquarters of these agencies is required; or

(ii) Where an item is needed under the following conditions:

(a) To maintain at current levels essential community utility services, or to provide essential utility services to new housing projects; or

(b) In an emergency to eliminate an imminent or existing serious hazard to the life, health or safety of a large number of people; or.

(iii) Where an item is required in connection with the Veterans' Emergency Housing Program under the following conditions (no ratings will be issued for the purchase of specialized machinery or for an item to be incorporated in construction):

(a) To maintain or increase the production of a building material or product which is determined to be in critically short supply; or

(b) For capital equipment (except for site preparation equipment) which is a bottleneck in the production or erection of housing accommodations. (CC ratings will be assigned only after CPA has obtained the recommendation of the Office of the Housing Expediter.)

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), a CC rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraphs (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *How to apply for a CC rating.* Applications for a CC rating under this regulation for uses in the United States, its territories and possessions should be made on Form CPA–541A addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR–28. Since CC ratings will no longer be given to support a minimum economic rate of production or to give special help to small business or the business needs of veterans, no questions on Form CPA–541A need be answered which were designed for such cases. For example, Questions 7b, 13, and 16 on Form CPA–541A (as revised 4–23–46) may be left unanswered. On the other hand, supporting data required by Item 14 is of major importance and should clearly show how the application qualifies under paragraph (b) above.

(d) *CC ratings for export*—(1) *For Canada.* In the case of materials for export to Canada applications should be filed with the Priorities Officer of Canada, Ottawa, Canada and will be handled on the same basis as United States applications.

(2) *Other exports.* In the case of other exports, upon demonstration that a rating is required CC ratings may be assigned for procurement in this country of minimum quantities of materials necessary to the restoration, development and maintenance of foreign sources of supplies vitally needed in this country; or in other exceptional cases for reasons of public policy. Applications for such ratings should be made to the Office of International Trade, Department of Commerce, Washington 25, D. C., on Form CPA–541A. Applications which are approved by that office will be forwarded to the Civilian Production Administration for processing in accordance with this paragraph.

(e) *Limit on required acceptance of CC ratings for certain products.* For the products listed below CC ratings which have been assigned in the past might take an undue proportion of a producer's limited supply. To avoid this unfair impact, no manufacturer of any of these items need accept or fill a CC rated order for any such item if it would cause him to deliver on CC rated orders in any calendar month more than 50% of his total deliveries of that item in that month on all orders, both rated and unrated:

(1) The following items of textile machinery:

(i) Women's full fashioned hosiery machinery (30 and 32 section machines only).

(ii) Button sewer machine units.

(iii) Buttonhole machinery.

(iv) 36'' high post sewing machines.

(2) The following items of bottling equipment for non-alcoholic beverages:

(i) Filler-Crowners, with rated capacity of 75 cases and under per hour.

(ii) Carbonators, with rated capacity of 300 gallons and under per hour.

(iii) Bottle Washers (Soakers) with rated capacity of 120 cases and under per hour.

(3) The following miscellaneous items:

(i) Cylinders for low-pressure gas (20 lb. and 100 lb. sizes only).

(f) *Existing CC ratings remain valid.* Nothing in this amendment of Priorities Regulation 28 affects the validity of CC ratings granted before then. All orders bearing such CC ratings as well as those with CC ratings assigned under this amended regulation must be accepted and filled in accordance with the Priorities Regulations.

(g) *Effective date.* This amendment of Priorities Regulation 28 shall be effective February 15, 1947.

Issued this 13th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

DIRECTIONS TO PR 28

The following directions to PR 28 are still in effect (February 13, 1947):

Direction 6—Use of CC ratings for trucks.

Direction 18—CC ratings for iron castings and steel.

Direction 20—Restrictions on use of ratings for equipment to establish veterans in business.

SUBJECT: Supplement I to PR-28, dated 3-4-47 1/

This regulation explains that CC ratings will not be issued after March 31, 1947. It states the limited conditions under which the new RR ratings may be granted.

The provisions of this Supplement are related to PR-35, which explains the new ratings and their use, and the mechanics of changing certain old type ratings to new ones.

1/ This is a new insert, which should be recorded in the Index for Part 1, Section 3.

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 28, Supp. I]

PRIORITIES ASSISTANCE AFTER MARCH 31, 1947

(a) *Purpose of this supplement.* This supplement describes the conditions under which RR preference ratings may be granted by the Civilian Production Administration. The issuance of CC ratings will be discontinued by the end of March 1947, as explained in Priorities Regulation 35 being issued simultaneously with this supplement.

In furtherance of the announced policy of restoring normal buyer-seller relations as soon as possible, the rating assistance which will be given after the end of March will be even more limited than that now provided for in Priorities Regulation 28.

After that time, such assistance will in general be given only in three classes of cases in support of the objectives of the Veterans Emergency Housing Program and to aid the Veterans Administration Construction Program, as indicated in paragraph (b) below.

(b) *Exceptional cases when RR ratings may be assigned.* (1) Where an item (other than those listed in (c) below) is required in connection with the Veterans Emergency Housing Program or Veterans Administration Construction Program and all of the conditions of paragraph (b) (2) below are met, RR ratings may be granted in the following cases (except that no rating will be issued under (i) or (ii) below for the purchase of specialized machinery, site preparation equipment, or for an item to be incorporated in construction at the site):

(i) To maintain or increase the production of a building product which is determined by CPA to be in critically short supply (such products will customarily be listed in Table I of Priorities Regulation 28); or

(ii) For capital equipment which is a bottleneck in the production or erection of new housing accommodations, or is a bottleneck in the erection of a Veterans Administration Construction Project; or

(iii) Where an item is needed to provide essential utility services to new housing accommodations, or to a Veterans Administration Construction Project.

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), an RR rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *Materials for which informal assistance, but not RR ratings, may be given.* No RR ratings will be assigned under the regulation for steel, pig iron, gypsum liner paper, or phenolic resin molding compounds.

CPA may be able to locate sources in a position to ship such materials without a rating for any applicant who meets the conditions in paragraph (b) above.

(d) *Applications and authorizations.* Applications for a rating under this supplement should be made in accordance with paragraph (c) of Priorities Regulation 28.

Where applications have been or are filed under Priorities Regulation 28, but meet the more restrictive conditions stated in this supplement, RR ratings may be issued beginning immediately, instead of CC ratings. Applications filed under Priorities Regulation 28, but not meeting the conditions stated in this supplement will be considered under that regulation, even though any CC rating which may be issued may expire at the end of March, as explained in Priorities Regulation 35. After March, no further CC ratings will be issued.

(e) *Existing CC ratings.* Nothing in this supplement affects the validity or duration of CC ratings granted before April 1, 1947. Rules concerning the termination of certain CC and other ratings at the end of March 1947 are stated in Priorities Regulation 35.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 7/26/46

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 28, Schedule I, as Amended July 11, 1946]

CRITICAL PRODUCTS

(a) *Introduction.* The table in this schedule lists certain of the critical products which the Civilian Production Administration has determined to be in such tight supply that they are serious threats to the national economy. (This schedule supersedes former Directions 1 through 5 and 7 through 12 to PR–28 covering critical products.) When effective assistance of other kinds is not practicable, the CPA may assign CC preference ratings under paragraph (e) of Priorities Regulation 28 for material which is needed to sustain or increase the production of these products. In addition to the rules explained in paragraph (b) below, the general rules in paragraphs (c) and (d) of Priorities Regulation 28 governing the application for and assignment of CC ratings are also applicable. Especially important is paragraph (d) (1) of Priorities Regulation 28, requiring a determination that the use of substitute and less scarce materials is not practicable, that reasonable efforts have been made to get the required item without a rating, and that a rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and available without a rating.

(b) *Explanation of table.*

Column I—Critical products. Column I lists the critical products for which CC ratings may be granted to sustain or increase production. When "specialized machinery" for another critical product is listed in Column I, it includes only machinery and equipment designed solely for the production of that critical product. It does not include general types of equipment suitable for other use even though a particular piece of equipment is designed and built expressly for a producer of the critical product.

Column II—Persons eligible. Column II states the persons who may apply for CC ratings. Where Column VI indicates that CC ratings may be assigned for construction, the builder or contractor may apply instead of the person listed.

Column III—Production materials. (1) If the word "yes" appears in Column III, the CPA may assign CC ratings to the person named in Column II to get production materials needed to make the item listed in Column I regardless of the applicant's minimum economic rate of operation. Where the applicant regularly sells materials as maintenance, repair or operating supplies for the item he makes, CC ratings may also be assigned to him for such supplies or for materials needed to make them. Applications for CC ratings for textile fabrics or yarns should be made under Priorities Regulation 28A, and CC ratings may be assigned under paragraph (d) of that Regulation in accordance with subpargaraph (4) (5) (i).

(2) If the word "no" appears in Column III, CC ratings will be assigned for production materials only as provided in Priorities Regulation 28. The same rule applies to any production materials expressly excluded from Column III.

Column IV—Capital equipment. (1) If the word "yes" appears in Column IV, the CPA may assign CC ratings to the person named in Column II to get capital equipment which either (i) will result in a substantial increase in production of the item listed in Column I, or (ii) is needed to replace present operating equipment which is in danger of imminent breakdown.

(2) Where the word "no" appears in Column IV, CC ratings will be assigned for capital equipment only as provided in Priorities Regulation 28. The same rule applies to any capital equipment expressly excluded from Column IV.

Column V—MRO. (1) If the word "yes" appears in Column V, the CPA may assign CC ratings to the person named in Column II to get maintenance, repair and operating supplies (MRO) which he needs to use in making the item listed in Column I.

(2) If the word "no" appears in Column V, CC ratings will be assigned for MRO only as provided in Priorities Regulation 28.

Column VI—Construction. (1) If the word "yes" appears in Column VI, the CPA may assign CC ratings to the person named in Column II, or to his builder, for material needed for incorporation in new plants or in expanded or modernized old ones where increased production of the item listed in Column I will result, or where the construction is necessary to prevent a loss of production.

(2) If the word "no" appears in Column VI, CC ratings will be assigned for construction materials only as provided in Priorities Regulation 28.

NOTE: Item "Wiring devices . . ." added to table July 11, 1946.

I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Asbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement).	Producer	No	Yes (except specialized machinery for asbestos-cement siding shingles and flat sheets).	Yes	Yes.
Asbestos-cement siding shingle and flat sheet specialized machinery.	do	Yes	Yes	Yes	No.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, mineral surfaced insulation board, laminated asphalt felt and mastic core type boards, saturated felts, dry roofing felts, and saturated or coated sheathing papers).	do	No	Yes (except specialized machinery for asphalt and tarred roofing products)	Yes	Yes
Asphalt and tarred roofing products specialized machinery.	do	Yes	No	Yes	No
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).	do	No	Yes (except specialized machinery for building board)	Yes	Yes
Building board specialized machinery	do	Yes	No	Yes	No.
Castings, malleable iron and gray iron, including cast iron soil pipe, cast iron radiation (tubular and convector) and railroad car brake shoes.	Producer (foundry)	Yes	Yes	Yes	Yes
Clay building products (common and face brick, clay structural tile and clay sewer pipe).	Manufacturer	Yes	Yes (except specialized machinery for clay building products).	Yes	Yes
Clay building products specialized machinery (such as de-airing machines, extrusion heads, clay grinders and pulverizers, and brick presses).	do	Yes	No	Yes	No.
Coal, of the following kinds only: high grade metallurgical and by-product coking coal and double screened domestic coal in the areas comprising Bituminous Producing Districts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 13 (as defined in SFAW Regulation 27) and the anthracite fields of Pennsylvania.	Producer	No	Yes (except underground coal mining machinery).	Yes[1]	Yes (at present mines only)
Coal mining machinery, underground	Manufacturer	Yes	Yes	Yes	No.
Concrete building products (light weight and heavy weight aggregate concrete blocks and cement brick).	do	Yes (cinders, burned clay or shale, and blast furnace slag, only)	Yes (except specialized machinery for concrete building products).	Yes	Yes.
Concrete building products specialized machinery (such as concrete block and brick machines and attachments, including concrete mixers and skip loaders as commonly used in the concrete products industry).	do	Yes	No	Yes	No

See footnotes at end of table.

I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Convector radiation (extended surface)	Producer	Yes	Yes	Yes	Yes.
Furnaces (warm-air)	do	Yes (except iron and steel products in the forms and shapes listed in Schedule 1 to Order M-21)	Yes	Yes	Yes.
Gypsum board and gypsum lath	do	No	Yes (except specialized machinery for gypsum board and gypsum lath)	Yes	Yes.
Gypsum board and gypsum lath specialized machinery.	do	Yes	No	Yes	No
Lead	Producer (mines and smelters)	Yes	Yes	Yes	Yes.
Logs	Producer (any person engaged in felling or bucking trees or transporting the yield from felled trees to the points of delivery for manufacture or shipment)	No	Yes (except special equipment produced only for use in log or sawmill operations).	Yes	Yes.[2]
Lumber	Producer (operator of any plant, stationary or portable, which produces lumber not further manufactured than by sawing, resawing, passing lengthwise through a standard planing machine, cross-cutting to length and working, but not including any establishment known in the trade as a "distribution yard", engaged in either retail or wholesale business, even though it may process lumber on special orders from customers)	No	Yes (except special equipment produced only for use in log or sawmill operations)	Yes	Yes.[2]
Millwork, suitable for housing construction	Producer	No	Yes	Yes	Yes (at existing plants only)
Motors, electric, fractional horsepower AC	Manufacturer	Yes (except electric sheet steel).	Yes	Yes	Yes.
Penicillin	Producer	Yes	Yes	Yes	Yes
Plumbing fixtures (of the following types, in residential-design models only: bathtubs; lavatories; laundry trays, sinks, sink-and-tray combinations; shower stalls, receptors, stall-and-receptor combinations; water closet bowls, tanks. Trim is not included.)	do	No	Yes	Yes	No.
Plywood, softwood	do	No	Yes	Yes	Yes (at existing plants only)
Presses, mechanical, power-driven, 150 ton and over.	do	Yes	No	Yes	No.
Pulpwood	do	No	Yes	Yes	Yes.
Rosin (formerly covered by direction 10)	do	Yes	Yes	Yes	Yes.
Steel, electrical high silicon sheet	do	No	Yes	Yes	Yes
Streptomycin	do	Yes	Yes	Yes	Yes.
Titanium dioxide	do	Yes	Yes	Yes	Yes.
Veneer, softwood	do	No	Yes	Yes	Yes (at existing plants only).
Wire, copper magnet	do	Yes	Yes	Yes	Yes.
Wiring devices (electrical) of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types—lighting fixtures and portable lamps not included. (A holder consists of a socket and a housing (generally one-piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event, the appurtenances are not part of the lampholder itself.) (2) Convenience receptacles (outlets)—types suitable for residential use. (3) Toggle switches—types designed specifically for tools and appliances not included. (4) Wall and face plates. (5) Outlet, switch, and receptacle boxes—types suitable for residential use—covers, hangers, supports, and clamps included. (6) Box connectors for residential-type metallic—or nonmetallic-sheathed cable.	Producer	Yes	Yes (except specialized machinery for wiring devices).	Yes	No.

[1] CC ratings will be assigned for special repair parts for underground coal mining machinery only where the repair part is essential for the continued operation of the mine and then only where it will not interfere with delivery of mining machinery for more essential purposes.

[2] CC ratings for construction for logs, lumber, and pulpwood will be assigned only for construction at existing plants or at plants which need to be relocated because of increased availability of timber, manpower or transportation facilities.

Issued this 11th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Schedule 1 to PR-28, Amended 7-26-46 1/
Critical Products

1. Substance. This Schedule lists certain critical products, and indicates the exent of priorities assistance available to manufacturers or producers in obtaining materials which are needed to sustain or increase the production of such products.

2. Explanation. This Schedule provides information which may be useful in advising manufacturers or producers of the specific critical products which FPHA requires, and does not apply to eligibility of housing contractors.

1/ Supersedes Schedule 1 to PR-28, dated 7-11-46.

Superseded 8-6-46.

CIVILIAN PRODUCTION ADMINISTRATION

JULY 26, 1946
[As Amended]

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

[Priorities Reg. 28, Schedule I, as Amended July 26, 1946]

CRITICAL PRODUCTS

(a) *Introduction.* The table in this schedule lists certain of the critical products which the Civilian Production Administration has determined to be in such tight supply that they are serious threats to the national economy. (This schedule supersedes former Directions 1 through 5 and 7 through 12 to PR-28 covering critical products.) When effective assistance of other kinds is not practicable, the CPA may assign CC preference ratings under paragraph (e) of Priorities Regulation 28 for material which is needed to sustain or increase the production of these products. In addition to the rules explained in paragraph (b) below, the general rules in paragraphs (c) and (d) of Priorities Regulation 28 governing the application for and assignment of CC ratings are also applicable. Especially important is paragraph (d) (1) of Priorities Regulation 28, requiring a determination that the use of substitute and less scarce materials is not practicable, that reasonable efforts have been made to get the required item without a rating and that a rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and available without a rating.

(b) *Explanation of table.*

Column I—Critical products. Column I lists the critical products for which CC ratings may be granted to sustain or increase production. When "specialized machinery" for another critical product is listed in Column I, it includes only machinery and equipment designed solely for the production of that critical product. It does not include general types of equipment suitable for other use even though a particular piece of equipment is designed and built expressly for a producer of the critical product.

Column II—Persons eligible. Column II states the persons who may apply for CC ratings. Where Column VI indicates that CC ratings may be assigned for construction, the builder or contractor may apply instead of the person listed.

Column III—Production materials. (1) If the word "yes" appears in Column III, the CPA may assign CC ratings to the person named in Column II to get production materials needed to make the item listed in Column I regardless of the applicant's minimum economic rate of operation. Where the applicant regularly sells materials as maintenance, repair or operating supplies for the item he makes, CC ratings may also be assigned to him for such supplies or for materials needed to make them. Applications for CC ratings for textile fabrics or yarns should be made under Priorities Regulation 28A, and CC ratings may be assigned under paragraph (d) of that Regulation in accordance with subpargaraph (d) (5) (i).

(2) If the word "no" appears in Column III, CC ratings will be assigned for production materials only as provided in Priorities Regulation 28. The same rule applies to any production materials expressly excluded from Column III.

Column IV—Capital equipment. (1) If the word "yes" appears in Column IV, the CPA may assign CC ratings to the person named in Column II to get capital equipment which either (i) will result in a substantial increase in production of the item listed in Column I, or (ii) is needed to replace present operating equipment which is in danger of imminent breakdown.

(2) Where the word "no" appears in Column IV, CC ratings will be assigned for capital equipment only as provided in Priorities Regulation 28. The same rule applies to any capital equipment expressly excluded from Column IV.

Column V—MRO. (1) If the word "yes" appears in Column V, the CPA may assign CC ratings to the person named in Column II to get maintenance, repair and operating supplies (MRO) which he needs to use in making the item listed in Column I.

(2) If the word "no" appears in Column V, CC ratings will be assigned for MRO only as provided in Priorities Regulation 28.

Column VI—Construction. (1) If the word "yes" appears in Column VI, the CPA may assign CC ratings to the person named in Column II, or to his builder, for material needed for incorporation in new plants or in expanded or modernized old ones where increased production of the item listed in Column I will result, or where the construction is necessary to prevent a loss of production.

(2) If the word "no" appears in Column VI, CC ratings will be assigned for construction materials only as provided in Priorities Regulation 28.

NOTES Item "Alcohol" added to table July 26, 1946.

I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Alcohol:					
Normal butyl alcohol	Producer	No	Yes	No	No.
Industrial ethyl alcohol	do	No	Yes	No	No.
Synthetic methanol	do	No	Yes	No	No.
	do				
Asbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement).	do	No	Yes (except specialized machinery for asbestos-cement siding shingles and flat sheets).	Yes	Yes.
Asbestos-cement siding shingle and flat sheet specialized machinery.	do	Yes	Yes	Yes	No.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, mineral surfaced insulation board, laminated asphalt felt and mastic core type boards, saturated felts, dry roofing felts, and saturated or coated sheathing papers)	do	No	Yes (except specialized machinery for asphalt and tarred roofing products)	Yes	Yes
Asphalt and tarred roofing products specialized machinery	do	Yes	No	Yes	No
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).	do	No	Yes (except specialized machinery for building board)	Yes	Yes
Building board specialized machinery	do	Yes	No	Yes	No.
Castings, malleable iron and gray iron, including cast iron soil pipe, cast iron radiation (tubular and convector) and railroad car brake shoes.	Producer (foundry)	Yes	Yes	Yes	Yes
Clay building products (common and face brick, clay structural tile and clay sewer pipe).	Manufacturer	Yes	Yes (except specialized machinery for clay building products).	Yes	Yes
Clay building products specialized machinery (such as de-airing machines, extrusion heads, clay grinders and pulverizers and brick presses).	do	Yes	No	Yes	No.
Coal, of the following kinds only: high grade metallurgical and by-product coking coal and double screened domestic coal in the areas comprising Bituminous Producing Districts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 13 (as defined in SFAW Regulation 27) and the anthracite fields of Pennsylvania.	Producer	No	Yes (except underground coal mining machinery).	Yes	Yes (at present mines only)
Coal mining machinery, underground	Manufacturer	Yes	Yes	Yes	No.
Concrete building products (light weight and heavy weight aggregate concrete blocks and cement brick).	do	Yes (cinders, burned clay or shale, and blast furnace slag, only).	Yes (except specialized machinery for concrete building products).	Yes	Yes.

See footnotes at end of table.

I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Concrete building products specialized machinery (such as concrete block and brick machines and attachments, including concrete mixers and skip loaders as commonly used in the concrete products industry).	Manufacturer	Yes	No	Yes	No
Convector radiation (extended surface)	Producer	Yes	Yes	Yes	Yes.
Furnaces (warm-air)	do	Yes (except iron and steel products in the forms and shapes listed in Schedule 1 to Order M-21)	Yes	Yes	Yes
Gypsum board and gypsum lath	do	No	Yes (except specialized machinery for gypsum board and gypsum lath).	Yes	Yes.
Gypsum board and gypsum lath specialized machinery.	do	Yes	No	Yes	No
Lead	Producer (mines and smelters)	Yes	Yes	Yes	Yes.
Logs	Producer (any person engaged in felling or bucking trees or transporting the yield from felled trees to the points of delivery for manufacture or shipment)	No	Yes (except special equipment produced only for use in log or sawmill operations).	Yes	Yes.[2]
Lumber	Producer (operator of any plant, stationary or portable, which produces lumber not further manufactured than by sawing, resawing, passing lengthwise through a standard planing machine, cross-cutting to length and working, but not including any establishment known in the trade as a "distribution yard", engaged in either retail or wholesale business, even though it may process lumber on special orders from customers)	No	Yes (except special equipment produced only for use in log or sawmill operations)	Yes	Yes.[2]
Millwork, suitable for housing construction	Producer	No	Yes	Yes	Yes (at existing plants only)
Motors, electric, fractional horsepower AC	Manufacturer	Yes (except electric sheet steel).	Yes	Yes	Yes.
Penicillin	Producer	Yes	Yes	Yes	Yes
Plumbing fixtures (of the following types, in residential-design models only: bathtubs; lavatories; laundry trays, sinks, sink-and-tray combinations; shower stalls, receptors, stall-and-recepter combinations; water closet bowls, tanks. Trim is not included.)	do	No	Yes	Yes	No
Plywood, softwood	do	No	Yes	Yes	Yes (at existing plants only)
Presses, mechanical, power-driven, 150 ton and over	do	Yes	No	Yes	No.
Pulpwood	do	No	Yes	Yes	Yes.
Rosin (formerly covered by direction 10)	do	Yes	Yes	Yes	Yes
Steel, electrical high silicon sheet	do	No	Yes	Yes	Yes
Streptomycin	do	Yes	Yes	Yes	Yes.
Titanium dioxide	do	Yes	Yes	Yes	Yes.
Veneer, softwood	do	No	Yes	Yes	Yes (at existing plants only).
Wire, copper magnet	do	Yes	Yes	Yes	Yes.
Wiring devices (electrical) of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types—lighting fixtures and portable lamps not included. (A lampholder consists of a socket and a housing (generally one-piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event, the appurtenances are not part of the lampholder itself.) (2) Convenience receptacles (outlets)—types suitable for residential use. (3) Toggle switches—types designed specifically for tools and appliances not included. (4) Wall and face plates. (5) Outlet, switch, and receptacle boxes—types suitable for residential use—covers, hangers, supports, and clamps included. (6) Box connectors for residential-type metallic—or nonmetallic-sheathed cable.	Producer	Yes	Yes (except specialized machinery for wiring devices).	Yes	No.

[1] CC ratings will be assigned for special repair parts for underground coal mining machinery only where the repair part is essential for the continued operation of the mine, and then only where it will not interfere with delivery of mining machinery for more essential purposes.

[2] CC ratings for construction for logs, lumber, and pulpwood will be assigned only for construction at existing plants or at plants which need to be relocated because of increased availability of timber, manpower or transportation facilities.

Issued this 26th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 9-26-46

SUBJECT: Schedule 1 to PR-28, Amended 8-6-46 1/
Critical Products

1. Substance. This Schedule lists certain critical products, and indicates the extent of priorities assistance available to manufacturers or producers in obtaining materials which are needed to sustain or increase the production of such products.

2. Explanation. This Schedule provides information which may be useful in advising manufacturers or producers of the specific critical products which FPHA requires. It does not apply to the eligibility of housing contractors for CC ratings.

1/ Supersedes Schedule 1 to PR-28, dated 7-26-46

Superseded 9-15-46

Sch. 1 to PR 28

CIVILIAN PRODUCTION ADMINISTRATION

[As Amended]
AUG. 6, 1946

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

[Priorities Reg. 28, Schedule 1, as Amended Aug. 6, 1946]

CRITICAL PRODUCTS

(a) *Introduction.* The table in this schedule lists certain of the critical products which the Civilian Production Administration has determined to be in such tight supply that they are serious threats to the national economy. (This schedule supersedes former Directions 1 through 5 and 7 through 12 to PR–28 covering critical products.) When effective assistance of other kinds is not practicable, the CPA may assign CC preference ratings under paragraph (e) of Priorities Regulation 28 for material which is needed to sustain or increase the production of these products. In addition to the rules explained in paragraph (b) below, the general rules in paragraphs (c) and (d) of Priorities Regulation 28 governing the application for and assignment of CC ratings are also applicable. Especially important is paragraph (d) (1) of Priorities Regulation 28, requiring a determination that the use of substitute and less scarce materials is not practicable, that reasonable efforts have been made to get the required item without a rating, and that a rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and available without a rating.

(b) *Explanation of table.*

Column I—Critical products. Column I lists the critical products for which CC ratings may be granted to sustain or increase production. When "specialized machinery" for another critical product is listed in Column I, it includes only machinery and equipment designed solely for the production of that critical product. It does not include general types of equipment suitable for other use even though a particular piece of equipment is designed and built expressly for a producer of the critical product.

Column II—Persons eligible. Column II states the persons who may apply for CC ratings. Where Column VI indicates that CC ratings may be assigned for construction, the builder or contractor may apply instead of the person listed.

Column III—Production materials. (1) If the word "yes" appears in Column III, the CPA may assign CC ratings to the person named in Column II to get production materials needed to make the item listed in Column I regardless of the applicant's minimum economic rate of operation. Where the applicant regularly sells materials as maintenance, repair or operating supplies for the item he makes, CC ratings may also be assigned to him for such supplies or for materials needed to make them. Applications for CC ratings for textile fabrics or yarns should be made under Priorities Regulation 28A, and CC ratings may be assigned under paragraph (d) of that Regulation in accordance with subpargaraph (d) (5) (i)

(2) If the word "no" appears in Column III, CC ratings will be assigned for production materials only as provided in Priorities Regulation 28. The same rule applies to any production materials expressly excluded from Column III.

Column IV—Capital equipment. (1) If the word "yes" appears in Column IV, the CPA may assign CC ratings to the person named in Column II to get capital equipment which either (i) will result in a substantial increase in production of the item listed in Column I, or (ii) is needed to replace present operating equipment which is in danger of imminent breakdown.

(2) Where the word "no" appears in Column IV, CC ratings will be assigned for capital equipment only as provided in Priorities Regulation 28. The same rule applies to any capital equipment expressly excluded from Column IV.

Column V—MRO. (1) If the word "yes" appears in Column V, the CPA may assign CC ratings to the person named in Column II to get maintenance, repair and operating supplies (MRO) which he needs to use in making the item listed in Column I.

(2) If the word "no" appears in Column V, CC ratings will be assigned for MRO only as provided in Priorities Regulation 28.

Column VI—Construction. (1) If the word "yes" appears in Column VI, the CPA may assign CC ratings to the person named in Column II, or to his builder, for material needed for incorporation in new plants or in expanded or modernized old ones where increased production of the item listed in Column I will result, or where the construction is necessary to prevent a loss of production.

(2) If the word "no" appears in Column VI, CC ratings will be assigned for construction materials only as provided in Priorities Regulation 28.

NOTE: Items "Alcohol" and "Wiring devices" amended August 6, 1946.

I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Alcohol (produced from non-food raw materials):					
Normal butyl alcohol	Producer	No	Yes	No	No.
Industrial ethyl alcohol	do	No	Yes	No	No.
Synthetic methanol	do	No	Yes	No	No.
Wiring devices	do				
Asbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement).	do	No	Yes (except specialized machinery for asbestos-cement siding shingles and flat sheets).	Yes	Yes.
Asbestos-cement siding shingle and flat sheet specialized machinery.	do	Yes	Yes	Yes	No.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, mineral surfaced insulation board, laminated asphalt felt and mastic core type boards, saturated felts, dry roofing felts, and saturated or coated sheathing papers)	do	No	Yes (except specialized machinery for asphalt and tarred roofing products)	Yes	Yes.
Asphalt and tarred roofing products specialized machinery	do	Yes	No	Yes	No.
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).	do	No	Yes (except specialized machinery for building board)	Yes	Yes.
Building board specialized machinery	do	Yes	No	Yes	No.
Castings, malleable iron and gray iron, including cast iron soil pipe, cast iron radiation (tubular and convector) and railroad car brake shoes.	Producer (foundry)	Yes	Yes	Yes	Yes.
Clay building products (common and face brick, clay structural tile and clay sewer pipe).	Manufacturer	Yes	Yes (except specialized machinery for clay building products).	Yes	Yes.
Clay building products specialized machinery (such as de-airing machines, extrusion heads, clay grinders and pulverizers and brick presses).	do	Yes	No	Yes	No.
Coal, of the following kinds only: high grade metallurgical and by-product coking coal and double screened domestic coal in the areas comprising Bituminous Producing Districts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 13 (as defined in SFAW Regulation 27) and the anthracite fields of Pennsylvania.	Producer	No	Yes (except underground Coal mining machinery).	Yes	Yes (at present mines only).
Coal mining machinery, underground	Manufacturer	Yes	Yes	Yes	No.
Concrete building products (light weight and heavy weight aggregate concrete blocks and cement brick).	do	Yes (cinders, burned clay or shale, and blast furnace slag, only)	Yes (except specialized machinery for concrete building products).	Yes	Yes.

See footnotes at end of table.

I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Concrete building products specialized machinery (such as concrete block and brick machines and attachments, including concrete mixers and skip loaders as commonly used in the concrete products industry).	Manufacturer	Yes	No	Yes	No.
Convector radiation (extended surface)	Producer	Yes	Yes	Yes	Yes.
Furnaces (warm-air)	do	Yes (except iron and steel products in the forms and shapes listed in Schedule 1 to Order M-21)	Yes	Yes	Yes.
Gypsum board and gypsum lath	do	No	Yes (except specialized machinery for gypsum board and gypsum lath).	Yes	Yes.
Gypsum board and gypsum lath specialized machinery	do	Yes	No	Yes	No.
Lead	Producer (mines and smelters)	Yes	Yes	Yes	Yes.
Logs	Producer (any person engaged in felling or bucking trees or transporting the yield from felled trees to the points of delivery for manufacture or shipment)	No	Yes (except special equipment produced only for use in log or sawmill operations).	Yes	Yes.[2]
Lumber	Producer (operator of any plant, stationary or portable, which produces lumber not further manufactured than by sawing, resawing, passing lengthwise through a standard planing machine, cross-cutting to length and working, but not including any establishment known in the trade as a "distribution yard", engaged in either retail or wholesale business, even though it may process lumber on special orders from customers)	No	Yes (except special equipment produced only for use in log or sawmill operations)	Yes	Yes.[2]
Millwork, suitable for housing construction	Producer	No	Yes	Yes	Yes (at existing plants only).
Motors, electric, fractional horsepower AC	Manufacturer	Yes (except electric sheet steel).	Yes	Yes	Yes.
Penicillin	Producer	Yes	Yes	Yes	Yes
Plumbing fixtures (of the following types, in residential-design models only: bathtubs; lavatories; laundry trays, sinks, sink-and-tray combinations; shower stalls, receptors, stall-and-receptor combinations; water closet bowls, tanks. Trim is not included.)	do	No	Yes	Yes	No.
Plywood, softwood	do	No	Yes	Yes	Yes (at existing plants only).
Presses, mechanical, power-driven, 150 ton and over.	do	Yes	No	Yes	No.
Pulpwood	do	No	Yes	Yes	Yes.
Rosin (formerly covered by direction 10)	do	Yes	Yes	Yes	Yes.
Steel, electrical high silicon sheet	do	No	Yes	Yes	Yes.
Streptomycin	do	Yes	Yes	Yes	Yes.
Titanium dioxide	do	Yes	Yes	Yes	Yes.
Veneer, softwood	do	No	Yes	Yes	Yes (at existing plants only).
Wire, copper magnet	do	Yes	Yes	Yes	Yes.
Wiring devices (electrical) of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types—lighting fixtures and portable lamps not included. (A lampholder consists of a socket and a housing (generally one-piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event, the appurtenances are not part of the lampholder itself.) (2) Convenience receptacles (outlets)—types suitable for residential use. (3) Toggle switches—types designed specifically for tools and appliances not included. (4) Wall and face plates. (5) Outlet, switch, and receptacle boxes—types suitable for residential use—covers, hangers, supports, and clamps included. (6) Box connectors for residential-type metallic or nonmetallic-sheathed cable.	Producer	Yes (except phenolic resin molding compound; see Schedule 121 to Order M-300).	Yes (except specialized machinery for wiring devices).	Yes	No.

[1] CC ratings will be assigned for special repair parts for underground coal mining machinery only where the repair part is essential for the continued operation of the mine and then only where it will not interfere with delivery of mining machinery for more essential purposes.

[2] CC ratings for construction for logs, lumber, and pulpwood will be assigned only for construction at existing plants or at plants which need to be relocated because of increased availability of timber, manpower or transportation facilities.

Issued this 6th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 12-10-46

SUBJECT: Schedule 1 to PR-28, Amended 9-12-46 1/
Critical Products

This Schedule lists certain critical products, and indicates the extent of priorities assistance (CC ratings) available to manufacturers or producers in obtaining materials which are needed to sustain or increase the production of such products.

This Schedule is included in the Bulletin for information and its possible use in advising manufacturers or producers of the specific critical products which FPHA requires. It does not apply to the eligibility of housing contractors for CC ratings.

1/ Supersedes Schedule 1 to PR-28, dated 8-6-46.

SUBJECT: Schedule 1 to PR-28, Amended 12-4-46 1/
Critical Products

This Schedule lists certain critical products, and indicates the extent of priorities assistance (CC ratings) available to manufacturers or producers in obtaining materials which are needed to subtain or increase the production of such products.

This Schedule is included in the Bulletin for information and its possible use in advising manufacturers or producers of the specific critical products which FPHA requires. It does not apply to the eligibility of housing contractors for CC ratings.

Schedule 1 has been revised to include priorities assistance for production materials and for expansion of existing plants which produce plumbing fixtures. Two additional materials have been added to the list: finishing lime and wood pulp.

1/ Supersedes Schedule 1 to PR-28, dated 9-12-46

Superseded 12-4-46

OBSOLETE

Sch. 1 to PR 28

CIVILIAN PRODUCTION ADMINISTRATION

SEPT. 12, 1946
[As Amended]

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

[Priorities Reg. 28, Schedule I, as Amended Sept. 12, 1946]

CRITICAL PRODUCTS

(a) *Introduction.* The table in this schedule lists certain of the critical products which the Civilian Production Administration has determined to be in such tight supply that they are serious threats to the national economy. (This schedule supersedes former Directions 1 through 5 and 7 through 12 to PR-28 covering critical products.) When effective assistance of other kinds is not practicable, the CPA may assign CC preference ratings under paragraph (e) of Priorities Regulation 28 for material which is needed to sustain or increase the production of these products. In addition to the rules explained in paragraph (b) below, the general rules in paragraphs (c) and (d) of Priorities Regulation 28 governing the application for and assignment of CC ratings are also applicable. Especially important is paragraph (d) (1) of Priorities Regulation 28, requiring a determination that the use of substitute and less scarce materials is not practicable, that reasonable efforts have been made to get the required item without a rating, and that a rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and available without a rating.

(b) *Explanation of table.*

Column I—Critical products. Column I lists the critical products for which CC ratings may be granted to sustain or increase production. When "specialized machinery" for another critical product is listed in Column I, it includes only machinery and equipment designed solely for the production of that critical product. It does not include general types of equipment suitable for other use even though a particular piece of equipment is designed and built expressly for a producer of the critical product.

Column II—Persons eligible. Column II states the persons who may apply for CC ratings. Where Column VI indicates that CC ratings may be assigned for construction, the builder or contractor may apply instead of the person listed.

Column III—Production materials. (1) If the word "yes" appears in Column III, the CPA may assign CC ratings to the person named in Column II to get production materials needed to make the item listed in Column I regardless of the applicant's minimum economic rate of operation. Where the applicant regularly sells materials as maintenance, repair or operating supplies for the item he makes, CC ratings may also be assigned to him for such supplies or for materials needed to make them. Applications for CC ratings for textile fabrics or yarns should be made under Priorities Regulation 28A, and CC ratings may be assigned under paragraph (d) of that Regulation in accordance with subpargaraph (d) (5) (i).

(2) If the word "no" appears in Column III, CC ratings will be assigned for production materials only as provided in Priorities Regulation 28. The same rule applies to any production materials expressly excluded from Column III.

Column IV—Capital equipment. (1) If the word "yes" appears in Column IV, the CPA may assign CC ratings to the person named in Column II to get capital equipment which either (i) will result in a substantial increase in production of the item listed in Column I, or (ii) is needed to replace present operating equipment which is in danger of imminent breakdown.

(2) Where the word "no" appears in Column IV, CC ratings will be assigned for capital equipment only as provided in Priorities Regulation 28. The same rule applies to any capital equipment expressly excluded from Column IV.

Column V—MRO. (1) If the word "yes" appears in Column V, the CPA may assign CC ratings to the person named in Column II to get maintenance, repair and operating supplies (MRO) which he needs to use in making the item listed in Column I.

(2) If the word "no" appears in Column V, CC ratings will be assigned for MRO only as provided in Priorities Regulation 28.

Column VI—Construction. (1) If the word "yes" appears in Column VI, the CPA may assign CC ratings to the person named in Column II, or to his builder, for material needed for incorporation in new plants or in expanded or modernized old ones where increased production of the item listed in Column I will result, or where the construction is necessary to prevent a loss of production.

(2) If the word "no" appears in Column VI, CC ratings will be assigned for construction materials only as provided in Priorities Regulation 28.

NOTE: Table amended Sept. 12, 1946.

Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Alcohol (produced from non-food materials):					
Normal butyl alcohol	Producer	No	Yes	Yes	No.
Industrial ethyl alcohol	do	No	Yes	Yes	No.
Synthetic methanol	do	No	Yes	Yes	No.
Asbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement).	do	No	Yes (except specialized machinery for asbestos-cement siding shingles and flat sheets).	Yes	Yes.
Asbestos-cement siding shingle and flat sheet specialized machinery.	do	Yes	Yes	Yes	No.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, mineral surfaced insulation board, laminated asphalt felt and mastic core type boards, saturated felts, dry roofing felts, and saturated or coated sheathing papers).	do	No	Yes (except specialized machinery for asphalt and tarred roofing products)	Yes	Yes.
Asphalt and tarred roofing products specialized machinery	do	Yes	No	Yes	No.
Boilers, low pressure for residential heating	do	Yes	Yes (replacement only)	Yes	No.
Builders' hardware, of the following kinds only: (a) Butts, hinges and hasps; (b) Door locks and lock trim; (c) Sash, screen and shelf hardware; (d) Night latches and deadlocks; (e) Spring hinges; (f) Sash balances and sash pulleys.	Manufacturer	Yes	Yes (replacement only)	Yes	No.
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).	Producer	No	Yes (except specialized machinery for building board).	Yes	Yes.
Building board specialized machinery	do	Yes	No	Yes	No.
Castings, malleable iron and gray iron, including cast iron soil pipe, cast iron pressure pipe, and railroad car brake shoes.	Producer (foundry)	Yes	Yes	Yes	Yes.
Cement, portland	Producer	Yes	Yes (replacement only)	Yes	Yes (at existing plants only).
Clay building products (common and face brick, clay structural tile and clay sewer pipe).	Manufacturer	Yes	Yes (except specialized machinery for clay building products).	Yes	Yes
Clay building products specialized machinery (such as de-airing machines, extrusion heads, clay grinders and pulverizers and brick presses).	do	Yes	No	Yes	No.
Coal, of the following kinds only: high grade metallurgical and by-product coking coal and double screened domestic coal in the areas comprising Bituminous Producing Districts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 13 (as defined in SFAW Regulation 27) and the anthracite fields of Pennsylvania.	Producer	No	Yes (except underground Coal mining machinery).	Yes	Yes (at present mines only).
Coal mining machinery, underground	Manufacturer	Yes	Yes	Yes	No.

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I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Concrete building products (light weight and heavy weight aggregate concrete blocks and cement brick)	Manufacturer	Yes (cinders, burned clay or shale, and blast furnace slag, only)	Yes (except specialized machinery for concrete building products).	Yes	Yes.
Concrete building products specialized machinery (such as concrete block and brick machines and attachments, including concrete mixers and skip loaders as commonly used in the concrete products industry)	do	Yes	No	Yes	No.
Furnace pipe, fittings and duct work	do	Yes	Yes (replacement only)	Yes	No.
Furnaces, warm, air, including floor and wall furnaces.	Producer	Yes (except iron and steel products in the forms and shapes listed in Schedule I to Order M-21)	Yes	Yes	Yes.
Gypsum board and gypsum lath	do	No	Yes (except specialized machinery for gypsum board and gypsum lath).	Yes	Yes.
Gypsum board and gypsum lath specialized machinery.	do	Yes	No	Yes	No.
Lead	Producer (mines and smelters)	Yes	Yes	Yes	Yes.
Logs	Producer (any person engaged in felling or bucking trees or transporting the yield from felled trees to the points of delivery for manufacture or shipment)	No	Yes (except special equipment produced only for use in log or sawmill operations).	Yes	Yes.
Lumber	Producer (operator of any plant, stationary or portable, which produces lumber not further manufactured than by sawing, resawing, passing lengthwise through a standard planing machine, cross-cutting to length and working, but not including any establishment known in the trade as a "distribution yard", engaged in either retail or wholesale business, even though it may process lumber on special orders from customers)	No	Yes (except special equipment produced only for use in log or sawmill operations)	Yes	Yes.[3]
Millwork, suitable for housing construction	Producer	No	Yes	Yes	Yes (at existing plants only).
Motors, electric, fractional horsepower AC	Manufacturer	Yes (except electric sheet steel).	Yes	Yes	Yes.
Penicillin	Producer	Yes	Yes	Yes	Yes
Pipe fittings, screwed, in the following classes; (a) Gray cast recessed drainage, 2" and under; (b) Gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) Malleable fittings including unions, 2" and under (150 lbs. S. W. P.).	Manufacturer	Yes	Yes (replacement only)	Yes	No.
Plumbing fixtures (of the following types, in residential-design models only: bathtubs; lavatories; laundry trays, sinks, sink-and-tray combinations; shower stalls, receptors, stall-and-receptor combinations; water closet bowls, tanks. Trim is not included.)	Producer	No	Yes	Yes	No
Plywood, softwood	do	No	Yes	Yes	Yes (at existing plants only).
Presses, mechanical, power-driven, 150 ton and over	do	Yes	No	Yes	No.
Pulpwood	do	No	Yes	Yes	Yes.
Radiation, convector and cast iron	Producer	Yes	Yes	Yes	Yes.
Registers and grilles for heating systems	Manufacturer	Yes	Yes (replacement only)	Yes	No.
Rosin (formerly covered by direction 10)	Producer	Yes	Yes	Yes	Yes.
Rubber:					
GRI	do	Yes	Yes (replacement only)[3]	Yes	Yes.
GRS	do	Yes	Yes (replacement only)[3]	Yes	Yes.
Reclaimed	do	No	Yes	Yes	Yes.
Steel, electrical high silicon sheet	do	No	Yes	Yes	Yes.
Streptomycin	do	Yes	Yes	Yes	Yes.
Titanium dioxide	do	Yes	Yes	Yes	Yes.
Veneer, softwood	do	No	Yes	Yes	Yes (at existing plants only).
Wire, copper magnet	do	Yes	Yes	Yes	Yes.
Wiring devices (electrical) of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types—lighting fixtures and portable lamps not included. (A lampholder consists of a socket and a housing (generally one-piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event the appurtenances are not part of the lampholder itself.) (2) Convenience receptacles (outlets)—types suitable for residential use. (3) Toggle switches—types designed specifically for tools and appliances not included. (4) Wall and face plates. (5) Outlet, switch and receptacle boxes—types suitable for residential use—covers, hangers, supports, and clamps included. (6) Box connectors for residential-type metallic or nonmetallic-sheathed cable.	do	Yes (except phenolic resin molding compound; see Schedule 121 to Order M-300)	Yes (except specialized machinery for wiring devices).	Yes	No.
Woodworking machinery, including power driven saw blades and saw bits, for the production of logs, lumber, millwork, flooring and plywood.	do	Yes	Yes	Yes	No.

[1] CC ratings will be assigned for special repair parts for underground coal mining machinery only where the repair part is essential for the continued operation of the mine and then only where it will not interfere with delivery of mining machinery for more essential purposes.

[2] CC ratings for construction for logs, lumber, and pulpwood will be assigned only for construction at existing plants or at plants which need to be relocated because of increased availability of timber, manpower or transportation facilities.

[3] Additional equipment only for increased production of Petroleum Butadiene.

[4] CC ratings will be assigned for capital equipment to increase production of portland cement only in areas where the CPA finds that the degree of local shortage is materially greater than the degree of national shortage.

Issued this 12th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

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

[Priorities Reg. 28, Schedule I, as Amended Dec. 4, 1946]

CRITICAL PRODUCTS

(a) *Introduction.* The table in this schedule lists certain of the critical products which the Civilian Production Administration has determined to be in such tight supply that they are serious threats to the national economy. When effective assistance of other kinds is not practicable, the CPA may assign CC preference ratings under paragraph (e) of Priorities Regulation 28 for material which is needed to sustain or increase the production of these products. In addition to the rules explained in paragraph (b) below, the general rules in paragraphs (c) and (d) of Priorities Regulation 28 governing the application for and assignment of CC ratings are also applicable. Especially important is paragraph (d) (1) of Priorities Regulation 28, requiring a determination that the use of substitute and less scarce materials is not practicable, that reasonable efforts have been made to get the required item without a rating, and that a rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and available without a rating.

(b) *Explanation of table.*

Column I—Critical products. Column I lists the critical products for which CC ratings may be granted to sustain or increase production. When "specialized machinery" for another critical product is listed in Column I, it includes only machinery and equipment designed solely for the production of that critical product. It does not include general types of equipment suitable for other use even though a particular piece of equipment is designed and built expressly for a producer of the critical product.

Column II—Persons eligible. Column II states the persons who may apply for CC ratings. Where Column VI indicates that CC ratings may be assigned for construction, the builder or contractor may apply instead of the person listed.

Column III—Production materials. (1) If the word "yes" appears in Column III, the CPA may assign CC ratings to the person named in Column II to get production materials needed to make the item listed in Column I regardless of the applicant's minimum economic rate of operation. Where the applicant regularly sells materials as maintenance, repair or operating supplies for the item he makes, CC ratings may also be assigned to him for such supplies or for materials needed to make them. Applications for CC ratings for iron castings and steel to make items listed on Direction 18 to PR 28 should be filed as explained in that Direction. Applications for CC ratings for textile fabrics or yarns should be made under Priorities Regulation 28A, and CC ratings may be assigned under paragraph (d) of that regulation in accordance with subparagraph (d) (5) (i).

(2) If the word "no" appears in Column III, CC ratings will be assigned for production materials only as provided in Priorities Regulation 28. The same rule applies to any production materials expressly excluded from Column III.

Column IV—Capital equipment. (1) If the word "yes" appears in Column IV, the CPA may assign CC ratings to the person named in Column II to get capital equipment which either (i) will result in a substantial increase in production of the item listed in Column I, or (ii) is needed to replace present operating equipment which is in danger of imminent breakdown.

(2) Where the word "no" appears in Column IV, CC ratings will be assigned for capital equipment only as provided in Priorities Regulation 28. The same rule applies to any capital equipment expressly excluded from Column IV.

Column V—MRO (1) If the word "yes" appears in Column V, the CPA may assign CC ratings to the person named in Column II to get maintenance, repair and operating supplies (MRO) which he needs to use in making the item listed in Column I.

(2) If the word "no" appears in Column V, CC ratings will be assigned for MRO only as provided in Priorities Regulation 28.

Column VI—Construction. (1) If the word "yes" appears in Column VI, the CPA may assign CC ratings to the person named in Column II, or to his builder, for material needed for incorporation in new plants or in expanded or modernized old ones where increased production of the item listed in Column I will result, or where the construction is necessary to prevent a loss of production.

(2) If the word "no" appears in Column VI, CC ratings will be assigned for construction materials only as provided in Priorities Regulation 28.

NOTE: Table amended Dec. 4, 1946.

I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI Construction
Alcohol (produced from non-food materials):					
Normal butyl alcohol	Producer	No	Yes	Yes	No.
Industrial ethyl alcohol	do	No	Yes	Yes	No.
Synthetic methanol	do	No	Yes	Yes	No.
Asbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement)	do	No	Yes (except specialized machinery for asbestos-cement siding shingles and flat sheets).	Yes	Yes.
Asbestos-cement siding shingle and flat sheet specialized machinery.	do	Yes	Yes	Yes	No.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, mineral surfaced insulation board, laminated asphalt felt and mastic core type boards, saturated felts, dry roofing felts, and saturated or coated sheathing papers)	do	No	Yes (except specialized machinery for asphalt and tarred roofing products)	Yes	Yes
Asphalt and tarred roofing products specialized machinery	do	Yes	No	Yes	No.
Boilers, low pressure for residential heating	do	Yes	Yes (replacement only)	Yes	No.
Builders' hardware, of the following kinds only: (a) Butts, hinges and hasps; (b) Door locks and lock trim; (c) Sash, screen and shelf hardware; (d) Night latches and deadlocks; (e) Spring hinges: (f) Sash balances and sash pulleys.	Manufacturer	Yes	Yes (replacement only)	Yes	No.
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).	Producer	No	Yes (except specialized machinery for building board)	Yes	Yes.
Building board specialized machinery	do	Yes	No	Yes	No.
Castings, malleable iron and gray iron, including cast iron soil pipe, cast iron pressure pipe, and railroad car brake shoes.	Producer (foundry)	Yes	Yes	Yes	Yes.
Cement, portland	Producer	Yes	Yes (replacement only) [4]	Yes	Yes (at existing plants only).
Clay building products (common and face brick, clay structural tile and clay sewer pipe)	Manufacturer	Yes	Yes (except specialized machinery for clay building products).	Yes	Yes
Clay building products specialized machinery (such as de-airing machines, extrusion heads, clay grinders and pulverizers and brick presses).	do	Yes	No	Yes	No.
Coal, of the following kinds only: high grade metallurgical and by-product coking coal and double screened domestic coal in the areas comprising Bituminous Producing Districts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 13 (as defined in SFAW Regulation 27) and the anthracite fields of Pennsylvania.	Producer	No	Yes (except underground Coal mining machinery)	Yes [1]	Yes (at present mines only).
Coal mining machinery, underground	Manufacturer	Yes	Yes	Yes	No
Concrete building products (light weight and heavy weight aggregate concrete blocks and cement brick)	do	Yes (cinders, burned clay or shale, and blast furnace slag, only)	Yes (except specialized machinery for concrete building products).	Yes	Yes.

See footnotes at end of table.

I Critical products	II Person eligible	III Production materials	IV Capital equipment	V MRO	VI[6] Construction
Concrete building products specialized machinery (such as concrete block and brick machines and attachments, including concrete mixers and skip loaders as commonly used in the concrete products industry).	Manufacturer	Yes	No	Yes	No
Finishing lime	Producer	No	Yes	Yes	Yes.
Furnace pipe, fittings and duct work	do	Yes	Yes (replacement only)	Yes	No.
Furnaces, warm, air, including floor and wall furnaces.	Producer	Yes	Yes	Yes	Yes.
Gypsum board and gypsum lath	do	No	Yes (except specialized machinery for gypsum board and gypsum lath)	Yes	Yes.
Gypsum board and gypsum lath specialized machinery	do	Yes	No	Yes	No.
Lead	Producer (mines and smelters)	Yes	Yes	Yes	Yes.
Logs	Producer (any person engaged in felling or bucking trees or transporting the yield from felled trees to the points of delivery for manufacture or shipment)	No	Yes (except special equipment produced only for use in log or sawmill operations)	Yes	Yes.
Lumber	Producer (operator of any plant, stationary or portable, which produces lumber not further manufactured than by sawing, resawing, passing lengthwise through a standard planing machine, cross-cutting to length and working, but not including any establishment known in the trade as a "distribution yard", engaged in either retail or wholesale business, even though it may process lumber on special orders from customers)	No	Yes (except special equipment produced only for use in log or sawmill operations)	Yes	Yes.
Millwork, suitable for housing construction	Producer	No	Yes	Yes	Yes (at existing plants only).
Motors, electric, fractional horsepower AC	Manufacturer	Yes (except electric sheet steel)	Yes	Yes	Yes.
Penicillin	Producer	Yes	Yes	Yes	Yes
Pipe fittings, screwed, in the following classes; (a) Gray cast recessed drainage, 2" and under; (b) Gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) Malleable fittings including unions, 2" and under (150 lbs. S. W. P.).	Manufacturer	Yes	Yes (replacement only)	Yes	No.
Plumbing fixtures of the following types in residential-design models only (trim not included): (1) Bathtubs (2) Kitchen sinks, including sink and tray combinations. (3) Lavatories. (4) Laundry trays. (5) Shower stalls, including receptors. (6) Water closet bowls and tanks.	Producer	Yes	Yes	Yes	Yes (at existing plants only).
Plywood, softwood	do	No	Yes	Yes	Yes (at existing plants only).
Presses, mechanical, power-driven, 150 ton and over.	do	Yes	No	Yes	No.
Pulpwood	do	No	Yes	Yes	Yes.
Radiation, convector and cast iron	Producer	Yes	Yes	Yes	Yes.
Registers and grilles for heating systems	Manufacturer	Yes	Yes (replacement only)	Yes	No.
Rosin	Producer	Yes	Yes	Yes	Yes.
Rubber:					
GRI	do	Yes	Yes (replacement only)[3]	Yes	Yes.
GRS	do	Yes	Yes (replacement only)[3]	Yes	Yes.
Reclaimed	do	No	Yes	Yes	Yes.
Steel, electrical high silicon sheet	do	No	Yes	Yes	Yes.
Streptomycin	do	Yes	Yes	Yes	Yes.
Titanium dioxide	do	Yes	Yes	Yes	Yes.
Veneer, softwood	do	No	Yes	Yes	Yes (at existing plants only).
Wire, copper magnet	do	Yes	Yes	Yes	Yes.
Wiring devices (electrical) of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types—lighting fixtures and portable lamps not included. (A lampholder consists of a socket and a housing (generally one-piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event the appurtenances are not part of the lampholder itself.) (2) Convenience receptacles (outlets)—types suitable for residential use. (3) Toggle switches—types designed specifically for tools and appliances not included (4) Wall and face plates. (5) Outlet and switch (or receptacle) boxes—types suitable for residential use—including covers, hangers, supports and clamps. This only includes outlet boxes of 5-inch size or smaller, and switch (or receptacle) boxes commonly known as "gem" boxes. (6) Box connectors for residential-type metallic or nonmetallic-sheathed cable.	do	Yes (except phenolic resin molding compound; see Schedule 121 to Order M-300)	Yes (except specialized machinery for wiring devices).	Yes	No.
Wood pulp	Producer	No	Yes (except specialized machinery).	Yes	Yes (expansion of existing plants only).
Woodworking machinery, including power driven saw blades and saw bits, for the production of logs, lumber, millwork, flooring and plywood.	do	Yes	Yes	Yes	No.

[1] CC ratings will be assigned for special repair parts for underground coal mining machinery only where the repair part is essential for the continued operation of the mine and then only where it will not interfere with delivery of mining machinery for more essential purposes.

[2] CC ratings for construction for logs, lumber, and pulpwood will be assigned only for construction at existing plants or at plants which need to be relocated because of increased availability of timber, manpower or transportation facilities.

[3] Additional equipment only for increased production of Petroleum Butadiene.

[4] CC ratings will be assigned for capital equipment to increase production of portland cement only in areas where the CPA finds that the degree of loca shortage is materially greater than the degree of national shortage.

Issued this 4th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 18689—p. 2

Dir. 6 to PR 28

CIVILIAN PRODUCTION ADMINISTRATION

MAR. 18, 1946
[As Amended]

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

[Priorities Reg. 28, Direction 6, as Amended Mar. 18, 1946]

SPECIAL PROVISIONS FOR THE ASSIGNMENT OF CC RATINGS FOR DISTRIBUTION OF TRUCKS

(a) *Purpose and limitation of direction.* The purpose of this direction is to restrict the assignment of CC ratings for new trucks to be used in the United States to the limited class of cases mentioned in paragraph (c) below. CC ratings may be assigned for the delivery of new trucks for use in the United States under PR–28 only in such case. This direction does not apply to CC ratings for the export of new trucks which remain subject to the provisions of paragraph (e) of PR–28.

(b) *Definition of truck.* For the purpose of this direction "truck" means any new light, medium or heavy motor truck, truck-tractor or the chassis therefor, or any chassis on which a bus body is to be mounted and which (1) was designed to be propelled or drawn by mechanical power; (2) was designed for use on or off-the-highway, for transportation of property or persons. This definition includes vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, bus chassis, carry-all suburbans, sedan deliveries and cab pickups, but does not include station wagons, coupes fitted with pickup boxes, ambulances, hearses, taxicabs and integral type busses.

(c) *When CC ratings will be assigned for new trucks.* CC ratings may be assigned to orders calling for the delivery of new trucks only when the applicant clearly shows that a rating is necessary to obtain delivery; that he is engaged or intends to engage in the production of an item which is listed in the Table in Schedule I to Priorities Regulation 28 and that the new truck is essential to maintaining or increasing the production of the item.

(d) *Limitation on use of CC ratings.* CC ratings may be used only to purchase new trucks from a distributor or dealer. Notwithstanding the provisions of PR–3, a distributor or dealer may not extend a CC rating.

(e) *Denials of CC ratings.* Even under the conditions of paragraph (c), CC ratings will be denied where it appears that the new truck for which the CC rating is requested is available, but under different terms of sale or from a supplier other than the applicant's customary supplier.

Issued this 18th day of March 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 17823C—p. 1

OBSOLETE

Dir. 14 to PR 28

CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

MAY 21, 1946
Corrected Copy

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

[Priorities Reg. 28, Direction 14]

CC RATINGS FOR RENTAL BUSINESSES AND REPAIR SHOPS

(a) Paragraph (d) (3) of Priorities Regulation 28 explains that CC ratings will ordinarily not be assigned for an item which will be resold without substantial change in its form. In addition, CC ratings will rarely if ever be assigned under Priorities Regulation 28 in either of the following cases:

(1) Where the item for which a rating is requested will be rented by the applicant without substantial change in its form. (The only exceptions will be in cases where such items were rented as a regular business practice in prewar days or the applicant gives other reasons to show that he is not attempting to take temporary advantage of shortage conditions); or

(2) Where the applicant runs a repair shop making commercial or domestic repairs and requests a rating for materials which he will sell or install in the course of his repair work.

Issued this 21st day of May 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

★GPO—CPA 18003—p. 1

Dir. 15 to PR 28

CIVILIAN PRODUCTION ADMINISTRATION

JUNE 5, 1946

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

[Priorities Reg. 28, Direction 15]

4 X 5 COMMERCIAL CAMERAS

Applications for CC ratings for 4 x 5 commercial cameras and other press type cameras from persons qualified for ratings under paragraph (f) of Priorities Regulation 28 have reached such a volume that granting such ratings would preempt an undue proportion of the total production of these types of cameras. Consequently, the Civilian Production Administration will not grant a CC rating for these types of cameras except in cases of emergency under the special provisions of paragraph (h) of the regulation, or for export under paragraph (i).

Issued this 5th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 18029B—p. 1

Dir. 16 to PR 28

CIVILIAN PRODUCTION ADMINISTRATION

JUNE 5, 1946

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

[Priorities Reg. 28, Direction 16]

WATER-WELL DRILLING EQUIPMENT

Applications for CC ratings for water-well drilling equipment, rotary and percussion type, from persons qualified for ratings under paragraph (f) of Priorities Regulation 28 have reached such a volume that granting such ratings would preempt an undue proportion of the total production of this equipment. Consequently, the Civilian Production Administration will not grant a CC rating for this equipment except in cases of emergency under the special provisions of paragraph (h) of the regulation, or for export under paragraph (i).

Issued this 5th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO CPA 18630A p. 1

This Direction no longer contained in Bul.

SUBJECT: Direction 18 to PR-28, Amended 9-12-46 1/
Iron Castings and Steel for Urgently Needed Housing Items

This Direction provides priorities assistance (CC ratings) for iron castings and steel for fourth quarter use to manufacturers of certain specified items. Priorities assistance under this direction is based on CPA-4491 applications submitted by producers. Limited assistance for producers of items not included in the list can be considered under the regular provisions of PR-28.

1/ This is a new insert, and an entry should be made in the Index for Part I, Section 3.

This directive no longer contained in bulletin.

Dir. 18 to PR 28

SEPT. 12, 1946
[As Amended]
Incl. Int. 1

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Regulation 28, Direction 18, as Amended Sept. 12, 1946]

IRON CASTINGS AND STEEL FOR URGENTLY NEEDED HOUSING ITEMS

(a) *What this regulation does.* During the fourth quarter of 1946, most consumers of iron castings and steel should be able to obtain adequate supplies, and the emergency assistance under Directions 12 and 13 to Order M–21 will not be required. Authorizations for merchant pig iron will be given under Direction 13. The steel industry will give special consideration to the requirements of famine relief and the production of farm machinery and the orderly distribution of steel by warehouses.

CC ratings will be assigned under the regular provisions of Priorities Regulation 28 for iron castings and steel to be delivered after September 30, 1946. This limited assistance should insure the minimum needs of all industries, including the need of manufacturers of critical products listed on Schedule I to Priorities Regulation 28. However, the manufacture of certain products required by the Veterans' Emergency Housing Program must be expanded significantly in the fourth quarter. In addition, the requirements of these products for light gauge, hot and cold rolled and galvanized sheet will be quite heavy. Consequently, to insure an orderly expansion of manufacture to the greatest extent possible, and in order to permit mills to schedule production in the most effective manner, this direction provides for the assignment of CC ratings on one application for all the iron castings and steel required for the production of each of these products during the fourth quarter.

(b) *How to apply.* A manufacturer of any product listed in paragraph (e) below should apply to the Civilian Production Administration on Form CPA–4491 on or before August 15, 1946. Separate applications must be made for each product or product group listed below. The applications must be for only the amounts of iron castings and steel to be actually put into process in the production of the product during the fourth quarter. CC ratings for iron casing and steel will not normally be assigned for increasing inventories, and when assigned will be less than the amounts permitted by Priorities Regulation 32. The CPA may assign CC ratings for iron castings and steel required for these products if it determines that such ratings are necessary. CPA–4491 forms may be obtained at CPA Field Construction offices.

(c) *Restrictions on use of rating.* (1) A manufacturer who has been assigned ratings on Form CPA–4491 may not rate for delivery in any one month of the fourth quarter more than 45% of the iron castings or steel he is authorized to rate on Form CPA–4491.

(2) The CC rating assigned on Form CPA–4491 may be used only to place orders with the usual supplier or suppliers indicated on that form, in accordance with his usual purchase pattern, unless otherwise authorized by CPA.

(d) *Certification.* (1) Any manufacturer using a CC rating assigned on Form CPA–4491 to obtain steel must place on his order the following certification signed manually or as provided in Priorities Regulation 7.

I certify, subject to the penalties of Section 35A of the United States Criminal Code that I will use these iron castings or steel to make ------ (specify one or more of the end products listed in paragraph (e)) and that the tonnage covered by this order together with all orders rated CC placed with other producers and distributors for use in these products are not in excess of the quantity of such iron castings or steel which I am authorized to rate under the provisions of Direction 18 to Priorities Regulation 28.

The standard certifications of Priorities Regulation 3 and Priorities Regulation 7 may not be substituted for this certification.

(2) *Canadian purchasers.* In the case of a Canadian purchaser, the following certification should be placed on the order signed manually or as provided in Priorities Regulation 7:

The undersigned purchaser certifies, subject to the penalties of section 15 of the Canadian Wartime Industries Control Regulation, to the seller, to the Canadian Priorities Office, and to the Civilian Production Administration that he will use this steel only to make ------ and that the tonnage covered by this order together with all tonnages placed with other producers on orders rated CC is not in excess of the quantity of such iron castings or steel which he is authorized to rate under the provisions of General Instruction Letter No. 68 and Direction 18 to Priorities Regulation 28, and that the end product will be sold only in accordance with the terms of that letter.

(e) *List of products.* Manufacturers of the following items of types suitable for low cost housing may apply on Form CPA–4491 as described in this direction.

Items

Bath tubs
Radiation (convector and cast iron)
Furnaces, warm air, including floor and wall furnaces
Furnace pipe, fittings and duct work
Lavatories
Registers and grilles for heating systems
Sinks and sink and tray combinations, including under-sink cabinets
Steel industrially made houses, panels and sections (where principal panel material is steel)
Wiring devices, electrical of the following kinds only:
  (a) Outlet and switch boxes
  (b) Box connectors
  (c) All current-carrying devices
Builders hardware of the following kinds only:
  (a) Butts, hinges and hasps
  (b) Door locks and lock trim
  (c) Sash, screen and shelf hardware
  (d) Night latches and deadlocks
  (e) Spring hinges
  (f) Sash balances and sash pulleys
Low pressure boilers of residential heating type
Screwed pipe fittings in the following classes:
  (a) Gray cast recessed drainage, 2 in. and under
  (b) Gray cast steam fittings, 3 in. and under (125 lbs. S. W. P.)
  (c) Malleable fittings, including unions, 2 in. and under (150 lbs. S. W. P.)

Issued this 12th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

ELECTRICAL WIRING DEVICES

The "wiring devices" item listed under paragraph (e) of Direction 18 to Priorities Regulation 28 includes only the "wiring devices" specified in Schedule I to Priorities Regulation 28. (Issued Aug. 30, 1946.)

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

[Priorities Reg. 28A]

SPECIAL PROVISIONS FOR THE ASSIGNMENT OF CC RATINGS FOR COTTON, SYNTHETIC AND WOOL FABRIC AND YARNS

§ 944.49a *Priorities Regulation 28A*—(a) *Purpose.* This regulation explains the conditions under which CPA may assign CC ratings for woven, felted, knitted and braided fabrics of cotton, wool, and synthetic yarns, and their blends, or for such yarns. The supplies of most of these materials are inadequate to meet all demands. From the limited supplies, substantial quantities of many types are being made available with priorities assistance for purposes which are of importance nationally as well as essential to individual purchasers, including the manufacture of essential lower price civilian apparel under Order M–328B, the uses for which distribution is provided under Order M–317A, and military requirements for which MM ratings are issued.

The priorities assistance being given for the purposes referred to above makes it necessary to limit very closely the granting of CC ratings for fabric and yarn for any other uses.

There are many purposes, other than those referred to above, for which fabric or yarn are required by various industries. Frequently the existing facilities within an industry have a capacity in excess of the supplies of fabric or yarn available for processing. To grant ratings to some manufacturers in an industry may deprive others in that industry or in other industries.

For these reasons, applications for CC ratings for fabric or yarn will be considered only under the conditions in this regulation, and not under those described in Priorities Regulation 28. The relationship of this regulation to other orders such as M–328B is explained below. (References to Order M–328B include its Schedules and Directions.)

It should be noted that the entire supply of fabric and yarn is not required for the purposes for which priorities assistance is made available under this regulation, Order M–317A, Order M–328B or other purposes for which ratings may be granted. The remainder not required for such deliveries, sometimes referred to as "free goods", varies according to the types involved and other factors. Any person who needs fabric or yarn, whether or not he is able to meet the conditions under which a rating may be granted, should first try to make arrangements to obtain his requirements from suppliers who can furnish "free" goods. It should be noted that in the case of a proposed business which is not already a going concern, the granting and use of priorities assistance on a temporary basis might assist in establishing an operation which may prove to be uneconomic or impracticable after the priorities assistance expires.

(b) *Apparel items currently listed in M–328B.* A person who is receiving priorities assistance assigned him under Order M–323B for materials to make items listed in that order may not apply for a rating under this regulation for body fabric or for any other of the component uses for which application may be made under that order. This applies to any part of his production of such items being carried on with body fabric obtained as "free" goods, as well as to items being produced from body fabric obtained with a rating. However, if he needs a rating for a component use for which no provision is made in Order M–328B, he may apply under this regulation if the conditions in (d) below are met.

A person making or wishing to make apparel items listed in Order M–328B (within the prices specified in the order), and not already receiving priorities assistance under that order, may apply for a CC rating for body fabric (and component materials for any component uses for which application may be made under Order M–328B) under that order only, and not under this regulation. However, if he is getting all the body fabric he needs for making items listed in Order M–328B, without a rating, and needs a rating only for other component materials to be used in the apparel items to be made from such body fabric, and can meet the conditions in (d) below, he may apply under this regulation.

The foregoing applies to any appeal or other request for a rating for additional materials, as well as to initial applications.

(c) *Apparel items not under M–328B.* The quantity of materials (both body fabrics and components) needed for production of essential low-price civilian apparel items under Order M–328B constitutes a large part of the total available supplies, and the need for such items is urgent. The granting of ratings for these materials for making higher priced items, or for other types of apparel items not included under Order M–328B, might interfere with increased production of essential low-cost items, cause unbalanced distribution of the limited quantities of materials available for deliveries on unrated orders, and might hamper reconversion. For these reasons CC ratings for material to make items at higher prices, or other types of apparel items not included under M–328B, may be granted only when the conditions stated in (d) below are met.

(d) *When CPA may assign a CC rating for fabric or yarn.* It is the general policy of the CPA not to grant priorities assistance for fabric or yarn to be used for non-military purposes, except as explained above. However, in exceptional cases the CPA will consider an application for a CC rating for fabric or yarn, in specific quantities, if the applicant clearly shows that he meets the conditions in (1), (2), (3), (4) and (5) below:

(1) The use of other substitute and less scarce materials is not practicable; and

(2) The applicant has not been able, after having made all reasonable efforts to do so, to get the fabric or yarn, without a rating; and

(3) The rating is required to obtain the fabric or yarn by the latest date and in the minimum quantity practicable, taking into consideration past production, proposed production, material in process, in inventory or in transit, and material for which orders have been placed and accepted (regardless of whether ratings have been used), and other pertinent factors; and

(4) He cannot obtain effective assistance of other kinds (CPA may assist in locating sources able to supply him without a rating); and

(5) In addition, the conditions in either (i), (ii), (iii), (iv), or (v) below must also apply:

(i) The fabric or yarn is required to manufacture a product in very short supply, for which there is no substitute, and which is essential for the continued operations of another industry or industries in which a substantial loss of production would seriously delay national reconversion; or

(ii) The fabric or yarn is required as a bottleneck item in his production with a great majority of the other production materials being obtainable without priorities assistance (for example, yarn is the principal material used in making fabric, and cannot be considered a bottleneck in such use; and body fabric cannot be considered a bottleneck in making suits, although lining material may be); and the fabric or yarn must be needed to maintain or begin operations of a plant at the minimum economic rate. (Osnaburgs, Class A and B sheetings are in such short supply and are required for purposes of such essentiality that CC ratings will not ordinarily be granted for them under this paragraph (5) (ii)); or

(iii) Consideration will be given to the needs of small manufacturing businesses, including those of World War II veterans, as indicated below.

Any person owning, or wishing to establish, a business to make apparel items listed in Order M–328B and needing a CC rating to help him get body fabric for that purpose, may apply only under Order M–328B, in accordance with paragraph (b) above, regardless of the size of his business.

A person who needs a CC rating for fabric or yarn for other purposes may apply for a rating under other provisions of this Regulation, regardless of the size of his business.

The conditions which must be met under this paragraph (5) (iii) by a small manufacturer of any textile end products (that is, items of apparel, coated fabrics, or other products made entirely

or largely from fabric or yarn) other than woven fabric or items listed in M–328B, are these: the applicant is regularly engaged in operating a business for the manufacture of textile end products, or was so engaged (as a principal participant) in the past but temporarily withdrew from it due solely to his military service or other wartime conditions; he is unable to produce items listed in Order M–328B; and his business must have (or be expected to have, in the case of a person re-entering the business) a normal annual sales volume of $250,000 or less in peacetime production. If these conditions are met, a CC rating may be granted for sufficient fabric or yarn to operate the business at the minimum economic rate for a period of not more than 60 days.

The determination of the $250,000 limitation will be made in this way: if in 1939 or any subsequent year a business' entire annual sales have been $250,000 or less and its current and projected rate is not more than $250,000, it may be considered a "small" business even though in some of those years that volume was exceeded due to war contracts or other wartime conditions. If the applicant owns or operates his own manufacturing facilities, and has more than one plant, the determination will be made on a plant basis (including its production of all products). If the applicant uses facilities operated by others, the determination will be made upon the basis of his entire production of all products. In either event the minimum economic rate will be considerably less than $250,000 in many cases.

Where the yarn or fabric is to be used for making woven fabric or items other than textile end products, special consideration will be given to small manufacturing businesses not meeting the conditions stated above in this paragraph (iii). A CC rating may be granted in such cases for sufficient fabric or yarn to operate the applicant's business at the minimum economic rate for a period of not more than 60 days. The 60-day limitation does not preclude subsequent applications.

(CC ratings will not ordinarily be assigned under this paragraph (5) (iii) for osnaburgs, Class A or B sheetings); or

(iv) The fabric or yarn is needed to eliminate serious hazard to life, health, or safety of a large number of people, or to maintain essential public or other community services; or

(v) The fabric or yarn is needed to repair equipment which is essential to the continued operation of a plant, facility or service.

(e) *Applications.* An application for a CC rating under this regulation should be made on Form CPA–2842 (dated January 24, 1946), copies of which may be obtained from the Civilian Production Administration, Textile Division, Washington 25, D. C., and the application should be sent to the same address, marked Ref: PR–28A.

(f) *Denials of CC ratings.* A CC rating under this regulation will be denied in all cases where it appears that materials for which the rating would be used are available without a rating, but under different terms of sale or from a supplier other than the applicant's customary supplier.

(g) *CC ratings for export.* This regulation does not apply to CC ratings for fabric and yarn for export, or for textiles and related items other than fabric and yarn, for which applications will continue to be considered in accordance with Priorities Regulation 28.

(h) *Appeals.* Any appeal from the provisions of this regulation, or action taken under it, shall be made by filing a letter in triplicate with the Civilian Production Administration, Washington 25, D. C., Ref: PR–28A, referring to the particular provision or action appealed from, and stating fully the grounds of the appeal. An application, if not already filed in accordance with paragraph (e) should be filed with it.

(i) Applications already filed for fabric or yarn under Priorities Regulation 28 will be processed under this regulation, and need not be refiled unless requested.

Issued this 29th day of January 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Direction 20 to PR-28, dated 10-7-46 1/
Ratings to Establish Veterans in Business

This Direction prescribes limitations on the issuance and use of CC ratings assigned to veterans for establishment of new businesses, and restrictions on their use of equipment.

It is included in the Bulletin principally for the information of regional offices in advising contractors concerning the restrictions and responsibilities involved in using veterans status to acquire such equipment.

1/ This is a new insert, and an entry should be made in the Index for Part I, Section 3.

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

[Priorities Reg. 28, Direction 20]

RESTRICTION ON USE OF RATINGS FOR EQUIPMENT TO ESTABLISH VETERANS IN BUSINESS

(a) Under Priorities Regulation 28, the Civilian Production Administration assigns preference ratings for the assistance of veterans who seek to establish new businesses. It appears that in some cases, veterans are being used as "fronts" by presently established firms or other persons who are not themselves eligible for rating assistance. Since in many fields available equipment is entirely inadequate to satisfy the demand, it is essential that preferential treatment accorded to veterans not be used illegitimately to obtain equipment by other persons. Consequently, this direction provides for certain special limitations on the use of ratings assigned for equipment, and on the use of equipment obtained with the ratings.

(b) *Policy on issuance of ratings.* CC ratings may be issued to veterans to obtain equipment to establish new businesses only under all the following circumstances:

(1) The veteran, or group of veterans, will actively control the business by having at least a 50% interest in the profits and by all being actively engaged in the operation of the business:

(2) The equipment will be installed in premises which the veterans (or the corporation or partnership which they control under the rule in (1) above) own or lease, or have made definite arrangements to buy or lease; and

(3) The premises where the equipment is installed are separate from the premises of any established business in the same line.

(c) *Restrictions on use of rating.* Ratings assigned under this direction will state on the Form CPA–541A authorization that they are "subject to Direction 20 to PR–28." Whenever a person uses such a CC rating he must state in writing on his purchase order, in addition to the certification required by Priorities Regulation 3, that the rating was assigned under Direction 20 to PR–28. In addition, no person may use a CC rating assigned under this direction to get machinery or equipment except under the conditions described in paragraph (b) Where such conditions change after the assignment or use of the CC rating, the person to whom the rating was assigned must immediately cancel any use of the rating and return his authorization to the Civilian Production Administration.

(d) *Restrictions on use of equipment.* (1) During the three months after machinery or equipment is received on a CC rating assigned under this direction, it may be used only if the conditions set forth in paragraph (b) remain valid, unless otherwise specifically authorized by the Civilian Production Administration.

(2) Any item of machinery or equipment obtained with a rating assigned under this direction may not, without specific authorization by the Civilian Production Administration, be sold or otherwise disposed of within three months after the machinery is received.

(e) *Exceptions.* Exceptions from the provisions of this direction may be granted by the Civilian Production Administration. Requests for exceptions must be by letter, in duplicate, to Special Assistance Division, Civilian Production Administration, Washington 25, D. C., describing the special circumstances of the veteran which are the basis for requesting the exception, and indicating the steps which the veteran will take to prevent the diversion of the new equipment to sources not eligible for priorities assistance.

(f) *Applicability.* This direction applies only to ratings assigned to veterans where the authorization Form CPA–541A states "subject to Direction 20 to PR–28". However, in the case of any rating assigned to a veteran before or after October 7, 1946, where a supplier believes that the conditions of paragraph (b) do not apply, he may delay filling the rated order provided that he promptly notifies his customer of his action, and notifies the Civilian Production Administration (Ref: Special Assistance Division) of the facts on which he bases his belief. The Civilian Production Administration will take apprcpriate action either by cancelling the rating (after contacting the veteran to ascertain the facts) or by notifying the supplier to fill the order.

(g) *Who is a "veteran".* A "veteran" under this Direction means any person who was in the Army, Navy, Marine Corps or Coast Guard on or after September 16, 1940, and was discharged or released under conditions other than dishonorable after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(h) *Communications.* All communications concerning this direction should be addressed to the Civilian Production Administration, Special Assistance Division, Washington 25, D. C., Ref: Direction 20 to PR 28.

NOTE: The application and reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

See Insur. #7

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

[Priorities Reg. 31, as Amended Oct. 1, 1945]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

§ 944.52 *Priorities Regulation 31*—(a) *Revocation of orders.* The orders of the War Production Board listed below in this regulation and all published directions to those orders are revoked, effective on the dates shown opposite the orders.

(b) *Effect of revocation of orders.* (1) All directions, authorizations, production and delivery schedules and other instruments addressed to named persons, pursuant to each of the orders listed below, are revoked on the effective date of revocation of the order or on September 30, 1945, whichever is later.

NOTE: Subparagraphs (2) to (5), inclusive, formerly (3) to (6), inclusive, redesignated Oct. 1, 1945.

(2) Nothing in this regulation changes the rule regarding "Suspension Orders" and "Consent Orders" as stated in paragraph (c) of § 944.10a of Priorities Regulation 1.

(3) The revocation of the orders listed below does not affect any liabilities incurred for violation of those orders or for violation of actions taken by the War Production Board under those orders.

(4) Pending and future applications filed pursuant to the orders listed below will not be acted upon by the War Production Board after the effective date of revocation of those orders, and individual notice of this may not be given to each applicant.

(5) It is not necessary to file any reports under the orders listed below which would be due after the effective date of revocation, unless required under the rules explained in Priorities Regulation 8.

LIST OF ORDERS REVOKED AND EFFECTIVE DATE OF REVOCATION

AIRCRAFT

Section 3191.31, M-360, Aircraft, August 27, 1945.

ALUMINUM AND MAGNESIUM

Section 921.14, M-1-L, Aluminum, August 31, 1945.

AUTOMOTIVE

Section 3292.1, L-1-e, Motortrucks and Truck Trailers, August 20, 1945.

Section 3292.46, L-158, Production of Replacement Parts for Motor Vehicles, August 20, 1945.

Section 3292.51, L-180, Replacement Storage Batteries, August 20, 1945.

Section 3178.1, L-254, Internal Combustion Air-Cooled Engines, August 20, 1945.

Section 3292.56, L-270, Automotive Maintenance Equipment, August 20, 1945.

Section 3292.126, L-331, Motorcycles, August 20, 1945.

BUILDING MATERIALS

Section 1293.1, L-157, Hand Tools Simplification, August 20, 1945.

Section 1293.9, Sch. 8 to L-157, Wood Boring Bits, August 20, 1945.

Section 3284.81, L-236, Hardware Simplification, August 20, 1945.

Section 3284.85, Sch 4 to L-236, Tackle Blocks, August 20, 1945.

Section 3284.26, L-303, Metal Insect Screen Cloth, August 23, 1945.

CHEMICALS

Section 3193.1, L-263, Matches, August 31, 1945.

Section 3298.36, M-12, Cotton Linters and Hull Fibre, August 20, 1945.

Section 3293.101, M-69, Distilled Spirits, August 31, 1945.

Section 3293.171, M-150, Aromatic Solvents, August 31, 1945.

Section 1246.1, M-157, Chemical Cotton Pulp, August 31, 1945.

Section 3293.1008, Sch. 8 to M-300, Hide Glue, Extracted Bone Glue and Green Bone Glue, August 31, 1945.

Section 3293.1009, Sch. 9 to M-300, Formaldehyde and Paraformaldehyde, August 31, 1945.

Section 3293.1010, Sch. 10 to M-300, Hexamethylenetetramine, August 31, 1945.

Section 3293.1011, Sch. 11 to M-300, Pentaerythritol, August 31, 1945.

Section 3293.1012, Sch. 12 to M-300 Isopropyl Alcohol, August 31, 1945.

Section 3293.1016, Sch. 16 to M-300, Metallic Sodium, August 31, 1945.

Section 3293.1017, Sch. 17 to M-300, Acrylic Monomer and Acrylic Resin, August 31, 1945.

Section 3293.1018, Sch. 18 to M-300, Styrene and Dichlorostyrene, August 31, 1945.

Section 3293.1019, Sch. 19 to M-300, Polystyrene and Polydichlorostyrene, August 31, 1945.

Section 3293.1020, Sch. 20 to M-300, Hexahydric Alcohols, August 31, 1945.

Section 3293.1023, Sch. 23 to M-300 Xylene (Xylol), August 31, 1945.

Section 3293.1024, Sch. 24 to M-300, Methyl Isobutyl Ketone, August 31, 1945.

Section 3293.1026, Sch. 26 to M-300, Acetic Acid, Acetic Anhydride and Acetaldehyde, August 31, 1945.

Section 3293.1028, Sch. 28 to M-300, Acetylene Black, August 31, 1945.

Section 3293.1029, Sch. 29 to M-300, Ammonium Silicofluoride, August 31, 1945.

Section 3293.1030, Sch. 30 to M-300, Phosphorus, August 31, 1945.

Section 3293.1031, Sch. 31 to M-300, Barium Chemicals, August 31, 1945.

Section 3293.1039, Sch. 39 to M-300, Diphenylamine, August 31, 1945.

Section 3293.1040, Sch. 40 to M-300, Ferro- and Ferri-Cyanides, August 31, 1945.

Section 3293.1045, Sch. 45 to M-300, Sodium Cyanide, August 31, 1945.

Section 3293.1048, Sch. 48 to M-300, Pyrethrum, September 30, 1945.

Section 3293.1049, Sch. 49 to M-300, Rotenone, September 30, 1945.

Section 3293.1055, Sch. 55 to M-300, Adipic Acid, August 31, 1945.

Section 3293.1058, Sch. 58 to M-300, Penicillin, August 31, 1945.

Section 3293.1060, Sch. 60 to M-300, Polyethylene, August 31, 1945.

Section 3293.1062, Sch. 62 to M-300, Primary Chromium Chemicals, September 30, 1945.

Section 3293.1069, Sch. 69 to M-300, Gasoline Gum Inhibitors, August 31, 1945.

Section 3293.1070, Sch. 70 to M-300, Ethyl Cellulose, August 31, 1945.

Section 3293.1077, Sch. 77 to M-300, Isopropyl Acetate, August 31, 1945.

Section 3293.1078, Sch. 78 to M-300, Carbon Tetrachloride, August 31, 1945.

Section 3293.1079, Sch. 79 to M-300, Synthetic Ammonia, September 30, 1945.

Section 3293.1080, Sch. 80 to M-300, Nitrogen Compounds, September 30, 1945.

Section 3293.1081, Sch. 81 to M-300, By-Product Phosphoric Acid, August 31, 1945.

Section 3293.1085, Sch. 85 to M-300, Potassium Carbonate, August 31, 1945.

Section 3293.1089, Sch. 89 to M-300, Theobromine and Caffeine, August 31, 1945.

Section 3293.1090, Sch. 90 to M-300, Yellow Iron Oxide, August 31, 1945.

Section 3293.1091, Sch. 91 to M-300, Ethyl Ether, August 31, 1945.

Section 3293.1092, Sch. 92 to M-300, Matches, August 31, 1945.

Section 3293.1093, Sch. 93 to M-300, High Test Calcium Hypochlorite, August 31, 1945.

Section 3293.1094, Sch. 94 to M-300 Trichlorethylene, August 31, 1945.

Section 3293.1095, Sch. 95 to M-300, Perchlorethylene, August 31, 1945.

Section 3293.1096, Sch. 96 to M-300, Natural Resins, September 30, 1945.

Section 3293.1097, Sch. 97 to M-300, Chlorate Chemicals, August 31, 1945.

Section 3293.1098, Sch. 98 to M-300, Potash, September 30, 1945.

Section 3293.1103, Sch. 103 to M-300, Maleic, Fumaric, "Carbic" and Pentaerythritol Oils and Resins, August 31, 1945.

Section 3293.1106, Sch. 106 to M-300, Sodium Metasilicate, August 31, 1945.

Section 3293.1107, Sch. 107 to M-300, Thallium Chemicals, August 31, 1945.

Section 3298.1112, Sch. 112 to M-300, Calcium Carbide, August 31, 1945.

Section 3293.1113, Sch. 113 to M-300, Caesin, August 31, 1945.

Section 3293.601, M-373, Vitamin A, August 31, 1945.

Section 3293.621, M-382, Protective Coatings, August 31, 1945.

Section 3293.1, L-20, Cellophane, August 31, 1945.

Section 3293.46, M-19, Chlorine, August 31, 1945.

Section 969.1, M-27, Tar Acid Oil, Carbolates, Phenols and Substituted Phenols, August 31, 1945.

Section 3200.1, M-289, Charcoal, August 31, 1945.

Section 3293.396, M-297, Coal Tar, August 31, 1945

Section 3293.1005, Sch. 5 to M-300, Peroxygen Chemicals, September 30, 1945.

Section 3293.1006, Sch. 6 to M-300, Citric Acid, August 31, 1945.

Section 3293.1007, Sch. 7 to M-300, Benzaldehyde, August 31, 1945.

Section 3293.1015, Sch. 15 to M-300, Glycols, August 31, 1945.

Section 3293.1021, Sch. 21 to M-300, Toluene, August 31, 1945.

Section 3293.1022, Sch. 22 to M-300, Benzene, August 31, 1945.

Section 3293.1025, Sch. 25 to M-300, DDT, August 31, 1945

Section 3293.1027, Sch. 27 to M-300, Alkyl Amines, August 31, 1945.

Section 3293.1032, Sch. 32 to M-300, Carbon Black, September 30, 1945.

Section 3293.1033, Sch. 33 to M-300, Higher Aliphatic Alcohols, August 31, 1945.

Section 3293.1034, Sch. 34 to M-300, Urea and Melamine Aldehyde Resins, August 31, 1945.

Section 3293.1036, Sch. 36 to M-300, Glycol Ethers, August 31, 1945.

Section 3293.1038, Sch. 38 to M-300, Naphthalene, August 31, 1945.

Section 3293.1042, Sch. 42 to M-300, Aniline, August 31, 1945.

Section 3293.1044, Sch. 44 to M-300, Synthetic Organic Detergents, September 30, 1945.

Section 3293.1047, Sch. 47 to M-300, Copper Chemicals, August 31, 1945.

Section 3293.1050, Sch. 50 to M-300, Cellulose Ester Flake, August 31, 1945.

Section 3293.1051, Sch. 51 to M-300, Cellulose Ester Sheets, Rods and Tubes, August 31, 1945.

Section 3293.1052, Sch. 52 to M-300, Cellulose Acetate and Cellulose Acetate Butyrate Molding Powder, August 31, 1945.

Section 3293.1054, Sch. 54 to M-300, Vinyl Polymers, August 31, 1945.

Section 3293.1059, Sch. 59 to M-300, Phthalic Alkyd Resins, August 31, 1945.

Section 3293.1061, Sch. 61 to M-300, Phosphate Plasticizers, August 31, 1945.

Section 3293.1063, Sch. 63 to M-300, Phthalate Plasticizers, August 31, 1945.

Section 3293.1064, Sch. 64 to M-300 Methyl Ethyl Ketone, August 31, 1945.

Section 3293.1065, Sch. 65 to M-300, Butyl Acetate, August 31, 1945.

Section 3293.1066, Sch. 66 to M-300, Butyl Alcohol, August 31, 1945.

Section 3293.1067, Sch. 67 to M-300 Phthalic Anhydride, August 31, 1945.

Section 3293.1068, Sch. 68 to M-300, Maleic Anhydride and Maleic Acid, August 31, 1945.

Section 3293.1073, Sch. 73 to M-300, Pine Oil, August 31, 1945.

Section 3293.1074, Sch. 74 to M-300, Sulfuric Acid, August 31, 1945.

Section 3293.1076, Sch. 76 to M-300, Ethyl Acetate, August 31, 1945.

Section 3293.1082, Sch. 82 to M-300, Sodium Phosphates, August 31, 1945.

Section 3293.1083, Sch. 83 to M-300, Alkanolamines, August 31, 1945.

Section 3293.1086, Sch. 86 to M-300, Ipecac and Emetine, August 31, 1945.

Section 3293.1087, Sch. 87 to M-300, Phenolic Resin and Phenolic Resin Molding Compound, August 31, 1945.

Section 3293.1088, Sch. 88 to M-300, Bismuth Chemicals, August 31, 1945.

Section 3293.1101, Sch. 101 to M-300, Hydroquinone, August 31, 1945.

Section 3293.1102, Sch. 102 to M-300, Acetone and Diacetone, August 31, 1945.

Section 3293.10104, Sch. 104 to M-300, Fumaric Acid, August 31, 1945.

Section 3293.10105, Sch. 105 to M-300, Benzyl Benzoate and Benzyl Chloride, August 31, 1945.

Section 3293.1110, Sch. 110 to M-300, Coumarone-Indene Resin, August 31, 1945.

Section 3293.1111, Sch 111 to M-300, Quinacrine, August 31, 1945.

Section 3293.1114, Sch. 114 to M-300, Silica Aerogel, August 31, 1945.

Section 3293.1115, Sch. 115 to M-300, Dihydroxy-Dichloro-Diphenyl Methane, August 31, 1945.

Section 3293.1116, Sch. 116 to M-300, White Ammonium Chloride, August 31, 1945.

Section 3293.1117, Sch. 117 to M-300, Naphthenic Acid and Naphthenates, August 31, 1945.

Section 3293.466, M-332, Oils for Protective Coatings, August 31, 1945.

Section 3293.491, M-340, Miscellaneous Chemicals, September 30, 1945.

Section 3293.591, M-368, Hide Glue Stock, September 30, 1945.

Section 3293.611, M-370, Chrome Pigments, August 31, 1945.

Section 3231.1, P-65, Marine Paints, September 30, 1945.

Section 3293.521, P-89, Production of Chemicals: Maintenance, Repair, Operating Supplies, September 30, 1945.

Section 3293.526, P-135, Reagent Chemicals, September 30, 1945.

Section 3293.531, P-135a, Reagent Chemicals, September 30, 1945.

Section 3293.621, P-149, Can Enamels, September 30, 1945.

CIVILIAN AIRCRAFT

Section 3191.21, P-47, Civilian Aircraft, September 30, 1945.

Section 3191.22, P-47a, Production of Civilian Transport Aircraft and Modification of Surplus Aircraft, September 30, 1945.

CONSTRUCTION

Section 1075.5, P-19j, Construction Projects, September 30, 1945.

Section 1075.6, P-19k, Construction Projects, September 30, 1945.

CONSTRUCTION MACHINERY

Section 1157.10, L-192, Construction Machinery and Equipment, August 20, 1945.

CONSUMERS DURABLE GOODS

Section 3291.6, L-5-c, Domestic Mechanical Refrigerators, August 20, 1945.

Section 3291.25, L-6, Domestic Laundry Equipment, August 20, 1945.

Section 3291.51, L-13-b, Use of Steel in Furniture and Fixtures, August 20, 1945.

Section 3291.180, L-23-b, Domestic Electric Ranges, August 20, 1945

Section 3291.245, L-64, Caskets, Shipping Cases and Burial Vaults, August 20, 1945.

Section 3291.125, L-71, Dry Cell Batteries and Portable Electric Lights, August 20, 1945

Section 3291.135, L-176, Domestic and Commercial Electric Fans, August 20, 1945.

Section 3291.270, L-178, Film, August 20, 1945.

Section 3291.265, L-233, Photographic Film and Film Base, August 20, 1945.

Section 3291.266, L-233-a, Delivery of Sensitized Photographic Paper, August 20, 1945.

Section 3291.206, L-323, Distribution of Imported Watches, August 22, 1945.

CONTAINERS

Section 3270.15, L-197, Steel Shipping Drums, August 20, 1945.

Section 3270.56, L-232, Wooden Shipping Containers, August 20, 1945.

Section 3270.6, L-317, Fibre Shipping Containers, August 22, 1945.

Section 3270.61, L-336, Paper Cups and Paper Food Containers, August 20, 1945.

Section 3270.76, L-337, Fiber Shipping Drums, August 20, 1945.

Section 3270.4, M-343, Box-Veneer, August 22, 1945.

Section 3270.7, P-140, Wooden Shipping Containers, September 30, 1945.

Section 3270.81, P-152, Metal Strapping, September 30, 1945.

COPPER

Section 933.1, M-9, Copper, August 20, 1945.

CORK, ASBESTOS AND FIBROUS GLASS

Section 3301.1, M-8-a, Cork, August 23, 1945.

Section 3301.6, M-79, Asbestos, August 20, 1945.

Section 3301.16, M-283, Asbestos Textiles, August 31, 1945.

EXPORTS

Section 3306.1, P-151, Small Export Shipments, September 30, 1945.

FARM MACHINERY

Section 1029.36, P-153, Ratings for Distributors of Farm Machinery Parts, September 30, 1945.

GENERAL INDUSTRIAL EQUIPMENT

Section 1226.22, P-126, Material for Emergency Servicing of Industrial and Commercial Refrigerating and Air Conditioning System, September 30, 1945.

Section 1226.83, L-311, Logging, Lumber and Wood Products Machinery, and Equipment, August 20, 1945.

GOVERNMENT SERVICES

Section 3287.11, L-60, Revolvers and Shotguns, August 30, 1945.

Section 3287.26, P-141, Public Sanitary Sewerage Facilities: Maintenance, Repair, Operating Supplies, September 30, 1945.

LUMBER AND LUMBER PRODUCTS

Section 3285.1, L-150, Softwood Plywood Scheduling, August 22, 1945.

Section 3285.3, L-150-a, Softwood Plywood, August 22, 1945.

Section 3285.11, L-285, Dogwood, August 20, 1945.

Section 3285.121, L-335, Lumber Control Order, September 30, 1945.

Section 1169.1, M-122, Mahogany, Philippine Mahogany, and Albarco, August 20, 1945.

Section 3083.1, M-234, Douglas Fir Logs, August 20, 1945.

Section 3285.136, L-344, Picker Stick Blanks, August 20, 1945.

Section 3285.146, L-350, Softwood Veneer, August 20, 1945.

Section 3285.31, M-186, Aircraft Grades of Sitka Spruce Logs and Lumber, September 30, 1945.

Section 3285.66, M-248, Rattan, September 30, 1945.

Section 3285.131, M-386, Aircraft Grades of Noble Fir Logs and Lumber, September 30, 1945.

MINING

Section 3201.11, P-56, Mines and Smelters, September 30, 1945.

MISCELLANEOUS MINERALS

Section 1038.1, M-61, Graphite, September 18, 1945.

Section 3286.21, M-95, Rhodium, August 20, 1945.

Section 1109.1, M-101, Mica, August 20, 1945.

Section 1109.2, M-101-a, Mica Splittings, August 20, 1945.

Section 3286.36, M-146, Quartz Crystals, August 20, 1945.

Section 3286.41, M-162, Platinum, August 20, 1945.

Section 3286.51, M-199, Silver, August 20, 1945.

Section 3286.56, M-239, Talc, August 20, 1945.

Section 3286.71, M-302, Osmium, August 20, 1945.

PAPER

Section 3281.15, L-120, Paper, September 30, 1945.

Section 3281.17, Sch. I to L-120, Paper and Paperboard for use in Commercial Printing, September 30, 1945.

Section 3281.18, Sch. II to L-120, Paper and Paperboard for use in Book Publishing, September 30, 1945.

Section 3281.19, Sch. III to L-120, Fine Writing Papers Including Rag and Chemical Bonds, Writings, Ledgers, Weddings, Reproduction, and Duplicating Papers, Covers, Index and Bristols, September 30, 1945.

Section 3281.20, Sch. IV to L-120, Tablet Paper, September 30, 1945.

Section 3281.21, Sch. V to L-120, Envelope Papers, September 30, 1945.

Section 1223.7, Sch. VI to L-120, Roll Toilet Tissue, September 30, 1945.

Section 3281.23, Sch. VII to L-120, Commercial Envelopes, September 30, 1945.

Section 3281.24, Sch. VIII to L-120, Paper Stationery, September 30, 1945.

Section 3281.25, Sch. IX to L–120, Tablets, Notebooks, Pads, Looseleaf Fillers, and Sheets, September 30, 1945.

Section 3281.26, Sch. X to L–120, Household Wax Paper Rolls in Cutter Boxes, September 30, 1945.

Section 3281.27, Sch. XI to L–120, Facial Tissue, September 30, 1945.

Section 3281.28, Sch. XII to L–120, Paper Towels, September 30, 1945.

Section 3281.29, Sch. XIII to L–120, Paper Napkins, September 30, 1945.

Section 3281.30, Sch. XIV to L–120, Paper for use in Newspapers or Magazines, September 30, 1945.

Section 3281.31, Sch. XV to L–120, Groundwood Paper, September 30, 1945.

Section 3281.32, Sch. XVI to L–120, Specialty Paper and Board, September 30, 1945.

Section 3270.27, L–261, Grocers and Variety Bags, August 23, 1945.

Section 3270.28, L–304, Specialty Bags (Paper), August 23, 1945.

Section 3281.91, L–279, Paper Shipping Sacks, August 23, 1945.

Section 3281.1, M–251, Pulpwood, August 20, 1945.

Section 3281.64, M–241–a, Conservation of Paper and Paperboard, August 24, 1945.

Section 3281.76, M–351, Waxed Paper, August 20, 1945.

Section 3281.96, M–380, Moisture Vapor-Proof Barriers, August 20, 1945.

PAPERBOARD

Section 3305.16, L–239, Folding and Set-up Boxes, August 22, 1945.

Section 3305.1, M–378, Paperboard, August 22, 1945.

Section 3305.21, P–146, Fibre Shipping Containers, September 30, 1945.

PETROLEUM

Section 1167.1, L–86, Liquefied Petroleum Gas Equipment, August 24, 1945.

Section 1041.3, P–98–c, Production, Transportation, Refining and Marketing of Petroleum, September 1, 1945.

Section 1041.6, P–98–e, Production, Transportation, Refining and Marketing of Petroleum, September 1, 1945.

PLUMBING AND HEATING

Section 3288.66, L–23–c, Domestic Cooking Appliances and Domestic Heating Stoves, August 20, 1945.

Section 3288.11, L–42, Plumbing and Heating Simplification, August 20, 1945.

Section 3288.15, Schedule 4 to L–42, Cast Iron Soil Pipe and Fittings, August 20, 1945.

Section 3288.61, L–248, Commercial Dish Washers, August 20, 1945.

Section 3288.86, L–349, Oil Burning Equipment, August 20, 1945.

PRINTING AND PUBLISHING

Section 3133.35, L–177, Wall Paper, August 24, 1945.

Section 3133.9, L–241, Commercial Printing and Duplicating, August 24, 1945.

Section 3133.15, L–244, Magazines and Periodicals, August 24, 1945.

Section 3133.17, L–245, Books and Booklets, August 24, 1945.

Section 3133.20, L–289, Greeting Cards and Illustrated Post Cards, August 24, 1945.

Section 3133.40, L–294, Displays, August 24, 1945.

Section 3133.50, L–340, Governmental Commercial Printing and Duplicating, August 24, 1945.

PULP

Section 3281.71, M–294, Waste Manila Rope and Manila Fibre, September 30, 1945.

Section 3281.86, M–377, Waste Paper, August 20, 1945.

RADIO AND RADAR

Section 3037.2, L–183–a, Electronic Equipment, September 18, 1945.

Section 3289.31, L–265, Electronic Equipment, August 20, 1945.

Section 3207.1, L–272, Industrial Type Instruments, Control Valves and Regulators, August 20, 1945.

Section 3207.2, Schedule 1 to L–272, Control Valves, August 20, 1945.

Section 3207.3, Schedule 2 to L–272, Liquid Level Controllers, August 20, 1945.

Section 3207.4, Schedule 3 to L–272, Pyrometers and Resistance Thermometers, August 20, 1945.

Section 3207.5, Schedule 4 to L–272, Indicating Dial Pressure Gauges, August 20, 1945.

Section 3207.7, Schedule 6 to L–272, Welding Equipment Gauges, August 20, 1945.

Section 3207.9, Schedule 8 to L–272, Railroad Gauges, August 20, 1945.

RUBBER

Section 1260.2, L–143–a, Rubber Processing Machinery and Equipment, August 20, 1945.

Section 4600.100, L–345, Restrictions on the Production of Camelback, August 20, 1945.

SAFETY AND TECHNICAL EQUIPMENT

Section 1254.1, L–139, Dental Equipment and Supplies Simplification, August 20, 1945.

Section 1254.2, Schedule 1 to L–139, Dental Excavating Burs, August 20, 1945.

Section 3296.56, L–144, Laboratory Equipment, August 20, 1945.

Section 3296.96, L–295, Dental Burs, August 20, 1945.

Section 3296.106, P–43, Laboratories, September 30, 1945.

SERVICE EQUIPMENT

Section 3302.36, P–148, Materials for Rural Water Wells, September 30, 1945.

STEEL

Section 3294.161, L–88, Used Rail and Used Rail Joints, August 20, 1945.

Section 3102.1, L–211, National Emergency Specifications for Steel Products, August 20, 1945.

Section 3102.10, Schedule 9 to L–211, Oil Country Tubular Goods, August 20, 1945.

Section 3102.17, Schedule 16 to L–211, Steel Wire Rope, August 20, 1945.

Section 3294.66, M–17, Pig Iron, August 20, 1945.

Section 3294.113, M–21–1, Malleable Iron Castings, August 20, 1945

Section 965.1, M–24, Iron and Steel Scrap, August 20, 1945.

Section 965.3, M–24–b, Iron and Steel Scrap, August 20, 1945.

Section 1103.11, M–292, Coke, August 24, 1945.

Section 3294.31, P–68, Iron and Steel Production—Maintenance, Repair and Operating Supplies, September 30, 1945.

TEXTILES, CLOTHING AND LEATHER

Section 3290.111, L–95, Sanitary Napkins, August 20, 1945.

Section 1238.1, L–130, Men's and Boys' Apparel, etc., September 12, 1945.

Section 3290.145, L–153, Patterns for Garments, etc., September 12, 1945.

Section 3290.140, L–169, Shirts, exclusive of Work Shirts, and Pajamas, September 12, 1945.

Section 3290.150, L–215, Textiles, Clothing and Leather Machinery, August 27, 1945.

Section 3290.316, L–310, Knitted Outerwear, August 30, 1945.

Section 3290.176, L–282, Fish Netting, September 30, 1945.

Section 3290.76, L–312, Industrial Wiping Cloths, August 20, 1945.

Section 3290.201, M–22, Silk, August 20, 1945.

Section 968.1, M–26, Silk Waste, Silk Noils, and Silk Fiber, August 20, 1945.

Section 3290.246, M–37–d, Rayon Yarn, September 30, 1945.

Section 3290.271, M–70, Jute and Jute Products, August 20, 1945.

Section 3290.56, M–91, Cotton Duck, August 20, 1945.

Section 3290.306, M–102, Water Fowl Feathers, August 20, 1945.

Section 3290.266 M–103, Dyestuffs and Organic Pigments, August 20, 1945.

Section 3290.66, M–117, Extra Staple Cotton, September 20 1945.

Section 3290.36, M–124, Rubber Yarn and Elastic Thread, August 27, 1945.

Section 1175.1, M–125, Loofa Sponges, August 20, 1945.

Section 3054.1, M–210, Cattle Tail and Horse Mane Hair, August 20, 1945.

Section 3290.231, M–312, Coir Yarn and Products, September 18, 1945.

Section 3290.117, M–317–B, Cotton Sale Yarn Production and Distribution, August 20, 1945.

Section 3290.326, M–356, Synthetic fibers, yarns and fabrics, August 22, 1945.

Section 3164.1, P–139, Producers of Textile Fibers, Leather Textile Products—Maintenance, Repair and Operating Supplies, September 30, 1945.

TIN, LEAD AND ZINC

Section 937.1, M–11, Slab Zinc, August 20, 1945.

Section 937.2, M–11–a, Zinc Oxide, August 20, 1945.

Section 1044.1, M–65, Cadmium, August 20, 1945.

Section 1054.1, M–72, Lead and Tinscrap, August 20, 1945.

Section 3159.1, M–276, Bismuth, August 20, 1945.

TOOLS

Section 3274.1, E–1–b, Machine Tools, August 20, 1945.

Section 3274.51, E–6, Hand Service Tools, August 20, 1945.

Section 3274.61, E–10, Antifriction Bearings, August 20, 1945.

Section 3274.77, L–302, Chain, August 20, 1945.

TRANSPORTATION

Section 3157.1, T–1, Haulage Conservation, August 20, 1945.

Section 3216.1, P–142, Transportation Systems—Maintenance, Repair and Operating Supplies, September 30, 1945.

WAR UTILITIES

Section 1288.1, L–154, Power, Steam and Water Auxiliary Equipment, August 20, 1945.

Section 1288.5, Sch 4 to L–154, Power Switchgear, August 20, 1945.

Issued this 1st day of October 1945.

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

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WAR PRODUCTION BOARD

see Incls. #7

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

[Priorities Reg. 31 as Amended Oct. 1, 1945, Amdt. 1]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52, Priorities Regulation 31, is amended by adding to the list of orders revoked the following orders:

List of orders revoked and effective date of revocation

Petroleum:

§ 1041.2, P–98–b (except Direction 1 to P–98–b); production, transportation, refining and marketing of petroleum, September 30, 1945. Direction 1 to P–98–b, petroleum industry housing, October 15, 1945.

§ 3026.1, M–201, preference rating exclusion order for petroleum products, October 22, 1945.

Issued this 22d day of October 1945.

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

WAR PRODUCTION BOARD

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

[Priorities Reg. 31 as Amended Oct. 1, 1945, Amdt. 2]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52, Priorities Regulation 31, is amended by adding to the list of orders revoked the following orders:

List of orders revoked and effective date of revocation

Petroleum:

§ 1041.2, P–98–b (except Direction 1 to P–98–b); production, transportation, refining and marketing of petroleum, September 30, 1945. Direction 1 to P–98–b, petroleum industry housing, October 15, 1945.

§ 3026.1, M–201, preference rating exclusion order for petroleum products, October 22, 1945.

Issued this 22d day of October 1945.

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

See Trans. #7

Amdt. 3 to PR 31

OCT. 31, 1945

see Items #7

WAR PRODUCTION BOARD

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

[Priorities Reg. 31, as Amended Oct. 1, 1945, Amdt. 3]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52 *Priorities Regulation 31,* is amended by adding to the list of orders revoked the following orders:

LIST OF ORDERS REVOKED AND EFFECTIVE DATE OF REVOCATION

GOVERNMENT

Section 3287.21, L–286, Ammunition, October 31, 1945.

CHEMICALS

Section 3293.1072, Sch. 72 to M–300, Methanol, October 31, 1945.

Issued this 31st day of October 1945.

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

[PR 31, as Amended Oct. 1, 1945, Amdt. 4]

See Trans. # 7

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

BLANKET REVOCATION OF CERTAIN WPB ORDERS

Section 944.52 *Priorities Regulation 31* is amended by adding to the list of orders revoked the following order:

ORDER REVOKED AND EFFECTIVE DATE OF REVOCATION

BUILDING MATERIALS

Section 3284.76; Part 3284, L–228, Asphalt and Tarred Roofing Products and Asphalt Shingles, November 15, 1945.

Issued this 15th day of November 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 7-18-46

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

[Priorities Reg. 32 as Amended June 14, 1946]

INVENTORIES

(a) What this regulation does.

General Restrictions

(b) Restriction on delivery.
(c) Restrictions on receipts.
(d) Restriction on ordering more than needed.
(e) Adjusting outstanding orders when requirements change
(f) Restriction on processing.

Exceptions

(g) In general.
(h) Receipts permitted after contract cancellations or cut-backs.

Miscellaneous Provisions

(i) Previous inventory authorizations
(j) Separate inventories.
(k) Redistribution of excess inventories
(l) Violations
(m) Revisions of tables.
(n) Appeals, letters and questions.

§ 944.53 *Priorities Regulation 32*—(a) *What this regulation does.* This regulation contains the inventory rules formerly in § 944.14 of Priorities Regulation 1 and in CMP Regulation 2. Its purpose is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of materials in short supply. All kinds of materials are covered including raw or semi-fabricated materials, commodities, equipment, accessories, parts, assemblies or products of any kind, whether or not acquired with priorities assistance.

The general rule on receipts is in paragraph (c) (1), and this is controlling unless a more specific limitation or exception is indicated in Table 1 or 2 or a direction to this regulation, or unless Table 3 (formerly Order M-161) exempts the material entirely. Other exceptions to the inventory limitations are stated in paragraphs (g) and (h) and in directions to this regulation.

General Restrictions

(b) *Restriction on delivery.* No person may deliver any material if he knows or has reason to believe that acceptance of the delivery would be in violation of this regulation.

NOTE: For rule on making or delivering material earlier than required by customers, see Interpretation 3

(c) *Restrictions on receipts*—(1) *General rule.* A person may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1

(2) *Special rules in Tables 1 and 2.* If Table 1 at the end of this regulation shows a special inventory limit on a particular material or product (either specifically or by reference to another CPA order or regulation) that limitation governs and the restrictions of paragraph (c) (1) above may be disregarded unless the applicable order or regulation (or a note in Table 1) also states that a practicable minimum working inventory may not be exceeded. The same is true with respect to particular classes of persons shown on Table 2. Where a specific period of time is shown on Table 1 or 2, no person affected may accept delivery of any material specified if his inventory of it is, or will be, more than he needs during the immediate period specified on the basis of his current or scheduled method and rate of operation. Even if an order or regulation is not listed on Table 1 or 2, any specific inventory limits imposed by it must be complied with. If an order or regulation listed on Table 1 or 2 is revoked or a listing removed from the tables all provisions of this regulation, including paragraph (c) (1), are automatically applicable.

(3) *Early delivery of steel, iron products, copper and copper base alloys.* Early delivery, up to 15 days before the requested delivery month, may be accepted from a producer of steel, iron products, copper or copper base alloys (in the forms listed on Table 1), but the producer may not make the early delivery if it would interfere with any rated orders. Other special rules on these materials are explained in Table 1.

(d) *Restriction on ordering more than needed.* (1) A person may not place any order, whether rated or unrated, for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this regulation. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. However, this restriction does not apply to materials listed on Table 3 of this regulation nor to purchases by ultimate consumers for personal or household use. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production as long as this restriction is effective.

(2) This restriction does not require immediate adjustment of orders placed before August 28, 1945. However, in view of its policy to prevent hoarding and speculative buying of materials in short supply the CPA may direct adjustments or cancellations in individual cases where orders are in excess of reasonably anticipated needs especially where failure to do so might result in unbalanced distribution and curtail total production.

(3) If the inventory limits applying to any material are made more restrictive, whether by a change in Table 1 or otherwise, any person affected must immediately cancel, reduce or defer any order for the material to the extent that the scheduled delivery would result in an inventory greater than permitted by the new restriction and other applicable provisions of this regulation.

(e) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this regulation, he must promptly adjust his outstanding orders, and, if necessary, postpone or cancel them. Paragraph (h) below describes what further deliveries may be accepted.

(f) *Restriction on processing.* No person may process, fabricate, alloy or otherwise alter the shape or form of any material if his inventory of the material in its processed, fabricated, alloyed or otherwise altered shape or form is, or will be, more than a practicable minimum working inventory. However, this does not restrict a person from altering the form of surplus materials by scrapping or reprocessing them, unless a CPA order specifically says otherwise. The CPA may issue directions to Priorities Regulation 32 or other orders that are more restrictive on processing than the general limitations of this paragraph. In such case, these more restrictive directions or orders control instead of the general restrictions of the paragraph.

Exceptions

(g) *In general.* This paragraph, paragraph (h) below, and certain directions to this regulation state general exceptions to the restrictions on acceptance of delivery described in paragraph (c) above, and to all other inventory restrictions on delivery and acceptance of delivery in CPA orders and regulations unless they contain specific provisions to the contrary. None of these or any other exceptions to CPA inventory restrictions on receipts permit a supplier to disregard any applicable CPA order or regulation which restricts production or delivery.

(1) *Exemption of Table 3 materials.* Materials listed on Table 3 at the end of this regulation may be delivered and accepted without regard to CPA inventory restrictions.

(2) *Materials bought under PR-13.* Priorities Regulation 13 provides a limited exemption from inventory restrictions in the case of items bought on special sales.

(3) *Imported materials.* A person may import any material without regard to CPA inventory restrictions, but if his inventory of it thereby becomes in excess of the amount permitted by this regulation he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him may receive.

(4) *Advance stockpiling for civilian production* A person may receive in anticipation of starting or resuming civilian production the minimum amount of material he would need during the first 30 days of such production, provided no priorities assistance is used to get the material. Records of such receipts and the basis on which they were computed must be preserved as required by § 944.15 of Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his civilian product Changes in this 30-day amount may be indicated for a particular material by a note in Table 1

(5) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this Regulation. However where Column 3 of Table 1 shows a specific amount of a particular material that is considered to be the minimum sale quantity of it Thus, if a person would be permitted under paragraph (c) to accept less than the amount shown, he may accept delivery of the full amount. In any event, after receiving a minimum sale quantity of any material, a person may not accept delivery of any additional quantities until his inventory of it is within applicable limits.

(6) *Small inventory exemption for particular materials.* If a note in Table 1 or 2 shows a specific amount of a particular material as a small inventory exemption a person may accept delivery of any quantities of it as long as his total inventory of it after acceptance is no more than the specified amount.

(h) *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders with his supplier as required by paragraph (e) and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be made and accepted and the inventory restrictions of paragraph (c) exceeded to the following extent only:

(1) Delivery may be made and accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to adjust; or

(2) Delivery may be made and accepted of any special item which the supplier actually has in stock or in production or special components or special materials which he has acquired for the purpose of filling that contract. A special item, as used above, means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others; or

(3) Even if the material is not a special item, delivery may be made by and accepted from a producer if it has already been produced or is in production before receipt of the instruction to adjust, and it cannot be used to fill other orders on the producer's books. However, in the case of steel processed beyond the slab, billet or sheet bar stage before receipt of the instruction to adjust, producers are not required to examine other orders on their books. In this case, unless otherwise ordered by the CPA, deliveries may be made and accepted if the producer cannot readily dispose of the material to others without loss of production.

NOTE: For special rules on continuing receipts of special items after contract cut backs, see Direction 3 to this regulation; and as to transfers of idle materials after cancellations or cut backs, see Direction 1. For effect of reduction in consumption rate on permitted inventories, see Interpretation 5

Miscellaneous Provisions

(i) *Previous inventory authorizations.* Any specific authorizations, exceptions, or grants of appeals issued under § 944.14 of Priorities Regulation 1 or CMP Regulation 2 remain in effect according to their terms unless individually modified or revoked

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, has more than one operating unit and keeps separate inventory records for them, this regulation applies to each such operating unit or division independently A person may not make any further separation or consolidation of such operating units without special written approval of the Civilian Production Administration, unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Redistribution of excess inventories.* Excess inventories of materials and products, including inventories of materials which are in such form as to be unusable by the holder, are subject to redistribution to other persons by voluntary action pursuant to Priorities Regulation 13, or if necessary for national defense, through requisitioning by the Civilian Production Administration.

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

(m) *Revisions of tables.* Tables 1, 2 and 3, attached to this regulation will be revised from time to time. As materials and products become in more ample supply, it is expected that they will be listed on Table 3. In special cases, particular materials or products may also be removed from Table 3 or added to Table 1. It is, therefore, important to be familiar with the latest revision of the tables.

(n) *Appeals, letters and questions.* Any appeal or other question regarding any provision of this regulation should be sent by letter in duplicate to the Inventory Control Division, Civilian Production Administration, Washington 25, D. C., Ref.: PR 32, unless Table 1 or 2 attached to this regulation indicates otherwise with respect to particular materials or classes of persons.

Issued this 14th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation Materials or products listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation, except to the extent that different rules may apply as to certain classes of persons under Table 2.

Column 2 shows either the CPA order or regulation which controls inventories of the material, or if no order is specified, there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2) An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated

If Column 2 shows a specific period of time (e. g., 30 days, 60 days, etc.) for a particular material or product, this restriction applies only to "users" of that material or product, i. e., persons, including Government operated consuming establishments, who use the material or product for production, operating supplies, maintenance and repair, or for construction whether for own account or for the account of another. In addition, the restriction applies only within the 48 States and the District of Columbia. In the case of persons who are not "users", such as persons buying for resale, paragraph (c) (1) applies instead of Column 2.

A figure in Column 3 shows the minimum sale quantity, that is, the amount of the particular material which a person may receive under the conditions stated in paragraph (g) (5), even if it is more than allowed under Column 2. If no figure is shown, the rule in Interpretation 2 must be followed.

Column 4 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described. However, if the applicable order says appeals are to be filed somewhere else, such as the nearest CPA field office, that provision controls.

Column 5 (Remarks) gives explanations, exemptions or other special rules applicable to the particular material or limitation.

Superseded 9-26-46.

SUBJECT: PR-32, Amended 7-18-46 1/
Inventories

1. Substance. This regulation refers to allowable inventories of materials and products, and contains general rules designed to prevent hoarding. Specific inventory limits on particular materials or products, and restrictions relating to particular classes of persons, are indicated in Tables 1 and 2 of the regulation. Table 3 lists materials and products which are exempt from inventory restrictions, unless other regulations specifically establish a limitation.

2. Explanation. Inventories on FPHA projects are subject to this regulation since it applies to: (1) all kinds of materials, (2) acquisitions from surplus as well as with priorities assistance, and (3) maintenance, repair and construction supplies for Government establishments. Specific provisions affecting "users" of materials or products are contained in paragraphs (c) (1), restrictions on receipts, (d) (1), restrictions on ordering more than needed, and (e), adjusting outstanding orders when requirements change.

3. Effect. It is unlikely that the FPHA will be affected by these restrictions, because critical materials generally are in such short supply that stockpiling to the extent of hoarding is impracticable. However, it is the responsibility of the FPHA to compare any possible obviously large acquisitions of materials with the applicable inventory limitations set forth in this regulation.

1/ Supersedes PR-32, dated 6-14-46.

This release superseded 12-30-46

SUBJECT: PR-32, Amended 8-27-46 1/
Inventories

This regulation refers to allowable inventories of materials and products, and contains general rules designed to prevent hoarding. Specific inventory limits on particular materials or products, and restrictions relating to particular classes of persons, are indicated in Tables 1 and 2 of the regulation. Table 3 lists materials and products which are exempt from inventory restrictions, unless other regulations specifically establish a limitation.

Stockpiling of certain materials and equipment has been permitted under PR-32 to encourage an orderly transition from war production to the production of civilian goods. Because of the trememdous demand for building materials in the present intensive drive for new housing, PR-32 has been amended to make it clear that this provision of the regulation does not and was never intended to permit the stockpiling of building materials in anticipation of future construction.

The revision in paragraph (k) is due to the expiration of the Requisitioning Act, which provided for the requisition of materials for defense purposes. Reference to it has been deleted and the regulation now states that disposal of unneeded materials acquired or made for use and not for sale or resale is subject to the special sales provisions of PR-13.

Because of the current shortage of electrical wiring devices needed in the housing program, these items have been added to Table 1 of the regulation, thereby imposing a 45-day inventory limitation or a practicable minimum working inventory, whichever is less.

Inventories of FPHA projects and warehousing facilities are subject to this regulation because it applies to: (1) all kinds of materials, (a) acquisitions from surplus as well as with priorities assistance, and (3) maintenance, repair and construction supplies for Government establishments.

Specific provisions affecting "users" of materials or products are contained in paragraphs (c) (1), restrictions on receipts; (d) (1), restrictions on ordering more than needed; and (e), adjusting outstanding orders when requirements change.

It is unlikely that the FPHA will be affected by these restrictions, because critical materials generally are in such short supply that stockpiling to the extent of hoarding is impracticable. However, it is the responsibility of the FPHA to compare any possible obviously large acquisitions of materials with the applicable inventory limitations set forth in this regulation.

1/ Supersedes PR-32, dated 7-18-46.

SUBJECT: PR-32, Amended 12-13-46 1/
Inventories

This regulation refers to allowable inventories of materials and products, and contains general rules designed to prevent hoarding. Specific inventory limits on particular materials or products, and restrictions relating to particular classes of persons, are indicated in Tables 1 and 2 of the regulation. Table 3 lists materials and products which are exempt from inventory restrictions, unless other regulations specifically establish a limitation.

Stockpiling of certain materials and equipment is permitted under PR-32, but the last sentence of paragraph (g)(4) specifies that this provision of the regulation does not permit the stockpiling of building materials in anticipation of future construction.

In this amendment of PR-32, Tables 1, 2 and 3 have been extensively revised, and Table 4 has been deleted. It is important to be familiar with the latest revisions of the tables.

Inventories of FPHA projects and warehousing facilities are subject to this regulation because it applies to: (1) all kinds of materials, (2) acquisitions from surplus as well as with priorities assistance, and (3) maintenance, repair and construction supplies for Government establishments.

Specific provisions affecting "users" of materials or products are contained in paragraphs (c)(1), restrictions on receipts; (d)(1), restrictions on ordering more than needed; and (e), adjusting outstanding orders when requirements change.

It is unlikely that the FPHA will be affected by these restrictions, because critical materials generally are in such short supply that stockpiling to the extent of hoarding is impracticable. However, it is the responsibility of the FPHA to compare any possible obviously large acquisitions of materials with the applicable inventory limitations set forth in this regulation.

1/ Supersedes PR-32, dated 8-27-46

Superseded 8/27/46

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

[Priorities Reg. 32 as Amended July 18, 1946]

INVENTORIES

(a) What this regulation does

General Restrictions

(b) Restriction on delivery
(c) Restrictions on receipts.
(d) Restriction on ordering more than needed.
(e) Adjusting outstanding orders when requirements change
(f) Restriction on processing

Exceptions

(g) In general.
(h) Receipts permitted after contract cancellations or cut-backs

Miscellaneous Provisions

(i) Previous inventory authorizations
(j) Separate inventories.
(k) Redistribution of excess inventories
(l) Violations
(m) Revisions of tables.
(n) Appeals, letters and questions

§ 944.53 *Priorities Regulation 32*—(a) *What this regulation does.* This regulation contains the inventory rules formerly in § 944.14 of Priorities Regulation 1 and in CMP Regulation 2. Its purpose is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of materials in short supply. All kinds of materials are covered including raw or semi-fabricated materials, commodities, equipment, accessories, parts, assemblies or products of any kind, whether or not acquired with priorities assistance. However, foods for humans or animals, tobacco and tobacco products, oils and fats, petroleum and petroleum products including natural and liquified petroleum gas, and coal are not covered by this regulation, but are subject to applicable restrictions of other Government agencies. This regulation applies to all persons buying for use or for resale whether established firms or newcomers, except ultimate consumers buying for personal or household use.

The general rule on receipts is in paragraph (c) (1) and this is controlling unless a more specific limitation or exception is indicated in Table 1 or 2 or a direction to this regulation, or unless Table 3 (formerly Order M-161) exempts the material entirely. Other exceptions to the inventory limitations are stated in paragraphs (g) and (h) and in directions to this regulation.

General Restrictions

(b) *Restriction on delivery.* No person may deliver any material if he knows or has reason to believe that acceptance of the delivery would be in violation of this regulation.

NOTE: For rule on making or delivering material earlier than required by customers, see Interpretation 3

(c) *Restrictions on receipts*—(1) *General rule.* A person whether buying for use or resale including a person buying for export may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1

(2) *Special rules in Tables 1 and 2.* If Table 1 at the end of this regulation shows a special inventory limit on a particular material or product (either specifically or by reference to another CPA order or regulation), that limitation governs and the restrictions of paragraph (c) (1) above may be disregarded unless the applicable order or regulation (or a note in Table 1) also states that a practicable minimum working inventory may not be exceeded. The same is true with respect to particular classes of persons shown on Table 2. Where a specific period of time is shown on Table 1 or 2, no person affected may accept delivery of any material specified if his inventory of it is, or will be, more than he needs during the immediate period specified on the basis of his current or scheduled method and rate of operation. Even if an order or regulation is not listed on Table 1 or 2, any specific inventory limits imposed by it must be complied with. If an order or regulation listed on Table 1 or 2 is revoked or a listing removed from the tables all provisions of this regulation, including paragraph (c) (1), are automatically applicable.

(3) *Early delivery of steel, iron products, copper and copper base alloys.* Early delivery, up to 15 days before the requested delivery month, may be accepted from a producer of steel, iron products, copper or copper base alloys (in the forms listed on Table 1), but the producer may not make the early delivery if it would interfere with any rated orders. Other special rules on these materials are explained in Table 1.

(d) *Restriction on ordering more than needed.* (1) A person may not place any order, whether rated or unrated, for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this regulation, or any other applicable orders or regulations of CPA. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. However, this restriction does not apply to materials listed on Table 3 of this regulation nor to purchases by ultimate consumers for personal or household use. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production as long as this restriction is effective.

(2) This restriction does not require immediate adjustment of orders placed before August 28, 1945. However, in view of its policy to prevent hoarding and speculative buying of materials in short supply the CPA may direct adjustments or cancellations in individual cases where orders are in excess of reasonably anticipated needs especially where failure to do so might result in unbalanced distribution and curtail total production.

(3) If the inventory limits applying to any material are made more restrictive, whether by a change in Table 1 or otherwise, any person affected must immediately cancel, reduce or defer any order for the material to the extent that the scheduled delivery would result in an inventory greater than permitted by the new restriction and other applicable provisions of this regulation.

(e) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this regulation, he must promptly adjust his outstanding orders, and, if necessary, postpone or cancel them. Paragraph (h) below describes what further deliveries may be accepted.

(f) *Restriction on processing.* No person may process, fabricate, alloy or otherwise alter the shape or form of any material if his inventory of the material in its processed, fabricated, alloyed or otherwise altered shape or form (including the form in which he sells it) is, or will be, more than a practicable minimum working inventory. This limitation applies whether the manufacturer does his own processing or has it done for his account by others. He may not exceed it by causing or permitting avoidable delays in transportation, storage, or processing. Special limits on manufacturers' inventories of certain finished products are listed in Table 4 of this regulation. Manufacturers of such products are also subject to the restrictions shown in that table. However, this does not restrict a person from altering the form of surplus materials by scrapping or reprocessing them, unless a CPA order specifically says otherwise. The CPA may issue directions to Priorities

Regulation 32 or other orders that are more restrictive on processing than the general limitations of this paragraph. In such case, these more restrictive directions or orders control instead of the general restrictions of the paragraph.

Exceptions

(g) *In general.* This paragraph, paragraph (h) below and certain directions to this regulation state general exceptions to the restrictions on acceptance of delivery described in paragraph (c) above, and to all other inventory restrictions on delivery and acceptance of delivery in CPA orders and regulations unless they contain specific provisions to the contrary. None of these or any other exceptions to CPA inventory restrictions on receipts permit a supplier to disregard any applicable CPA order or regulation which restricts production or delivery.

(1) *Exemption of Table 3 materials.* Materials listed on Table 3 at the end of this regulation may be delivered and accepted without regard to CPA inventory restrictions.

(2) *Materials bought under PR–13.* Priorities Regulation 13 provides a limited exemption from inventory restrictions in the case of items bought on special sales.

(3) *Imported materials.* A person may import any material without regard to CPA inventory restrictions, but if his inventory of it thereby becomes in excess of the amount permitted by this regulation he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes and to the amount of it that any person accepting delivery from him may receive.

(4) *Advance stockpiling for civilian production.* A person may receive in anticipation of starting or resuming civilian production the minimum amount of material he would need during the first 30 days of such production, provided no priorities assistance is used to get the material. Records of such receipts and the basis on which they were computed must be preserved as required by § 944.15 of Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his civilian product. Changes in this 30-day amount may be indicated for a particular material by a note in Table 1. This paragraph relates to production only and does not permit the advance stockpiling of materials or products for construction purposes.

(5) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this Regulation. However, where Column 3 of Table 1 shows a specific amount of a particular material that is considered to be the minimum sale quantity of it. Thus, if a person would be permitted under paragraph (c) to accept less than the amount shown, he may accept delivery of the full amount. In any event, after receiving a minimum sale quantity of any material, a person may not accept delivery of any additional quantities until his inventory of it is within applicable limits.

(6) *Small inventory exemption for particular materials.* If a note in Table 1 or 2 shows a specific amount of a particular material as a small inventory exemption a person may accept delivery of any quantities of it as long as his total inventory of it after acceptance is no more than the specified amount.

(h) *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders with his supplier as required by paragraph (e) and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be made and accepted and the inventory restrictions of paragraph (c) exceeded to the following extent only:

(1) Delivery may be made and accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to adjust; or

(2) Delivery may be made and accepted of any special item which the supplier actually has in stock or in production or special components or special materials which he has acquired for the purpose of filling that contract. A special item, as used above, means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others; or

(3) Even if the material is not a special item, delivery may be made by and accepted from a producer if it has already been produced or is in production before receipt of the instruction to adjust, and it cannot be used to fill other orders on the producer's books. However, in the case of steel processed beyond the slab, billet or sheet bar stage before receipt of the instruction to adjust, producers are not required to examine other orders on their books. In this case, unless otherwise ordered by the CPA, deliveries may be made and accepted if the producer cannot readily dispose of the material to others without loss of production.

NOTE: For special rules on continuing receipts of special items after contract cut backs, see Direction 3 to this regulation; and as to transfers of idle materials after cancellations or cut backs, see Direction 1. For effect of reduction in consumption rate on permitted inventories see Interpretation 5.

Miscellaneous Provisions

(i) *Previous inventory authorizations.* Any specific authorizations, exceptions, or grants of appeals issued under § 944.14 of Priorities Regulation 1 or CMP Regulation 2 remain in effect according to their terms unless individually modified or revoked.

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, has more than one operating unit and keeps separate inventory records for them, this regulation applies to each such operating unit or division independently. A person may not make any further separation or consolidation of such operating units without special written approval of the Civilian Production Administration, unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Redistribution of excess inventories.* Excess inventories of materials and products, including inventories of materials which are in such form as to be unusable by the holder, are subject to redistribution to other persons by voluntary action pursuant to Priorities Regulation 13, or if necessary for national defense, through requisitioning by the Civilian Production Administration.

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

(m) *Revisions of tables.* Tables 1, 2, 3, and 4 attached to this regulation will be revised from time to time. As materials and products become in more ample supply, it is expected that they will be listed on Table 3. In special cases, particular materials or products may also be removed from Table 3 or added to Table 1 or Table 4. It is, therefore, important to be familiar with the latest revision of the tables.

(n) *Appeals, letters and questions.* Any appeal or other question regarding any provision of this regulation should be sent by letter in duplicate to the Inventory Control Division, Civilian Production Administration, Washington 25, D. C., Ref.: PR 32, unless Table 1 or 2 attached to this regulation indicates otherwise with respect to particular materials or classes of persons.

Issued this 18th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation. Materials or products listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation, except to the extent that different rules may apply as to certain classes of persons under Table 2.

Column 2 shows either the CPA order or regulation which controls inventories of the material, or if no order is specified, there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

If Column 2 shows a specific period of time (e. g., 30 days, 60 days, etc.) for a particular material or product, this restriction applies only to "users" of that material or product,

Superseded 12-13-46

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

[Priorities Reg. 32 as Amended Aug. 27, 1946]

INVENTORIES

(a) What this regulation does

General Restrictions

(b) Restriction on delivery
(c) Restrictions on receipts
(d) Restriction on ordering more than needed.
(e) Adjusting outstanding orders when requirements change
(f) Restriction on processing

Exceptions

(g) In general.
(h) Receipts permitted after contract cancellations or cut-backs

Miscellaneous Provisions

(i) Previous inventory authorizations.
(j) Separate inventories
(k) Redistribution of excess inventories.
(l) Violations
(m) Revisions of tables.
(n) Appeals, letters and questions

§ 944.53 *Priorities Regulation 32*—(a) *What this regulation does.* This regulation contains the inventory rules formerly in § 944.14 of Priorities Regulation 1 and in CMP Regulation 2. Its purpose is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of materials in short supply. All kinds of materials are covered including raw or semi-fabricated materials, commodities, equipment, accessories, parts, assemblies or products of any kind, whether or not acquired with priorities assistance. However, foods for humans or animals, tobacco and tobacco products, oils and fats, petroleum and petroleum products including natural and liquified petroleum gas, and coal are not covered by this regulation, but are subject to applicable restrictions of other Government agencies. This regulation applies to all persons buying for use or for resale whether established firms or newcomers, except ultimate consumers buying for personal or household use.

The general rule on receipts is in paragraph (c) (1), and this is controlling unless a more specific limitation or exception is indicated in Table 1 or 2 or a direction to this regulation, or unless Table 3 (formerly Order M-161) exempts the material entirely. Other exceptions to the inventory limitations are stated in paragraphs (g) and (h) and in directions to this regulation.

General Restrictions

(b) *Restriction on delivery.* No person may deliver any material if he knows or has reason to believe that acceptance of the delivery would be in violation of this regulation.

NOTE: For rule on making or delivering material earlier than required by customers, see Interpretation 3

(c) *Restrictions on receipts*—(1) *General rule.* A person whether buying for use or resale including a person buying for export may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1

(2) *Special rules in Tables 1 and 2.* If Table 1 at the end of this regulation shows a special inventory limit on a particular material or product (either specifically or by reference to another CPA order or regulation), that limitation governs and the restrictions of paragraph (c) (1) above may be disregarded unless the applicable order or regulation (or a note in Table 1) also states that a practicable minimum working inventory may not be exceeded. The same is true with respect to particular classes of persons shown on Table 2. Where a specific period of time is shown on Table 1 or 2, no person affected may accept delivery of any material specified if his inventory of it is, or will be, more than he needs during the immediate period specified on the basis of his current or scheduled method and rate of operation. Even if an order or regulation is not listed on Table 1 or 2, any specific inventory limits imposed by it must be complied with. If an order or regulation listed on Table 1 or 2 is revoked or a listing removed from the tables all provisions of this regulation, including paragraph (c) (1), are automatically applicable.

(3) *Early delivery of steel, iron products, copper and copper base alloys.* Early delivery, up to 15 days before the requested delivery month, may be accepted from a producer of steel, iron products, copper or copper base alloys (in the forms listed on Table 1), but the producer may not make the early delivery if it would interfere with any rated orders. Other special rules on these materials are explained in Table 1.

(d) *Restriction on ordering more than needed.* (1) A person may not place any order, whether rated or unrated, for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this regulation, or any other applicable orders or regulations of CPA. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. However, this restriction does not apply to materials listed on Table 3 of this regulation nor to purchases by ultimate consumers for personal or household use. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production as long as this restriction is effective.

(2) This restriction does not require immediate adjustment of orders placed before August 28, 1945. However, in view of its policy to prevent hoarding and speculative buying of materials in short supply the CPA may direct adjustments or cancellations in individual cases where orders are in excess of reasonably anticipated needs especially where failure to do so might result in unbalanced distribution and curtail total production.

(3) If the inventory limits applying to any material are made more restrictive, whether by a change in Table 1 or otherwise, any person affected must immediately cancel, reduce or defer any order for the material to the extent that the scheduled delivery would result in an inventory greater than permitted by the new restriction and other applicable provisions of this regulation.

(e) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this regulation, he must promptly adjust his outstanding orders, and, if necessary, postpone or cancel them. Paragraph (h) below describes what further deliveries may be accepted.

(f) *Restriction on processing.* No person may process, fabricate, alloy or otherwise alter the shape or form of any material if his inventory of the material in its processed, fabricated, alloyed or otherwise altered shape or form (including the form in which he sells it) is, or will be, more than a practicable minimum working inventory. This limitation applies whether the manufacturer does his own processing or has it done for his account by others. He may not exceed it by causing or permitting avoidable delays in transportation, storage, or processing. Special limits on manufacturers' inventories of certain finished products are listed in Table 4 of this regulation. Manufacturers of such products are also subject to the restrictions shown in that table. However, this does not restrict a person from altering the form of surplus materials by scrapping or reprocessing them, unless a CPA order specifically says otherwise. The CPA may issue directions to Priorities Regulation 32 or other orders that are more restrictive on processing than the general limitations of this paragraph. In such case, these more restrictive directions or orders control instead of the general restrictions of the paragraph.

Exceptions

(g) *In general.* This paragraph, paragraph (h) below, and certain directions to this regulation state general exceptions to the restrictions on acceptance of delivery described in paragraph (c) above, and to all other inventory restrictions on delivery and acceptance of delivery in CPA orders and regulations unless they contain specific provisions to the contrary. None of these or any other exceptions to CPA inventory restrictions on receipts permit a supplier to disregard any applicable CPA order or regulation which restricts production or delivery.

(1) *Exemption of Table 3 materials.* Materials listed on Table 3 at the end of this regulation may be delivered and accepted without regard to CPA inventory restrictions.

(2) *Materials bought under PR–13.* Priorities Regulation 13 provides a limited exemption from inventory restrictions in the case of items bought on special sales.

(3) *Imported materials.* A person may import any material without regard to CPA inventory restrictions, but if his inventory of it thereby becomes in excess of the amount permitted by this regulation he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him may receive.

(4) *Advance stockpiling for civilian production.* A person may receive in anticipation of starting or resuming civilian production the minimum amount of material or equipment he would need during the first 30 days of such production, provided no priorities assistance is used to get the material or equipment. Records of such receipts and the basis on which they were computed must be preserved as required by § 944.15 of Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his civilian product. Changes in this 30-day amount may be indicated for a particular material by a note in Table 1. This paragraph relates to production only and does not permit the advance stockpiling of building materials for construction purposes.

(5) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this Regulation. However where Column 3 of Table 1 shows a specific amount of a particular material that is considered to be the minimum sale quantity of it. Thus, if a person would be permitted under paragraph (c) to accept less than the amount shown, he may accept delivery of the full amount. In any event, after receiving a minimum sale quantity of any material, a person may not accept delivery of any additional quantities until his inventory of it is within applicable limits.

(6) *Small inventory exemption for particular materials.* If a note in Table 1 or 2 shows a specific amount of a particular material as a small inventory exemption a person may accept delivery of any quantities of it as long as his total inventory of it after acceptance is no more than the specified amount.

(h) *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders with his supplier as required by paragraph (e), and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be made and accepted and the inventory restrictions of paragraph (c) exceeded to the following extent only:

(1) Delivery may be made and accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to adjust; or

(2) Delivery may be made and accepted of any special item which the supplier actually has in stock or in production or special components or special materials which he has acquired for the purpose of filling that contract. A special item, as used above, means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others; or

(3) Even if the material is not a special item, delivery may be made by and accepted from a producer if it has already been produced or is in production before receipt of the instruction to adjust, and it cannot be used to fill other orders on the producer's books. However, in the case of steel processed beyond the slab, billet or sheet bar stage before receipt of the instruction to adjust, producers are not required to examine other orders on their books. In this case, unless otherwise ordered by the CPA, deliveries may be made and accepted if the producer cannot readily dispose of the material to others without loss of production.

NOTE: For special rules on continuing receipts of special items after contract cut backs, see Direction 3 to this regulation; and as to transfers of idle materials after cancellations or cut backs, see Direction 1. For effect of reduction in consumption rate on permitted inventories, see Interpretation 5.

Miscellaneous Provisions

(i) *Previous inventory authorizations.* Any specific authorizations, exceptions, or grants of appeals issued under § 944.14 of Priorities Regulation 1 or CMP Regulation 2 remain in effect according to their terms unless individually modified or revoked.

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, has more than one operating unit and keeps separate inventory records for them, this regulation applies to each such operating unit or division independently. A person may not make any further separation or consolidation of such operating units without special written approval of the Civilian Production Administration, unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Special sales of materials and products.* Special sales of materials and products acquired or made for use and not for sale or resale may be disposed of subject to the provisions of Priorities Regulation 13.

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

(m) *Revisions of tables.* Tables 1, 2, 3, and 4 attached to this regulation will be revised from time to time. As materials and products become in more ample supply, it is expected that they will be listed on Table 3. In special cases, particular materials or products may also be removed from Table 3 or added to Table 1 or Table 4. It is, therefore, important to be familiar with the latest revision of the tables.

(n) *Appeals, letters and questions.* Any appeal or other question regarding any provision of this regulation should be sent by letter in duplicate to the Inventory Control Division, Civilian Production Administration, Washington 25, D. C., Ref.: PR 32, unless Table 1 or 2 attached to this regulation indicates otherwise with respect to particular materials or classes of persons.

Issued this 27th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation. Materials or products listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation, except to the extent that different rules may apply as to certain classes of persons under Table 2.

Column 2 shows either the CPA order or regulation which controls inventories of the material, or if no order is specified, there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

If Column 2 shows a specific period of time (e. g., 30 days, 60 days, etc.) for a particular material or product, this restriction applies only to "users" of that material or product,

i. e., persons, including Government operated consuming establishments, who use the material or product for production operating supplies, maintenance and repair, or for construction whether for own account or for the account of another. In addition, the restriction applies only within the 48 States and the District of Columbia. In the case of persons who are not "users", such as persons buying for resale, paragraph (c) (1) applies instead of Column 2

A figure in Column 3 shows the minimum sale quantity, that is, the amount of the particular material which a person may receive under the conditions stated in paragraph (g) (5) even if it is more than allowed under Column 2. If no figure is shown, the rule in Interpretation 2 must be followed.

Column 4 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described. However, if the applicable order says appeals are to be filed somewhere else, such as the nearest CPA field office, that provision controls

Column 5 (Remarks) gives explanations, exemptions or other special rules applicable to the particular material or limitation.

NOTE: Table amended Aug. 27, 1946.

TABLE 1

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Aluminum (See Table 3.)				
Antimony	M-112		Tin, lead and zinc	
Babbitt	M-43, Dir 2		Tin, lead and zinc	
Bristles	120 days		Textiles	
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibre stock) **	30 days*		Building materials.	**The limitations of column (2) apply to the total amount in the user's inventory rather than item by item.
Burlap	M-47		Textiles	
Butyl Acetate	45 days*		Chemicals	
Butyl Alcohol (Normal)	45 days*		Chemicals	
Cadmium, meaning all grades of metallic cadmium, cadmium oxide, or cadmium salts produced directly from ores concentrates or other primary materials, or redistilled or remelted from cadmium scrap or any secondary cadmium-bearing material.	30 days*	100 lbs	Tin, Lead and Zinc Branch	
Casein	45 days*		Chemicals	
Castings, malleable iron. (See Steel: including iron products.)				
Coke	PR 32, Dir. 10 (**)		Steel	
Copper and copper base alloys: NOTE (1) The provisions of this regulation apply separately to each "item" of copper or copper base alloys in any class listed below which is different from all other items in that class by reason of one or more of its specifications, such as width, thickness, temper, alloy, finish, or method of manufacture. Differences in color of insulation do not differentiate items of wire mill products. (2) [Deleted Nov 23, 1945]				**The specific limitations in Column 2 on receipts of copper and copper base alloys do not apply to producers who acquire copper or copper base alloys for the purpose of conversion into another listed form of those materials, but they are subject to paragraph (c) (1) Certain other classes of persons to whom these Column 2 limitations do not apply are shown on Table 2.
Copper:				
Refinery shapes, castings, scrap, etc.	45 days*		Copper	
Brass mill products, sheet, rod, tube.	45 days*		Copper	
Wire mill products, except magnet wire.	45 days*		Copper	
Magnet wire	45 days*		Copper	
Copper base alloys:				
Ingot castings, scrap, etc.	45 days*		Copper	
Brass mill products; sheet, rod, tube.	45 days*		Copper	

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Copper and copper base alloys—Continued.				
Copper base alloys—Con.				
Wire mill products, except magnet wire.	45 days*		Copper	
Magnet wire	45 days*		Copper	
Cotton yarns, combed and carded, weaving and knitting, singles, ply and twisted natural or colored	45 days*		Textiles	
Ethyl fluid	L-355		Chemicals	
Gloves, work	M-375		Textiles	
Glue, hide	45 days*		Chemicals	
Gypsum board	30 days*		Building materials	
Gypsum lath	30 days*		Building materials	
Iron, pig	30 days*		Steel	
Iron products (see steel including iron products)				
Kapok	M-85		Textiles	
Lead: metallic lead, lead alloys components or products (such as, but not limited to, sheet, pipe, ingot, castings and foil), in any form containing 50% or more by weight of the element lead It includes battery lead oxide but does not include other lead chemicals **	30 days*		Tin, lead and zinc	**The specific limitations in column (2) on receipts of lead do not apply to smelters and refiners who acquire lead for the purpose of conversion into another listed form of this material, but they are subject to paragraph (c) (1) of Priorities Regulation 32.
Lead chemicals	30 days*		Chemicals	
NOTE: The provisions of this regulation apply to each item of lead chemicals, and, in the case of chrome pigments, to each grade and type of pigment				
Lumber—Seasoned, green, rough, surfaced and/or worked to pattern (all kinds, sizes and grades)** NOTE: Deleted Nov 23, 1945	60 days*		Lumber	**The limitations of Column 2 apply to the total amount of lumber in usable condition in the user's inventory rather than item by item The Column 2 restrictions do not apply to green lumber which must be seasoned by the user before it is usable for the purpose for which it was purchased but such receipts are subject to the restrictions of paragraph (c) (1) of the regulation. However, when such lumber is sufficiently seasoned for use it must be counted in determining whether or not the person is eligible to accept any further deliveries of lumber in usable condition under the limitations of this Table 1.
Metal plastering base (metal lath).	30 days*		Building materials.	
Mica:***				
Muscovite.				
Block & Film	45 days*	1 case	Metals and minerals	***Applies only to mica furnished from Government stocks, but does not apply to any mica that has been declared surplus and is sold by a disposal agency.
Splittings	90 days*	5 cases		
Phlogopite				
Block	45 days*	1 case		
Splittings	90 days*	5 case		
Motors.				
Fractional horsepower motors, alternating current under 1/20 h. p. except universal.	45 days*	1.000	General industrial equipment	
Fractional horsepower motors, alternating current 1/20 h. p or larger but less than 1/2 h. p. except universal.	45 days*	500	do	

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Motors—Continued.				
Fractional horsepower motors, alternating current, ½ h. p. or larger but less than 1 h. p., except universal.	45 days*	250	General industrial equipment.	
Single phase alternating current motors 1 h. p. and over except universal.	45 days*	100	do	
Pipe: soil, cast iron	30 days*		Building materials.	
Potash	M-300, Sch. 120.		Chemicals	
Radiation, cast iron and convector.	60 days*		Building materials.	
Rubber Natural rubber; natural rubber latex or butyl; reclaimed rubber; chlorinated natural rubber.	R-1		Rubber	
Rubber; GR-S	30 days*		Rubber	
Screen cloth, insect	30 days*		Building materials.	
Solder	M-43, Dir. 2.		Tin, lead and zinc.	
Steel, including iron products: NOTE (1) The provisions of this regulation apply separately to each "item" of steel or iron products in any class listed below which is different from all other items in that class by reason of one or more of its specifications, such as width, thickness, temper, alloy, finish, or method of manufacture. (2) So long as Direction 8 to Priorities Regulation 32 remains in effect, its provisions control users' inventories of iron and steel rather than the limits stated in Column 2.	(**)			**The specific limitations in Column 2 on receipts of steel, including iron products, do not apply to producers who acquire steel, including iron products, for the purpose of conversion into another listed form of those materials, but but they are subject to paragraph (c) (1). Certain other classes of persons to whom these Column 2 limitations do not apply are shown on Table 2
Iron products:				
Gray iron castings (rough as cast) (except soil pipe).	60 days*	(***)	Inventory control	***Receipts of less than 2,000 pounds from any one pattern or mold, or of a minimum production run as explained in Interpretation 2 are permitted under the conditions explained in paragraph (g) (5)
Malleable iron castings (rough as cast).	45 days*	(***)	do	
Steel:				
Carbon steel (including wrought iron):****				
Bars—Cold finished	60 days*	10,000 lbs	do	****Column 2 does not apply to certain special kinds of steel used in file and rasp production or piston production, as explained in table 2.
Bars—Hot rolled or forged.	60 days*	10,000 lbs	do	
Sheet and strip	60 days*	10,000 lbs	do	
Structural shapes and piling.**	60 days*		do	**Column 2 does not apply to persons who order structural steel for use in construction (including buildings, bridges and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project Instead, no such person may accept delivery of such steel more than 60 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Steel—Continued.				
Carbon steel—Continued.				
Tin plate, terne plate and tin mill black plate.	60 days*	10,000 lbs	Inventory control	
All other shapes and forms of carbon steel as described in Order M-21.	Par (c) (1)		do	
Alloy steel (including stainless):				
Sheet and strip—silicon electrical only	60 days*	10,000 lbs	do	
All other shapes and forms of alloy steel as described in Order M-21.	Par. (c) (1)		do	
Tapioca flour	M-333		Chemicals	
Textiles (finished material)	M-328B**		Textiles	**Persons buying textiles (finished material) who are not subject to M-328B are subject to paragraph (c) (1) of Priorities Regulation 32.
Tin.				
Pig tin	M-43		Tin, lead, and zinc.	
Alloys, other than copper base alloys	M-43, Dir. 2.		do	
Tires and tubes	R-1		Rubber	
Titanium pigments	30 days*		Chemicals	
Turpentine	5 months		do	
Vegetable waxes	0 days		do	
Wiring devices (electrical)	45 days*		Building materials.	
Zinc: metallic zinc, all grades, including zinc base diecast alloy.**	30 days*		Tin, lead and zinc.	**The limitations in column 2 apply to the total amount of zinc, including zinc base diecast alloy, in the user's inventory rather than item by item.

*Or a practicable minimum working inventory, whichever is less.

TABLE 2—CLASSES OF PERSONS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation. The classes of persons listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation).

Column 2 shows either the CPA order or regulation which controls the inventories of the particular class of persons, or if no order is specified there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2) An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

Column 3 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described. However, if the applicable order says appeals are to be filed somewhere else, such as the nearest CPA field office, that provision controls.

Column 4 (Remarks) gives explanations, exemptions or other special rules applicable to the particular class of persons or limitation. Where this column specifies certain materials, the limitation or exemption for the particular class of person applies only to the materials specified.

NOTE: Table 2 amended July 18, 1946.

Classes of persons (1)	Order or limitation (2)	CPA division or office administering the control (3)	Remarks (4)
Bag makers (cotton textiles)	M-221	Containers	
Brush manufacturers	120 days	Textiles	Bristles.
File and rasp manufacturers	120 days*	Inventory control	Applicable only to special high carbon steel in special forms and shapes needed to make files and rasps

See footnote at end of table.

TABLE 2—Continued

Classes of persons (1)	Order or limitation (2)	CPA division or office administering the control (3)	Remarks (4)
Jeweled watch manufacturers	None	Inventory control	No inventory restriction. apply to receipts of steel. iron products, copper and copper base alloys or making jeweled watches.
Merchants (consumers' goods inventories).	L-219	Wholesale and Retail Branch.	
Pipe nipple manufacturers	(**)	Inventory control	**All provisions of this regulation (and, so long as it is in effect, Direction 8 to this regulation) apply except that with respect to steel pipe the limitation on receipts applies to the total tonnage of pipe in the users inventory rather than item by item.
Piston ring manufacturers	90 days*	Inventory control	Applicable only to special heat treated, tempered, polished, and colored high carbon steel (known as segment or expander steel) for use in the production of piston rings.
Rubber and rubber product manufacturers.	R-1	Rubber	
Segregated structural steel for construction. persons using.	(**)	Inventory control	**See special rule under "Steel" in table 1.
Suppliers	L-63	Wholesale and Retail Branch.	
Telegraph operators	(**)	Inventory control	**All provisions of this regulation apply, except that with respect to steel iron products, copper and copper base alloys such operators are subject to the rule of paragraph (c) (1) instead of the specific limitation in Column 2 of Table 1.
Telephone operators	(**)	Inventory control	
Transportation systems. operators of (MRO supplies)	(***)	Inventory control	***All provisions of this regulation apply, except that with respect to the materials on Table 1 (other than lumber) such operators are subject to paragraph (c) (1) instead of the specific limitations in Column 2 of Table 1 This does not prevent an operator from maintaining minimum stocks of material or emergency use, nor from acquiring reasonable stocks of ties and lumber for seasoning.
Utility producers (electric, power, gas water and central steam heating).	(**	Inventory control	**All provisions of this regulation apply, except that with respect to steel. iron products, copper and copper base alloys such producers are subject to the rule of paragraph (c) (1) instead of the specific limitation in Column 2 of Table 1.

*Or a practicable minimum working inventory, whichever is less.

TABLE 3—EXEMPTED MATERIALS AND PRODUCTS

Explanation. The following materials and products are exempt from the inventory restrictions on receipts of this regulation and of all other CPA orders or regulations unless they specifically state otherwise.

Aluminum, all forms except sheet.
Asbestos, unmanufactured, all grades and types
Asbestos friction materials
Asbestos Tape 010-.025 thickness
Asbestos textiles
Batteries. dry cell
Bentonite
China clay (English)
Cork. raw—corkwood. milling cork, grinding cork
Cotton: Baled, raw cotton
Domestic andalusite
Domestic dumortierite
Fibrous glass products
Furfural
Ilmenite
Istle fiber and products
Jute fiber and jute products except burlap
Kyanite (Indian)
Lamps, incandescent
Magnesium in all forms.
Mineral aggregates:
Sand
Gravel
Crushed stone
Slag
Packings, Gaskets and Oil Seals
Potter's flint
Pulpwood
Salt (sodium chloride) in bulk
Sediment separators
Sodium sulfate (salt cake)
Sodium sulfite
Stoneware clay
Sulphur
Vermiculite
Waste paper
Wood pulp
Wool: Raw wool

TABLE 4—SPECIAL RESTRICTIONS ON MANUFACTURERS' INVENTORIES OF FINISHED PRODUCTS

(1) The purpose of this table is to assure prompt and continuous deliveries of the listed finished products for distribution to consumers, by preventing the accumulation by manufacturers of inventories which would be excessive, in view of the extremely urgent need for the products by purchasers.

(2) The restrictions of this table apply to manufacturers' inventories of finished products of the types listed below.

(3) "Finished product" includes all products of the kinds on Table 4 in the form in which the manufacturer sells them and which are in the manufacturer's possession or held for his account in a public warehouse or by any otherperson.

(4) Column 2 shows the maximum permitted manufacturer's inventory of finished products. Where a listing shows 30 days in Column 2 for example, this means that the manufacturer's inventory of the finished product may not be greater than his production of that product during the period of 30 calendar days (either the immediate preceding 30 day period or his average monthly production in the preceding three calendar months) In no case may his inventory exceed a practicable minimum working inventory, when this is less than 30 days production. In determining what is a practicable minimum working inventory of finished products, any inventory which is larger than that which a manufacturer has been maintaining in the immediate past (even where less than the number of days production shown in Table 4 for the particular finished product) is excessive, unless there are valid reasons why this is not so. In the case of products which can be distributed very quickly by a manufacturer, an inventory not greater than the quantity produced in the period of a week or ten days may be a practicable minimum working inventory.

(5) Where a manufacturer has not been making a product the limitation of this table does not apply during the 30 calendar days, after his initial production of that product has begun.

(6) If on July 18, 1946 a manufacturer of any products on Table 4 has in inventory more than the amount permitted by this Table 4, he must promptly, and in any event by August 15, 1946, either bring his inventory within the applicable limits by increasing his rate of sales or by reducing his rate of operations, or stop further production until his inventory is within applicable limits. In the event additional finished products are listed on Table 4, a manufacturer of such products must promptly and in any event within 30 days from the date of such listing, bring his inventory of them within applicable limits Similarly, manufacturers of products on Table 4 must keep their inventories within the applicable limits by increasing rate of sales or by reducing rate of operations.

(7) If in any case a product on Table 4 is designated on that list as a seasonal one, and a particular manufacturer must produce and stock it up in advance of the season because he is unable to make sales until the seasonal demand occurs, he may have an inventory larger than that specified in the table, provided his inventory is no greater and is accumulated no further in advance than that which he would normally have in the ordinary course of his business to meet reasonably anticipated future seasonal requirements.

Product (1)	Limitation (2)	CPA division or office administering control (3)	Remarks (4)
Asphalt and tarred roofing products	30 days*	Building materials	
Bedding products (metal beds, innerspring mattresses, felt mattresses, box springs, coil, flat, and fabric springs, dual sleeping equipment).	30 days*	Consumers hard goods	
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibre stock).**	30 days*	Building materials	**The limitations of Column (2) apply to the total amount in the manufacturer's inventory rather than item by item.
Furniture, wood and metal	30 days*	Consumers hard goods	
Galvanized ware	30 days*	do	
Gypsum board	30 days*	Building materials	
Gypsum lath	30 days*	do	
Laundry equipment, domestic	30 days*	Consumers hard goods	
Mechanical refrigerators, domestic	30 days*	do	
Metal windows	30 days*	Building materials	
Metal plastering base (metal lath)	30 days*	do	
Miscellaneous electrical appliances	30 days*	Consumers hard goods	
Photographic equipment	30 days*	do	
Pipe. soil, cast iron	30 days*	Building materials	
Screen cloth, insect	30 days*	do	
Ranges, electric	30 days*	Consumers hard goods	
Sewing machines, domestic	30 days*	do	
Vacuum cleaners, domestic	30 days*	do	

*Or a practicable minimum working inventory, whichever is less.

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Interpretation 1

Inventories in seasonal industries

Paragraph (c) (1) of Priorities Regulation 32 prohibits any person from accepting a delivery which will give him "more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation." This does not prevent a person engaged in a seasonal industry who normally stocks up inventory in advance of the season from accepting delivery of his requirements of the inventory in question, provided (a) that he is not guilty of hoarding, and (b) that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements. (Issued Aug. 28, 1945.)

Interpretation 2

Minimum sale quantities and production runs

(a) *Applicable provisions of the regulations* Priorities Regulation 32 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory reasonably necessary" for him to make his own deliveries. A similar provision in paragraph (c) (2) of Priorities Regulation No 3 says that a customer who is applying a rating for which no specific quantities have been authorized may use it only to get the "minimum amount needed."

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation 32 or his "minimum amount needed" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive (and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells or less than his minimum production run of a product which is mass produced under the conditions explained in Interpretation 3 of Priorities Regulation 1.

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

(d) *Special provisions for certain materials.* Where a specific minimum sale quantity is shown in Column 3 of Table 1 of Priorities Regulation 32 with respect to any material or product, that quantity controls instead of the rule in this interpretation.

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

(f) *No effect on contractual rights* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified times in specified amounts For example if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months, this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b) (Issued Oct 1, 1945.)

Interpretation 3

Making or delivering material earlier than required by customers

(a) Paragraph (b) of Priorities Regulation 32 prohibits a person from knowingly making a delivery which will give his customer more than the latter is permitted to receive under the regulation Paragraph (f) of that regulation prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order of a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months, or perhaps the entire 600 in the first month Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (c) of the regulation, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of he larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order a supplier is requested to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by paragraph (f) of the regulation.

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sale quantities or production runs to the extent described in Interpretation 2 to this regulation, nor does it prevent earlier delivery of iron products, steel, copper and copper base alloys under the conditions described in paragraph (c) (3) of Priorities Regulation 32. Also, if any CPA order or regulation permits increased deliveries to the extent necessary to avoid shipping partly filled containers (such as paragraph (y) (4) of Order M-300) the rule in this interpretation does not prevent such deliveries. (Issued Oct. 1, 1945.)

Interpretation 4

Inventory material

(a) Paragraph (c) of Priorities Regulation 32 prohibits a person from accepting delivery of material if his inventory of it is, or will be greater than the maximum prescribed For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations such as painting, and does not include any shearing, cutting, trimming or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection, testing and ageing nor segregation or earmarking for a specific job or operation.

(b) For example, if a manufacturer who uses wire or rod cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed.

(c) If a manufacturer purchases and stores steel castings in the form purchased, the steel castings are not put into process when the castings are painted and stored Consequently, the inventory of castings includes those painted and stored

(d) If a manufacturer shears steel sheet and stocks in sheared form, such stock is still part of his inventory, if the material does not continue in production. (Issued Aug. 28, 1945)

Interpretation 5

Effect of reduction in consumption rate on permitted inventories

(a) Paragraph (c) of Priorities Regulation 32 prohibits the acceptance of delivery of material if a person's inventory of it is, or will be, more than the amount permitted by the regulation If material is acquired within these restrictions, the regulation does not prohibit the mere possession of an inventory if a change in circumstances makes it greater than the amount permitted For instance, if based upon current rate of production a manufacturer's permitted inventory of one item of steel is 100 tons and he has in inventory 60 tons, he may receive a further delivery of 40 tons If after receiving the delivery of 40 tons his rate of consumption, because of contract cancellation or the like, is reduced drastically the mere fact that he has an inventory of 100 tons, although his permitted inventory may be only 10 tons, is not a violation of the regulation He may not, of course, accept any further deliveries of that item of steel until his inventory has been reduced below 10 tons (except as provided in paragraph (h) of Priorities Regulation 32 and Direction 3 to that regulation, relating to material already shipped, special items, etc.)

(b) Similarly the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract Such liability is controlled by the provisions of the contract between the customer and his supplier and by contract law (Issued Aug 28, 1945)

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

[Priorities Reg. 32 as Amended Dec. 13, 1946]

INVENTORIES

(a) What this regulation does.

General Restrictions

(b) Restriction on delivery.
(c) Restrictions on receipts.
(d) Restriction on ordering more than needed.
(e) Adjusting outstanding orders when requirements change
(f) Restriction on processing.

Exceptions

(g) In general.
(h) Receipts permitted after contract cancellations or cut-backs.

Miscellaneous Provisions

(i) Previous inventory authorizations.
(j) Separate inventories.
(k) Redistribution of excess inventories.
(l) Violations
(m) Revisions of tables.
(n) Appeals, letters and questions.

§ 944.53 *Priorities Regulation 32*—(a) *What this regulation does.* This regulation contains the inventory rules formerly in § 944.14 of Priorities Regulation 1 and in CMP Regulation 2. Its purpose is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of materials in short supply. All kinds of materials are covered including raw or semi-fabricated materials, commodities, equipment, accessories, parts, assemblies or products of any kind, whether or not acquired with priorities assistance. However, foods for humans or animals, tobacco and tobacco products, oils and fats, petroleum and petroleum products including natural and liquefied petroleum gas, and coal are not covered by this regulation, but are subject to applicable restrictions of other Government agencies. This regulation applies to all persons buying for use or for resale whether established firms or newcomers, except ultimate consumers buying for personal or household use.

The general rule on receipts is in paragraph (c) (1), and this is controlling unless a more specific limitation or exception is indicated in Table 1 or 2 or a direction to this regulation, or unless Table 3 (formerly Order M-161) exempts the material entirely. Other exceptions to the inventory limitations are stated in paragraphs (g) and (h) and in directions to this regulation.

General Restrictions

(b) *Restriction on delivery.* No person may deliver any material if he knows or has reason to believe that acceptance of the delivery would be in violation of this regulation.

NOTE: For rule on making or delivering material earlier than required by customers, see Interpretation 3.

(c) *Restrictions on receipts*—(1) *General rule.* A person whether buying for use or resale including a person buying for export may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1.

(2) *Special rules in Tables 1 and 2.* If Table 1 at the end of this regulation shows a special inventory limit on a particular material or product (either specifically or by reference to another CPA order or regulation), that limitation governs and the restrictions of paragraph (c) (1) above may be disregarded unless the applicable order or regulation (or a note in Table 1) also states that a practicable minimum working inventory may not be exceeded. The same is true with respect to particular classes of persons shown on Table 2. Where a specific period of time is shown on Table 1 or 2, no person affected may accept delivery of any material specified if his inventory of it is, or will be, more than he needs during the immediate period specified on the basis of his current or scheduled method and rate of operation. Even if an order or regulation is not listed on Table 1 or 2, any specific inventory limits imposed by it must be complied with. If an order or regulation listed on Table 1 or 2 is revoked or a listing removed from the tables all provisions of this regulation, including paragraph (c) (1), are automatically applicable.

(3) *Early delivery of steel, iron products, aluminum, copper and copper base alloys.* Early delivery, up to 15 days before the requested delivery month may be accepted from a producer of steel, iron products, aluminum, copper or copper base alloys (in the forms listed on Table 1), but the producer may not make the early delivery if it would interfere with any rated orders. Other special rules on these materials are explained in Table 1.

(d) *Restriction on ordering more than needed.* (1) A person may not place any order, whether rated or unrated, for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this regulation, or any other applicable orders or regulations of CPA. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. However, this restriction does not apply to materials listed on Table 3 of this regulation nor to purchases by ultimate consumers for personal or household use. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production as long as this restriction is effective.

(2) This restriction does not require immediate adjustment of orders placed before August 28, 1945. However, in view of its policy to prevent hoarding and speculative buying of materials in short supply, the CPA may direct adjustments or cancellations in individual cases where orders are in excess of reasonably anticipated needs especially where failure to do so might result in unbalanced distribution and curtail total production.

(3) If the inventory limits applying to any material are made more restrictive, whether by a change in Table 1 or otherwise, any person affected must immediately cancel, reduce or defer any order for the material to the extent that the scheduled delivery would result in an inventory greater than permitted by the new restriction and other applicable provisions of this regulation.

(e) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this regulation, he must promptly adjust his outstanding orders, and, if necessary, postpone or cancel them. Paragraph (h) below describes what further deliveries may be accepted.

(f) *Restriction on processing.* No person may process, fabricate, alloy or otherwise alter the shape or form of any material not listed in Table 3 if his inventory of the material in its processed, fabricated, alloyed or otherwise altered shape or form (including the form in which he sells it) is, or will be more than a practicable minimum working inventory. This limitation applies whether the manufacturer does his own processing or has it done for his account by others. He may not exceed it by causing or permitting avoidable delays in transportation, storage, or processing. However, this does not restrict a person from altering the form of surplus materials by scrapping or reprocessing them, unless a CPA order specifically says otherwise. The CPA may issue directions to Priorities Regulation 32 or other orders that are more restrictive on processing than the general limitations of this paragraph. In such case, these more restrictive directions or orders control instead of the general restrictions of the paragraph.

Exceptions

(g) *In general* This paragraph, paragraph (h) below, and certain directions to this regulation state general exceptions to the restrictions on acceptance of delivery described in paragraph (c) above, and to all other inventory restric-

tions on delivery and acceptance of delivery in CPA orders and regulations unless they contain specific provisions to the contrary. None of these or any other exceptions to CPA inventory restrictions on receipts permit a supplier to disregard any applicable CPA order or regulation which restricts production or delivery

(1) *Exemption of Table 3 materials.* Materials listed on Table 3 at the end of this regulation may be delivered and accepted without regard to CPA inventory restrictions.

(2) *Materials bought under PR–13* Priorities Regulation 13 provides a limited exemption from inventory restrictions in the case of items bought on special sales.

(3) *Imported materials.* A person may import any material without regard to CPA inventory restrictions, but if his inventory of it thereby becomes in excess of the amount permitted by this regulation he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him may receive.

(4) *Advance stockpiling for civilian production.* A person may receive in anticipation of starting or resuming civilian production the minimum amount of material or equipment he would need during the first 30 days of such production, provided no priorities assistance is used to get the material or equipment. Records of such receipts and the basis on which they were computed must be preserved as required by § 944.15 of Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his civilian product. Changes in this 30-day amount may be indicated for a particular material by a note in Table 1. This paragraph relates to production only and does not permit the advance stockpiling of building materials for construction purposes.

(5) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this Regulation. However where Column 3 of Table 1 shows a specific amount of a particular material, that is considered to be the minimum sale quantity of it. Thus, if a person would be permitted under paragraph (c) to accept less than the amount shown, he may accept delivery of the full amount. In any event, after receiving a minimum sale quantity of any material, a person may not accept delivery of any additional quantities until his inventory of it is within applicable limits.

(6) *Small inventory exemption for particular materials.* If a note in Table 1 or 2 shows a specific amount of a particular material as a small inventory exemption a person may accept delivery of any quantities of it as long as his total inventory of it after acceptance is no more than the specified amount.

(h) *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders with his supplier as required by paragraph (e) and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be made and accepted and the inventory restrictions of paragraph (c) exceeded to the following extent only:

(1) Delivery may be made and accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to adjust; or

(2) Delivery may be made and accepted of any special item which the supplier actually has in stock or in production or special components or special materials which he has acquired for the purpose of filling that contract. A special item as used above, means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others; or

(3) Even if the material is not a special item, delivery may be made by and accepted from a producer if it has already been produced or is in production before receipt of the instruction to adjust, and it cannot be used to fill other orders on the producer's books. However, in the case of steel processed beyond the slab, billet or sheet bar stage before receipt of the instruction to adjust, producers are not required to examine other orders on their books. In this case, unless otherwise ordered by the CPA, deliveries may be made and accepted if the producer cannot readily dispose of the material to others without loss of production.

NOTE: For special rules on continuing receipts of special items after contract cut backs, see Direction 3 to this regulation; and as to transfers of idle materials after cancellations or cut backs, see Direction 1. For effect of reduction in consumption rate on permitted inventories, see Interpretation 5

Miscellaneous Provisions

(i) *Previous inventory authorizations.* Any specific authorizations, exceptions, or grants of appeals issued under § 944.14 of Priorities Regulation 1 or CMP Regulation 2 remain in effect according to their terms unless individually modified or revoked.

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, has more than one operating unit and keeps separate inventory records for them, this regulation applies to each such operating unit or division independently. A person may not make any further separation or consolidation of such operating units without special written approval of the Civilian Production Administration, unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Special sales of materials and products.* Special sales of materials and products acquired or made for use and not for sale or resale may be disposed of subject to the provisions of Priorities Regulation 13.

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

(m) *Revisions of tables.* Tables 1, 2, and 3 attached to this regulation will be revised from time to time. As materials and products become in more ample supply, it is expected that they will be listed on Table 3. In special cases, particular materials or products may also be removed from Table 3 or added to Table 1. It is, therefore, important to be familiar with the latest revision of the tables.

(n) *Appeals, letters and questions.* Any appeal or other question regarding any provision of this regulation should be sent by letter in duplicate to the Inventory Control Division, Civilian Production Administration, Washington 25, D. C., Ref.: PR 32, unless Table 1 or 2 attached to this regulation indicates otherwise with respect to particular materials or classes of persons.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

NOTE: Table amended Dec. 13, 1946.

Explanation Materials or products listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation, except to the extent that different rules may apply as to certain classes of persons under Table 2.

Column 2 shows either the CPA order or regulation which controls inventories of the material, or if no order is specified, there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

If Column 2 shows a specific period of time (e. g., 30 days, 60 days, etc.) for a particular material or product, this restriction applies only to "users" of that material or product, i. e., persons, including Government operated consuming establishments, who use the material or product for production operating supplies, maintenance and repair, or for construction whether for own account or for the account of another. In addition, the restriction applies only within the 48 States and the

i. e., persons, including Government operated consuming establishments, who use the material or product for production, operating supplies, maintenance and repair, or for construction whether for own account or for the account of another. In addition, the restriction applies only within the 48 States and the District of Columbia. In the case of persons who are not "users", such as persons buying for resale, paragraph (c) (1) applies instead of Column 2.

A figure in Column 3 shows the minimum sale quantity, that is, the amount of the particular material which a person may receive under the conditions stated in paragraph (g) (5), even if it is more than allowed under Column 2. If no figure is shown, the rule in Interpretation 2 must be followed.

Column 4 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described. However, if the applicable order says appeals are to be filed somewhere else, such as the nearest CPA field office, that provision controls.

Column 5 (Remarks) gives explanations, exemptions or other special rules applicable to the particular material or limitation.

NOTE: Table amended July 18, 1946.

TABLE 1

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Aluminum (See Table 3.)				
Antimony	M-112		Tin, lead and zinc.	
Babbitt	M-43, Dir. 2		Tin, lead and zinc.	
Bristles	120 days		Textiles	
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibre stock).**	30 days*		Building materials.	**The limitations of column (2) apply to the total amount in the user's inventory rather than item by item.
Burlap	M-47		Textiles	
Butyl Acetate	45 days*		Chemicals	
Butyl Alcohol (Normal)	45 days*		Chemicals	
Cadmium, meaning all grades of metallic cadmium, cadmium oxide, or cadmium salts produced directly from ores concentrates or other primary materials, or redistilled or remelted from cadmium scrap or any secondary cadmium-bearing material	30 days*	100 lbs.	Tin, Lead and Zinc Branch	
Casein	45 days*		Chemicals	
Castings, malleable iron. (See Steel, including iron products.)				
Coke	PR 32, Dir. 10. (**)		Steel	
Copper and copper base alloys: NOTE (1) The provisions of this regulation apply separately to each "item" of copper or copper base alloys in any class listed below which is different from all other items in that class by reason of one or more of its specifications, such as width, thickness, temper, alloy, finish, or method of manufacture. Differences in color of insulation do not differentiate items of wire mill products. (2) [Deleted Nov 23 1945]				**The specific limitations in Column 2 on receipts of copper and copper base alloys do not apply to producers who acquire copper or copper base alloys for the purpose of conversion into another listed form of those materials, but they are subject to paragraph (c) (1). Certain other classes of persons to whom these Column 2 limitations do not apply are shown on Table 2.
Copper:				
Refinery shapes, castings, scrap, etc.	45 days*		Copper	
Brass mill products, sheet, rod, tube.	45 days*		Copper	
Wire mill products, except magnet wire	45 days*		Copper	
Magnet wire	45 days*		Copper	
Copper base alloys:				
Ingot castings, scrap, etc.	45 days*		Copper	
Brass mill products; sheet, rod, tube.	45 days*		Copper	

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Copper and copper base alloys—Continued.				
Copper base alloys—Continued.				
Wire mill products, except magnet wire.	45 days*		Copper	
Magnet wire	45 days*		Copper	
Cotton yarns, combed and carded, weaving and knitting, singles, ply and twisted natural or colored	45 days*		Textiles	
Ethyl fluid	L-355		Chemicals	
Gloves, work	M-375		Textiles	
Glue, hide	45 days*		Chemicals	
Gypsum board	30 days*		Inventory control	
Gypsum lath	30 days*		Inventory control	
Iron, pig	30 days*		Steel	
Iron products (see steel including iron products)				
Kapok	M-85		Textiles	
Lead: metallic lead, lead alloys components or products (such as, but not limited to, sheet, pipe, ingot, castings and foil), in any form containing 50% or more by weight of the element lead. It includes battery lead oxide but does not include other lead chemicals **	30 days*		Tin, lead and zinc	**The specific limitations in column (2) on receipts of lead do not apply to smelters and refiners who acquire lead for the purpose of conversion into another listed from of this material, but they are subject to paragraph (c) (1) of Priorities Regulation 32.
Lead chemicals	30 days*		Chemicals	
NOTE: The provisions of this regulation apply to each item of lead chemicals, and, in the case of chrome pigments, to each grade and type of pigment				
Lumber—Seasoned, green, rough, surfaced and/or worked to pattern (all kinds, sizes and grades)** NOTE: Deleted Nov 23, 1945]	60 days*		Lumber	**The limitations of Column 2 apply to the total amount of lumber in usable condition in the user's inventory rather than item by item. The Column 2 restrictions do not apply to green lumber which must be seasoned by the user before it is usable for the purpose for which it was purchased but such receipts are subject to the restrictions of paragraph (c) (1) of the regulation. However, when such lumber is sufficiently seasoned for use it must be counted in determining whether or not the person is eligible to accept any further deliveries of lumber in usable condition under the limitations of this Table 1.
Metal plastering base (metal lath).	30 days*		Building materials.	
Mica:***				
Muscovite:				
Block & Film	45 days*	1 case	Metals and minerals	***Applies only to mica furnished from Government stocks, but does not apply to any mica that has been declared surplus and is sold by a disposal agency.
Splittings	90 days*	5 cases		
Phlogopite.				
Block	45 days*	1 case		
Splittings	90 days*	5 case		
Motors:				
Fractional horsepower motors, alternating current under 1/20 h. p. except universal.	45 days*	1,000	General industrial equipment	
Fractional horsepower motors, alternating current 1/20 h. p. or larger but less than 1/2 h p. except universal.	45 days*	500	do.	

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Motors—Continued.				
Fractional horsepower motors, alternating current, ½ h. p. or larger but less than 1 h. p., except universal.	45 days*	250	General industrial equipment.	
Single phase alternating current motors 1 h. p. and over except universal.	45 days*	100	do	
Pipe: soil, cast iron	30 days*		Building materials.	
Potash	M-300, Sch. 120.		Chemicals	
Radiation, cast iron and convector.	60 days*		Inventory control.	
Rubber: Natural rubber; natural rubber latex or butyl; reclaimed rubber; chlorinated natural rubber.	R-1		Rubber	
Rubber: GR-S	30 days*		Rubber	
Screen cloth, insect	30 days*		Building materials.	
Solder	M-43, Dir. 2.		Tin, lead and zinc.	
Steel, including iron products: NOTE: (1) The provisions of this regulation apply separately to each "item" of steel or iron products in any class listed below which is different from all other items in that class by reason of one or more of its specifications, such as width, thickness, temper, alloy, finish, or method of manufacture. (2) So long as Direction 8 to Priorities Regulation 32 remains in effect, its provisions control users' inventories of iron and steel rather than the limits stated in Column 2.	(**)			**The specific limitations in Column 2 on receipts of steel, including iron products, do not apply to producers who acquire steel, including iron products, for the purpose of conversion into another listed form of those materials, but but they are subject to paragraph (c) (1). Certain other classes of persons to whom these Column 2 limitations do not apply are shown on Table 2.
Iron products:				
Gray iron castings (rough as cast) (except soil pipe).	60 days*	(***)	Inventory control.	***Receipts of less than 2,000 pounds from any one pattern or mold, or of a minimum production run as explained in Interpretation 2 are permitted under the conditions explained in paragraph (g) (5).
Malleable iron castings (rough as cast).	45 days*	(***)	do	
Steel.				
Carbon steel (including wrought iron):****				
Bars—Cold finished	60 days*	10,000 lbs.	do	****Column 2 does not apply to certain special kinds of steel used in file and rasp production or piston production, as explained in Table 2.
Bars—Hot rolled or forged.	60 days*	10,000 lbs.	do	
Sheet and strip	60 days*	10,000 lbs.	do	
Structural shapes and piling.**	60 days*		do	**Column 2 does not apply to persons who order structural steel for use in construction (including buildings, bridges and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 30 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Steel—Continued.				
Carbon steel—Continued.				
Tin plate, terne plate and tin mill black plate.	60 days*	10,000 lbs.	Inventory control.	
All other shapes and forms of carbon steel as described in Order M-21.	Par (c) (1)		do	
Alloy steel (including stainless):				
Sheet and strip—silicon electrical only.	60 days*	10,000 lbs.	do	
All other shapes and forms of alloy steel as described in Order M-21.	Par (c) (1)		do	
Tapioca flour	M-333		Chemicals	
Textiles (finished material)	M-328B**		Textiles	**Persons buying textiles (finished material) who are not subject to M-328B are subject to paragraph (c) (1) of Priorities Regulation 32.
Tin.				
Pig tin	M-43		Tin, lead, and zinc.	
Alloys, other than copper base alloys.	M-43, Dir. 2		do	
Tires and tubes	R-1		Rubber	
Titanium pigments	30 days*		Chemicals	
Turpentine	5 months		do	
Vegetable waxes	90 days		do	
Zinc: metallic zinc, all grades, including zinc base diecast alloy.**	30 days*		Tin, lead and zinc.	**The limitations in column 2 apply to the total amount of zinc, including zinc base diecast alloy, in the user's inventory rather than item by item.

*Or a practicable minimum working inventory, whichever is less.

TABLE 2—CLASSES OF PERSONS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation. The classes of persons listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation.

Column 2 shows either the CPA order or regulation which controls the inventories of the particular class of persons, or if no order is specified, there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

Column 3 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described. However, if the applicable order says appeals are to be filed somewhere else, such as the nearest CPA field office, that provision controls.

Column 4 (Remarks) gives explanations, exemptions or other special rules applicable to the particular class of persons or limitation. Where this column specifies certain materials, the limitation or exemption for the particular class of person applies only to the materials specified.

NOTE: Table 2 amended July 18, 1946.

Classes of persons (1)	Order or limitation (2)	CPA division or office administering the control (3)	Remarks (4)
Bag makers (cotton textiles)	M-221	Container	
Brush manufacturers	120 days	Textiles	Bristles.
File and rasp manufacturers	120 days*	Inventory control	Applicable only to special high carbon steel in special forms and shapes needed to make files and rasps.

See footnote at end of table.

TABLE 2—Continued

Classes of persons (1)	Order or limitation (2)	CPA division or office administering the control (3)	Remarks (4)
Jeweled watch manufacturers	None	Inventory control	No inventory restrictions apply to receipts of steel, iron products, copper and copper base alloys for making jeweled watches.
Merchants (consumers' goods inventories).	L-219	Wholesale and Retail Branch.	
Pipe nipple manufacturers	(**)	Inventory control	**All provisions of this regulation (and, so long as it is in effect, Direction 8 to this regulation) apply except that with respect to steel pipe the limitation on receipts applies to the total tonnage of pipe in the users inventory rather than item by item.
Piston ring manufacturers	90 days*	Inventory control	Applicable only to special heat treated, tempered, polished, and colored high carbon steel (known as segment or expander steel) for use in the production of piston rings.
Rubber and rubber product manufacturers.	R-1	Rubber	
Segregated structural steel for construction, persons using.	(**)	Inventory control	**See special rule under "Steel" in table 1.
Suppliers	L-63	Wholesale and Retail Branch.	
Telegraph operators	(**)	Inventory control	**All provisions of this regulation apply, except that with respect to steel iron products, copper and copper base alloys such operators are subject to the rule of paragraph (c) (1) instead of the specific limitation in Column 2 of Table 1.
Telephone operators	(**)	Inventory control	
Transportation systems, operators of (MRO supplies)	(***)	Inventory control	***All provisions of this regulation apply, except that with respect to the materials on Table 1 (other than lumber) such operators are subject to paragraph (c) (1) instead of the specific limitations in Column 2 of Table 1 This does not prevent an operator from maintaining minimum stocks of material for emergency use, nor from acquiring reasonable stocks of ties and lumber for seasoning.
Utility producers (electric, power, gas, water and central steam heating).	(**)	Inventory control	**All provisions of this regulation apply, except that with respect to steel, iron products, copper and copper base alloys such producers are subject to the rule of paragraph (c) (1) instead of the specific limitation in Column 2 of Table 1.

*Or a practicable minimum working inventory, whichever is less.

TABLE 3—EXEMPTED MATERIALS AND PRODUCTS

NOTE: Table 3 amended July 18, 1946.

Explanation. The following materials and products are exempt from the inventory restrictions on receipts of this regulation and of all other CPA orders or regulations unless they specifically state otherwise.

Aluminum, all forms except sheet.
Asbestos, unmanufactured, all grades and types
Asbestos friction materials
Asbestos Tape .010-.025 thickness
Asbestos textiles
Batteries, dry cell
Bentonite
China clay (English)
Cork, raw—corkwood, milling cork, grinding cork
Cotton: Baled, raw cotton
Domestic andalusite
Domestic dumortierite
Fibrous glass products
Furfural
Ilmenite
Istle fiber and products
Jute fiber and jute products except burlap
Kyanite (Indian)
Lamps, incandescent
Magnesium in all forms.
Mineral aggregates:
  Sand
  Gravel
  Crushed stone
  Slag
Packings, Gaskets and Oil Seals
Potter's flint
Pulpwood
Salt (sodium chloride) in bulk
Sediment separators
Sodium sulfate (salt cake)
Sodium sulfite
Stoneware clay
Sulphur
Vermiculite
Waste paper
Wood pulp
Wool: Raw wool

TABLE 4—SPECIAL RESTRICTIONS ON MANUFACTURERS' INVENTORIES OF FINISHED PRODUCTS

NOTE: Table 4 added July 18, 1946.

(1) The purpose of this table is to assure prompt and continuous deliveries of the listed finished products for distribution to consumers, by preventing the accumulation by manufacturers of inventories which would be excessive, in view of the extremely urgent need for the products by purchasers.

(2) The restrictions of this table apply to manufacturers' inventories of finished products of the types listed below.

(3) "Finished product" includes all products of the kinds on Table 4 in the form in which the manufacturer sells them and which are in the manufacturer's possession or held for his account in a public warehouse or by any otherperson.

(4) Column 2 shows the maximum permitted manufacturer's inventory of finished products. Where a listing shows 30 days in Column 2 for example, this means that the manufacturer's inventory of the finished product may not be greater than his production of that product during the period of 30 calendar days (either the immediate preceding 30 day period or his average monthly production in the preceding three calendar months). In no case may his inventory exceed a practicable minimum working inventory, when this is less than 30 days production. In determining what is a practicable minimum working inventory of finished products, any inventory which is larger than that which a manufacturer has been maintaining in the immediate past (even where less than the number of days production shown in Table 4 for the particular finished product) is excessive, unless there are valid reasons why this is not so. In the case of products which can be distributed very quickly by a manufacturer, an inventory not greater than the quantity produced in the period of a week or ten days may be a practicable minimum working inventory.

(5) Where a manufacturer has not been making a product the limitation of this table does not apply during the 30 calendar days, after his initial production of that product has begun.

(6) If on July 18, 1946 a manufacturer of any products on Table 4 has in inventory more than the amount permitted by this Table 4, he must promptly, and in any event by August 15, 1946, either bring his inventory within the applicable limits by increasing his rate of sales or by reducing his rate of operations, or stop further production until his inventory is within applicable limits. In the event additional finished products are listed on Table 4, a manufacturer of such products must promptly and in any event within 30 days from the date of such listing, bring his inventory of them within applicable limits. Similarly, manufacturers of products on Table 4 must keep their inventories within the applicable limits by increasing rate of sales or by reducing rate of operations.

(7) If in any case a product on Table 4 is designated on that list as a seasonal one, and a particular manufacturer must produce and stock it up in advance of the season because he is unable to make sales until the seasonal demand occurs, he may have an inventory larger than that specified in the table, provided his inventory is no greater and is accumulated no further in advance than that which he would normally have in the ordinary course of his business to meet reasonably anticipated future seasonal requirements.

Product (1)	Limitation (2)	CPA division or office administering control (3)	Remarks (4)
Asphalt and tarred roofing products	30 days*	Building materials	
Bedding products (metal beds, innerspring mattresses, felt mattresses, box springs, coil, flat, and fabric springs, dual sleeping equipment).	30 days*	Consumers hard goods	
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibre stock).**	30 days*	Building materials	**The limitations of Column (2) apply to the total amount in the manufacturer's inventory rather than item by item.
Furniture, wood and metal	30 days*	Consumers hard goods	
Galvanized ware	30 days*	do	
Gypsum board	30 days*	Building materials	
Gypsum lath	30 days*	do	
Laundry equipment, domestic	30 days*	Consumers hard goods	
Mechanical refrigerators, domestic	30 days*	do	
Metal windows	30 days*	Building materials	
Metal plastering base (metal lath)	30 days*	do	
Miscellaneous electrical appliances	30 days*	Consumers hard goods	
Photographic equipment	30 days*	do	
Pipe: soil, cast iron	30 days*	Building materials	
Screen cloth, insect	30 days*	do	
Ranges, electric	30 days*	Consumers hard goods	
Sewing machines, domestic	30 days*	do	
Vacuum cleaners, domestic	30 days*	do	

*Or a practicable minimum working inventory, whichever is less.

INTERPRETATION 1

INVENTORIES IN SEASONAL INDUSTRIES

Paragraph (c) (1) of Priorities Regulation 32 prohibits any person from accepting a delivery which will give him "more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation." This does not prevent a person engaged in a seasonal industry who normally stocks up inventory in advance of the season from accepting delivery of his requirements of the inventory in question provided (a) that he is not guilty of hoarding, and (b) that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements (Issued Aug. 28, 1945.)

INTERPRETATION 2

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

(a) *Applicable provisions of the regulations.* Priorities Regulation 32 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory reasonably necessary" for him to make his own deliveries. A similar provision in paragraph (c) (2) of Priorities Regulation No. 3 says that a customer who is applying a rating for which no specific quantities have been authorized may use it only to get the "minimum amount needed."

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation 32 or his "minimum amount needed" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive (and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells or less than his minimum production run of a product which is mass produced under the conditions explained in Interpretation 3 of Priorities Regulation 1.

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

(d) *Special provisions for certain materials.* Where a specific minimum sale quantity is shown in Column 3 of Table 1 of Priorities Regulation 32 with respect to any material or product, that quantity controls instead of the rule in this interpretation.

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

(f) *No effect on contractual rights.* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified times in specified amounts. For example, if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b). (Issued Oct. 1, 1945.)

INTERPRETATION 3

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

(a) Paragraph (b) of Priorities Regulation 32 prohibits a person from knowingly making a delivery which will give his customer more than the latter is permitted to receive under the regulation. Paragraph (f) of that regulation prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order of a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months or perhaps the entire 600 in the first month. Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (c) of the regulation, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of the larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order a supplier is requested to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer. The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false.

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by paragraph (f) of the regulation.

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sale quantities or production runs to the extent described in Interpretation 2 to this regulation, nor does it prevent earlier delivery of iron products, steel, copper and copper base alloys under the conditions described in paragraph (c) (3) of Priorities Regulation 32. Also, if any CPA order or regulation permits increased deliveries to the extent necessary to avoid shipping partly filled containers (such as paragraph (y) (4) of Order M-300) the rule in this interpretation does not prevent such deliveries (Issued Oct. 1 1945.)

INTERPRETATION 4

INVENTORY MATERIAL

(a) Paragraph (c) of Priorities Regulation 32 prohibits a person from accepting delivery of material if his inventory of it is, or will be, greater than the maximum prescribed. For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations such as painting, and does not include any shearing, cutting, trimming or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection, testing and ageing nor segregation or earmarking for a specific job or operation.

(b) For example, if a manufacturer who uses wire or rod cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed.

(c) If a manufacturer purchases and stores steel castings in the form purchased the steel castings are not put into process when the castings are painted and stored. Consequently, the inventory of castings includes those painted and stored.

(d) If a manufacturer shears steel sheet and stocks in sheared form, such stock is still part of his inventory, if the material does not continue in production. (Issued Aug. 28, 1945)

INTERPRETATION 5

EFFECT OF REDUCTION IN CONSUMPTION RATE ON PERMITTED INVENTORIES

(a) Paragraph (c) of Priorities Regulation 32 prohibits the acceptance of delivery of material if a person's inventory of it is, or will be, more than the amount permitted by the regulation. If material is acquired within these restrictions, the regulation does not prohibit the mere possession of an inventory if a change in circumstances makes it greater than the amount permitted. For instance, if based upon current rate of production a manufacturer's permitted inventory of one item of steel is 100 tons and he has in inventory 60 tons, he may receive a further delivery of 40 tons. If after receiving the delivery of 40 tons his rate of consumption, because of contract cancellation or the like, is reduced drastically, the mere fact that he has an inventory of 100 tons, although his permitted inventory may be only 10 tons, is not a violation of the regulation. He may not, of course, accept any further deliveries of that item of steel until his inventory has been reduced below 10 tons (except as provided in paragraph (h) of Priorities Regulation 32 and Direction 3 to that regulation, relating to material already shipped, special items, etc.)

(b) Similarly the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract. Such liability is controlled by the provisions of the contract between the customer and his supplier and by contract law. (Issued Aug. 28, 1945)

TABLE 1—Continued

NOTE: Table amended Dec. 13, 1946.

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Mica: * * *				
Muscovite:				
Block & Film	45 days*	1 case	Metals and minerals.	**Applies only to mica furnished from Government stocks, but does not apply to any mica that has been declared surplus and is sold by a disposal agency.
Splittings	90 days*	5 cases		
Phlogopite:				
Block	45 days*	1 case		
Splittings	90 days*	5 case		
Motors:				
Fractional horsepower motors, alternating current under 1/20th h. p. except universal.	45 days*	1.000	General industrial equipment.	
Fractional horsepower motors, alternating current 1/20th h. p. or larger but less than ½ h. p. except universal.	45 days*	600	do	
Fractional horsepower motors, alternating current, ½ h. p. or larger but less than 1 h. p., except universal.	45 days*	50	do	
Single phase alternating current motors 1 h. p. and over except universal.	45 days*	100	do	
Oil seals, packings and gaskets	30 days*		General industrial equipment.	
Packings, gaskets and oil seals	30 days*		General industrial equipment.	
Pipe: soil, cast iron	30 days*		Building materials.	
Potash	M-300. Sch. 120.		Chemicals	
Radiation, cast iron and convector.	45 days*		Building materials.	
Rubber: Natural rubber; natural rubber latex; synthetic rubber; reclaimed rubber.	R-1		Rubber	
Screen cloth, insect	30 days*		Building materials.	
Soda Ash (see Sodium Carbonate).				
Sodium Bicarbonate	30 days*		Chemicals	
Sodium Carbonate	30 days*		Chemicals	
Sodium Hydroxide	30 days*		Chemicals	
Sodium Phosphates	30 days*		Chemicals	
Sodium Sesquicarbonate	30 days*		Chemicals	
Sodium Silicate	30 days*		Chemicals	
Solder	M-43, Dir. 2		Tin, lead and zinc	
Steel, including iron products. NOTE (1) The provisions of this regulation apply separately to each "item" of steel or iron products in any class listed below which is different from all other items in that class by reason of one or more of its specifications, such as width, thickness, temper, alloy, finish, or method of manufacture.	(**)			**The specific limitations in Column 2 on receipts of steel, including iron products, do not apply to producers who acquire steel, including iron products, for the purpose of conversion into another listed form of those materials, but they are subject to paragraph (c) (1). Certain other classes of persons to whom these Column 2 limitations do not apply are shown on Table 2.
Iron products:				
Gray iron castings (rough as cast) (except soil pipe).	45 days*	(***)	Inventory control	***Receipts of less than 2,000 pounds from any one pattern or mold, or of a minimum production run as explained in Interpretation 2 are permitted under the conditions explained in paragraph (g) (5).
Malleable iron castings (rough as cast).	45 days*	(***)	do	

TABLE 1—Continued

NOTE: Table amended Dec. 13, 1946.

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Steel:				
Carbon steel (including wrought iron):****				
Bars—Cold finished	45 days*	10,000 lbs	Inventory control	****Column 2 does not apply to certain special kinds of steel used in file and rasp production or piston production as explained in Table 2.
Bars—Hot rolled or forged.	45 days*	10,000 lbs	do	
Sheet and strip	45 days*	10,000 lbs	do	
Structural shapes and piling.**	45 days*		do	**Column 2 does not apply to fabricators who order structural steel for use in construction (including buildings, bridges, and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead no fabricator may accept delivery of such steel more than 45 days before it is scheduled to be fabricated.
Tin plate, terneplate and tin mill black plate.	45 days*	10,000 lbs	do	
All other shapes and forms of carbon steel as described in Order M-21.	45 days*		do	
Alloy steel (including stainless):				
Sheet and strip—silicon electrical only.	45 days*	10,000 lbs	do	
All other shapes and forms of alloy steel as described in Order M-21.	45 days*		do	
Steel, fabricated structural or structural steel cut to length and ready for assembly for use in construction.	Par. (c) (1)		Inventory control	
Steel scrap	M-21		Steel	
Tin:				
Pig tin	M-43		Tin, lead and zinc	
Alloys, other than copper base alloys.	M-43, Dir. 2		do	
Tires and tubes	R-1		Rubber	
Titanium pigments	30 days*		Chemicals	
Turpentine	5 months		do	
Vegetable waxes	90 days		do	
Wiring devices (electrical), of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types-lighting fixtures and portable lamps not included. (A lampholder consists of a socket and a housing (generally one-piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event the appurtenances are not part of the lampholder itself).	45 days*		Building materials	

District of Columbia. In the case of persons who are not "users", such as persons buying for resale, paragraph (c) (1) applies instead of Column 2.

A figure in Column 3 shows the minimum sale quantity, that is, the amount of the particular material which a person may receive under the conditions stated in paragraph (g) (5) even if it is more than allowed under Column 2. If no figure is shown, the rule in Interpretation 2 must be followed.

Column 4 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described.

Column 5 (Remarks) gives explanations, exemptions or other special rules applicable to the particular material or limitation

TABLE 1

NOTE: Table amended Dec. 13, 1946.

Materia (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Aluminum sheets	45 days*		Aluminum and magnesium.	
Aluminum extrusions	45 days*		Aluminum and magnesium.	
Aluminum, all other forms (see Table 3).				
Antimony	M-112		Tin, lead and zinc.	
Asbestos friction material	30 days*		Cork, asbestos and fibrous glass.	
Asbestos-cement shingles and flat sheets (products made from asbestos fibres).	45 days*		Cork, asbestos and fibrous glass.	
Asphalt and tarred roofing products.**	30 days*		Building materials.	**The limitations of column (2) apply to the total amount in the user's inventory rather than item by item.
Babbitt	M-43, Dir 2		Tin, lead and zinc	
Bismuth and bismuth alloys containing 50% or more of bismuth.	30 days*		Tin, lead, and zinc.	
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibre stock)**	30 days*		Building materials.	**The limitations of column (2) apply to the total amount in the user's inventory rather than item by item.
Burlap	90 days*		Textiles	
Butyl Acetate	45 days*		Chemicals	
Butyl Alcohol (Normal)	45 days*		Chemicals	
Cadmium, meaning all grades of metallic cadmium, cadmium oxide, or cadmium salts produced directly from ores concentrates or other primary materials, or redistilled or remelted from cadmium scrap or any secondary cadmium-bearing material.	30 days*	100 lbs	Tin, lead and zinc.	
Casein	45 days		Chemicals	
Castings, malleable iron. (See Steel; including iron products.)				
Caustic Soda (see sodium hydroxide).				
Coke	PR 32, Dir 10		Steel	
Copper and copper base alloy scrap.	60 days*		Copper	
Copper and copper base alloys. NOTE: (1) The provisions of this regulation apply separately to each "item" of copper or copper base alloys in any class listed below which is different from all other items in that class by reason of one or more of its specifications, such as width thickness, temper, alloy, finish, or method of manufacture. Differences in color of insulation do not differentiate items of wire mill products.	**			**The specific limitations in Column 2 on receipts of copper and copper base alloys do not apply to producers who acquire copper or copper base alloys for the purpose of conversion into another listed form of those materials, but they are subject to paragraph (c) (1). Certain other classes of persons to whom these Column 2 limitations do not apply are shown on Table 2.

TABLE 1—Continued

NOTE: Table amended Dec. 13, 1946.

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Copper and copper base alloys--Continued.				
(2) [Deleted Nov. 23 1945]				
Copper:				
Refinery shapes, castings, etc.	45 days*		Copper	
Brass mill products, sheet, rod, tube.	45 days*		Copper	
Wire mill products, except magnet wire.	45 days*		Copper	
Magnet wire	45 days*		Copper	
Copper base alloys:				
Ingot castings, etc.	45 days*		Copper	
Brass mill products; sheet, rod, tube.	45 days*		Copper	
Wire mill product, except magnet wire.	45 days*		Copper	
Magnet wire	45 days*		Copper	
Ethyl fluid	L-355		Chemicals	
Fibre, Manila (Abaca) and yarn.	M-84		Textile	
Gaskets, oil seals and packing	30 days*		General industrial equipment.	
Glue, hide	45 days*		Chemicals	
Gypsum board	30 days*		Building materials.	
Gypsum lath	30 days*		Building materials.	
Iron, pig	30 days*		Steel	
Iron scrap	M-21		Steel	
Iron products (see steel including iron products.)				
Lead: Metallic lead, lead alloys components or products (such as, but not limited to, sheet, pipe, ingot, castings and foil), in any form containing 50% or more by weight of the element lead. It includes battery lead oxide but does not include other lead chemicals **	30 days*		Tin, lead, and zinc.	**The specific limitations in column (2) on receipts of lead do not apply to smelters and refiners who acquire lead for the purpose of conversion into another listed form of this material but they are subject to paragraph (c) (1) of Priorities Regulation 32.
Lead chemicals	30 days*		Chemicals	
NOTE: The provisions of this regulation apply to each item of lead chemicals, and, in the case of chrome pigments, to each grade and type of pigment.				
Lumber—Seasoned, green, rough surfaced and/or worked to pattern (all kinds, sizes and grades)**	60 days*		Lumber	**The limitations of Column 2 apply to the total amount of lumber in usable condition in the user's inventory rather than item by item. The Column 2 restrictions do not apply to green lumber which must be seasoned by the user before it is usable for the purpose for which it was purchased but such receipts are subject to the restrictions of paragraph (c) (1) of the regulation. However, when such lumber is sufficiently seasoned for use it must be counted in determining whether or not the person is eligible to accept any further deliveries of lumber in usable condition under the limitations of this Table 1.
NOTE: Deleted Nov. 23, 1945.				
Metal plastering base (metal lath).	30 days*		Building materials.	

TABLE 1—Continued

NOTE: Table amended Dec. 13, 1946.

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Wiring devices (electrical), etc.—Continued (2) Convenience receptacles (outlets)—types suitable for residential use. (3) Toggle switches—types designed specifically for tools and appliances not included. (4) Wall and face plates. (5) Outlet, switch, and receptacle boxes—types suitable for residential use-covers, hangers, supports, and clamps included. (6) Box connectors for residential-type metallic or nonmetallic-sheathed cable.				
Zinc: metallic zinc, all grades, including zinc base diecast alloy.**	30 days*.....	.....	Tin, lead and zinc.	**The limitations in column 2 apply to the total amount of zinc, including zinc base diecast alloy, in the user's inventory rather than item by item.

*Or a practicable minimum working inventory whichever is less.

TABLE 2—CLASSES OF PERSONS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

NOTE: Table amended Dec. 13, 1946.

Explanation. The classes of persons listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation.

Column 2 shows either the CPA order or regulation which controls the inventories of the particular class of persons, or if no order is specified there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c). (2). An asterisk (*) indicates that the particular minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

Column 3 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described.

Column 4 (Remarks) gives explanations, exemptions or other special rules applicable to the particular class of persons or limitation. Where this column specifies certain materials, the limitation or exemption for the particular class of person applies only to the materials specified.

NOTE: Table amended Dec. 13, 1946.

Classes of persons (1)	Order of limitation (2)	CPA division or office administering the control (3)	Remarks (4)
File and rasp manufacturers.....	120 days*.....	Inventory control.....	Applicable only to special high carbon steel in special forms and shapes needed to make files and rasps.
Jeweled watch manufacturers.....	None.....	Inventory control.....	No inventory restrictions apply to receipts of steel, iron products, copper and copper base alloys for making jeweled watches.
Merchants (consumers goods inventories).	L-219.....	Wholesale and Retail Branch.	
Pipe nipple manufacturers.....	(**)	Inventory control.....	**All provisions of this regulation apply except that with respect to steel pipe the imitation on receipts applies to the total tonnage of pipe in the users inventory rather than item by item.

TABLE 2—Continued

NOTE: Table amended Dec. 13, 1946.

Classes of persons (1)	Order of limitation (2)	CPA division or office administering the control (3)	Remarks (4)
Piston ring manufacturers.....	90 days*.....	Inventory control.....	Applicable only to special heat treated, tempered, polished, and colored high carbon steel (known as segment or expander steel) for use in the production of piston rings.
Rubber and rubber product manufacturers.	R-1.....	Rubber.....	
Scrap dealers:			
Copper and Copper Base Alloy Scrap.	PR-32, Dir. 11..	Copper.....	
Iron and Steel Scrap.....	M-21.....	Steel.....	
Tin and Lead Scrap.....	PR-32, Dir. 5...	Tin, Lead and Zinc.	
Segregated structural steel for construction, fabricators of.	(**)	Inventory control.....	**See special rule under "Steel" in table 1.
Suppliers.....	L-63.....	Wholesale and Retail Branch.	
Telegraph operators.....	(**)	Inventory control.....	**All provisions of this regulation apply, except that with respect to steel, iron products, aluminum, copper and copper base alloys such operators are subject to the rule of paragraph (c) (1) instead of the specific limitation in Column 2 of Table 1.
Telephone operators.....	(**)	Inventory control.....	
Transportation systems, operators of (MRO supplies).	(***)	Inventory control.....	***All provisions of this regulation apply, except that with respect to the materials on Table 1 (other than lumber) such operators are subject to paragraph (c) (1) instead of the specific limitations in Column 2 of Table 1. This does not prevent an operator from maintaining minimum stocks of material for emergency use, nor from acquiring reasonable stocks of ties and lumber for seasoning.
Utility producers (electric, power, gas, water and central steam heating)	(**)	Inventory control.....	**All provisions of this regulation apply, except that with respect to steel, iron products, aluminum, copper and copper base alloys such producers are subject to the rule of paragraph (c) (1) instead of the specific limitation in Column 2 of Table 1.

*Or a practicable minimum working inventory, whichever is less.

TABLE 3—EXEMPTED MATERIALS AND PRODUCTS

NOTE: Table amended Dec. 13, 1946.

Explanation. The following materials and products are exempt from the inventory restrictions of this regulation and of all other CPA orders or regulations unless they specifically state otherwise

Aluminum, all forms except sheet and extrusions
Amblygonite
Aplite
Asbestos, unmanufactured, all grades and types
Asbestos Tape .010—.025 thickness
Asbestos textiles
Batteries, dry cell
Bentonite
Beryl
Blocks, concrete
Brick, cement
Brick, clay, common and face
Brick, sand lime
Bristles
Carbon electrodes (over 1" dia.)
Chalk
China clay (English)
Clay (not including fire clay)
Cork, raw-corkwood, milling cork, grinding cork
Corundum
Cotton: Baled, raw cotton
Diamond dies
Diatomaceous earth
Domestic andalusite
Domestic dumortierite
Emery
Feldspar
Fibrous glass products
Fluorspar
Fuller's earth
Furfural

TABLE 3—Continued

Garnet
Gold
Graphite
Graphite electrodes (over 1" dia.)
Illinium
Istle fiber and products
Jewel bearings
Jute fiber and jute products (except burlap)
Kaolin
Kyanite
Lamps, incandescent
Lithium ore
Magnesite
Magnesium in all forms
Mercury
Mica (except Mica received from Govt. stocks—see Table 1)
Mineral aggregates:
  Sand
  Gravel
  Crushed stone
  Slag
Olivine
Optical calcite
Platinum and the platinum metals
Potter's flint
Pulpwood
Pyrophyllite
Quartz crystals
Salt (sodium chloride) in bulk
Sapphire
Sediment separators
Sillimanite
Silver
Sodium sulfate (salt cake)
Sodium sulfite
Spodumene
Stoneware clay
Sulphur
Talc
Tantalite
Tellurium
Vermiculite
Waste paper
Wood pulp
Wool: raw wool

TABLE 4—[Deleted Dec. 13, 1946.]

INTERPRETATION 1

INVENTORIES IN SEASONAL INDUSTRIES

Paragraph (c) (1) of Priorities Regulation 32 prohibits any person from accepting a delivery which will give him "more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation." This does not prevent a person engaged in a seasonal industry who normally stocks up inventory in advance of the season from accepting delivery of his requirements of the inventory in question, provided (a) that he is not guilty of hoarding, and (b) that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements. (Issued Aug. 28, 1945.)

INTERPRETATION 2

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

(a) *Applicable provisions of the regulations.* Priorities Regulation 32 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory reasonably necessary" for him to make his own deliveries. A similar provision in paragraph (c) (2) of Priorities Regulation No. 3 says that a customer who is applying a rating for which no specific quantities have been authorized may use it only to get the "minimum amount needed."

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation 32 or his "minimum amount needed" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive (and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells or less than his minimum production run of a product which is mass produced under the conditions explained in Interpretation 3 of Priorities Regulation 1.

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

(d) *Special provisions for certain materials.* Where a specific minimum sale quantity is shown in Column 3 of Table 1 of Priorities Regulation 32 with respect to any material or product, that quantity controls instead of the rule in this interpretation.

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

(f) *No effect on contractual rights* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified times in specified amounts. For example, if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months, this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b) (Issued Oct. 1, 1945.)

INTERPRETATION 3

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

(a) Paragraph (b) of Priorities Regulation 32 prohibits a person from knowingly making a delivery which will give his customer more than the latter is permitted to receive under the regulation. Paragraph (f) of that regulation prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order of a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months, or perhaps the entire 600 in the first month. Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (c) of the regulation, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of the larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order a supplier is requested to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer. The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false.

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by paragraph (f) of the regulation.

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sale quantities or production runs to the extent described in Interpretation 2 to this regulation, nor does it prevent earlier delivery of iron products, steel, copper and copper base alloys under the conditions described in paragraph (c) (3) of Priorities Regulation 32. Also, if any CPA order or regulation permits increased deliveries to the extent necessary to avoid shipping partly filled containers (such as paragraph (y) (4) of Order M-300) the rule in this interpretation does not prevent such deliveries. (Issued Oct. 1, 1945.)

INTERPRETATION 4

INVENTORY MATERIAL

(a) Paragraph (c) of Priorities Regulation 32 prohibits a person from accepting delivery of material if his inventory of it is, or will be, greater than the maximum prescribed. For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations such as painting, and does not include any shearing, cutting, trimming or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection, testing and ageing nor segregation or earmarking for a specific job or operation.

(b) For example, if a manufacturer who uses wire or rod cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed.

(c) If a manufacturer purchases and stores steel castings in the form purchased, the steel castings are not put into process when the castings are painted and stored. Consequently, the inventory of castings includes those painted and stored

(d) If a manufacturer shears steel sheet and stocks in sheared form, such stock is still part of his inventory, if the material does not continue in production. (Issued Aug. 28, 1945)

INTERPRETATION 5

EFFECT OF REDUCTION IN CONSUMPTION RATE ON PERMITTED INVENTORIES

(a) Paragraph (c) of Priorities Regulation 32 prohibits the acceptance of delivery of material if a person's inventory of it is, or will be, more than the amount permitted by the regulation. If material is acquired within these restrictions the regulation does not prohibit the mere possession of an inventory if a change in circumstances makes it greater than the amount permitted. For instance, if based upon current rate of production a manufacturer's permitted inventory of one item of steel is 100 tons and he has in inventory 60 tons, he may receive a further delivery of 40 tons If after receiving the delivery of 40 tons his rate of consumption, because of contract cancellation or the like, is reduced drastically the mere fact that he has an inventory of 100 tons, although his permitted inventory may be only 10 tons, is not a violation of the regulation. He may not, of course, accept any further deliveries of that item of steel until his inventory has been reduced below 10 tons (except as provided in paragraph (h) of Priorities Regulation 32 and Direction 3 to that regulation relating to material already shipped, special items, etc.)

(b) Similarly the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract. Such liability is controlled by the provisions of the contract between the customer and his supplier and by contract law. (Issued Aug 28, 1945)

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

[Priorities Reg. 32, Direction 6, as Amended Mar. 12, 1946]

ADJUSTMENT OF ORDERS, RECEIPTS AND DELIVERIES IN CASE OF WORK STOPPAGES

(a) *What this direction does.* As a result of work stoppages, strict application of CPA inventory restrictions might have an adverse effect on the production and distribution of critical materials. This direction permits continued receipts during the first fifteen days and certain further receipts to the extent described in paragraph (b), but requires adjustment of outstanding orders as explained in paragraph (c). It is designed to prevent the unnecessary accumulation of critical materials on the one hand, and on the other to encourage maximum production. To the extent that the provisions of this direction are inconsistent with the inventory limits of Priorities Regulation 32 or any other applicable order or regulation of CPA, this direction controls, unless the other order or regulation specifically states to the contrary.

(b) *Permitted receipts after suspension of operations.* (1) A person whose operations are suspended due to a work stoppage in his own plant or in a supplier's plant may continue to receive materials (except iron or steel in the forms and shapes listed in Schedule 1 to Order M–21) for a period not exceeding 15 days immediately following the suspension, to the extent that such receipts could legally have been accepted under Priorities Regulation 32, or other applicable orders and regulations if the plant had remained in operation. No new orders may be placed during this time to take advantage of this provision.

During this period, he may continue to receive any item of iron or steel, if his resulting inventory of that particular item will not exceed the smaller of the following amounts: (i) The minimum amount he would need during the first 30 days after resumption of operations; or (ii) The minimum amount which would have been required to meet his production schedule during the 45 days following the date when the work stoppage occurred, if his plant had remained in operation.

(2) At the end of the period described in paragraph (b) (1), any person may continue to receive any material, if his resulting inventory of that particular material will not exceed the smaller of the following amounts: (i) The minimum amount he would need during the first 30 days after resumption of operations; or (ii) The minimum amount which would have been required to meet his production schedule during the 45 days following the date when the work stoppage occurred, if his plant had remained in operation.

(3) After he has adjusted his orders as required by paragraph (c), he may also accept further deliveries to the extent permitted by paragraph (h) of Priorities Regulation 32.

(c) *Adjustment of outstanding orders after suspension of operations.* Outstanding orders calling for delivery of any material in excess of the amounts permitted by paragraphs (b) (1) and (2) must be adjusted by the customer whose operations are suspended as follows:

(1) He must postpone or cancel immediately all such orders calling for delivery of iron or steel in the current month. Also by the 15th day of the current month or immediately after the suspension of operations if it occurs after the 15th of the month, and by the 15th day of each month thereafter as long as the work stoppage continues, he must postpone or cancel all such orders calling for delivery of iron or steel in the following month.

(2) In the case of materials other than iron or steel, he must, by the 15th day of the work stoppage, postpone or cancel all such orders for delivery in the current month. Also, by the 15th day of the work stoppage or the 15th day of the current month, whichever is later, and by the 15th day of each month thereafter as long as the work stoppage continues, he must postpone or cancel all such orders for delivery in the following calendar month.

(d) *Applicability of this direction.*—(1) *In general.* Paragraphs (b) and (c) do not apply with respect to any part of the customer's operations which is not suspended or which resumes operations, and materials may be produced and delivered by the supplier and received by the customer under these circumstances as permitted by Priorities Regulation 32. These paragraphs also do not apply to tires and tubes for original equipment which remain subject to Order R–1.

(2) *Suppliers.* Suppliers may continue to produce for a customer whose operations have been suspended, and to ship or hold as arranged with the customer, only in accordance with this direction and the applicable provisions of Priorities Regulation 32.

(e) *Resumption of operations.* As soon as operations are resumed, the customer must promptly adjust, and if necessary postpone or cancel, all his outstanding orders to the extent required by paragraph (e) of Priorities Regulation 32, and all deliveries and receipts are again subject to all provisions of that regulation.

Issued this 12th day of March 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revoked 12-13-46

Dir. 8 to PR 32

FEB. 1, 1946
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CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

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

[Priorities Reg. 32, Direction 8]

FORTY-FIVE DAY INVENTORY ON STEEL AND IRON

(a) *What this direction does.* In view of the curtailed supplies of iron and steel due to work stoppages, and to assure widest distribution until normal supplies are available, this direction modifies temporarily the inventory limitations of Priorities Regulation 32, which are applicable to users of these materials. As used in this direction "iron and steel" means only those materials in the forms and shapes listed in Schedule 1 to Order M–21. Direction 6 to Priorities Regulation 32 explains the restrictions on inventories of iron, steel and other materials for persons whose operations are suspended due to a work stoppage in their own plant.

(b) *Restrictions on receipts by users.* No person, including a Government-owned consuming establishment, who uses iron or steel for production, maintenance, repair, and operating supplies, or for construction, whether for his own account or for the account of another, shall accept delivery of any item of these materials if his inventory of that item is, or will by virtue of such acceptance become, more than he needs during the succeeding 45 days on the basis of his current or scheduled method and rate of operation. Exceptions to this rule are given in paragraph (c).

(c) *Exceptions.* The following deliveries of iron or steel may be accepted in addition to those permitted by paragraph (b).

(1) Iron or steel which on February 1, 1946 was in transit or loaded for shipment.

(2) Any delivery of a minimum sales quantity under the conditions explained in paragraph (g) (5) of Priorities Regulation 32.

(3) Any delivery to the extent permitted by paragraph (h) of Priorities Regulation 32 after the user has adjusted his orders.

(d) *Adjustment of orders.* All users must immediately adjust their outstanding orders for iron or steel, and, if necessary, postpone or cancel them where the scheduled delivery would result in an inventory in excess of that permitted by this direction.

(e) *Restriction on ordering.* No user may place any order for iron or steel requesting delivery which would result in an inventory in excess of that permitted by this direction.

(f) *Suspension of outstanding special authorizations.* During the period that this direction remains in effect, all inventory authorizations, exceptions or grants of appeals issued prior to February 1, 1946 are suspended to the extent that they are inconsistent with this direction. This is an exception to the provisions of paragraph (i) of Priorities Regulation 32.

Issued this 1st day of February 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: This directive was inadvertently designated Directive 11.

may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application before the house is sold (i. e. before title has passed) or initially rented. The application will not be approved unless he can show that he has incurred or will incur additional or increased costs in the construction over which he had, or has, no control, or if he can show that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it impracticable for him to sell or rent at the price or rent specified in the application. No increase in sales price or rent will be granted in excess of the increase in construction cost, or a proper proportion of it, or the increase in operating cost, as the case may be. However, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to more than $80 a month will be granted except on appeal where unusual hardship would result.

(8) *Requests for increases in sales prices or rents by subsequent owners.* An owner of a dwelling built under this regulation, other than the builder, may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application if the subsequent owner has made improvements to the dwelling which would warrant an increase. No increase will be granted in excess of the cost of construction of the improvement, or a proper proportion of it in the case of a requested increase in rents. However, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to more than $80 a month will be granted, except on appeal where unusual hardship would result. If an increase in rent is needed because of subsequent improvements, and the accommodations have previously been rented and are in a Defense Rental Area established by the Office of Price Administration, the owner should apply to the Area Rent Office of the Office of Price Administration for an increase (or in the District of Columbia to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the appropriate office of the Federal Housing Administration. Upon the filing of this copy with the Federal Housing Administration, the new rent granted becomes the maximum shelter rent under this regulation. (Note: Under Veterans' Housing Program Order 1 it may be necessary to get authorization to make these alterations.)

(h) *Preferences for veterans of World War II and members of the Armed Forces*—(1) *General.* This paragraph tells how preferences will be given under this regulation to veterans of World War II and members of the Armed Forces as long as this regulation remains in effect. As used in this regulation, "veterans of World War II and members of the Armed Forces" (sometimes referred to in this regulation as "veterans" or as "veterans of World War II") include the following: (i) A person who has been on active service in the U. S. Army, Navy, Coast Guard or Marine Corps or in the U. S. Merchant Marine during World War II (i. e., on or after September 16, 1940) and who was discharged or released under condtions other than dishonorable; (ii) a person who is serving in the U. S. Army, Navy, Coast Guard, Marine Corps or in the U. S. Merchant Marine; (iii) the spouse of a member of the Armed Forces who died in service during World War II or the spouse of a deceased veteran of World War II, if the spouse is living with a child or children of the deceased; or (iv) a citizen of the United States who served in the Armed Forces of an allied nation during World War II. Although the preference for veterans and members of the Armed Forces lasts during construction and for 30 days after completion, or for 30 days at the time of a later sale or rental, the restrictions of paragraph (g) on sales prices and rents continues as long as this regulation remains in effect. The preferences for veterans and members of the Armed Forces provided by this paragraph (h) do not apply to sales in the course of judicial proceedings. Sales subsequent to such judicial sales, however, are subject to the provisions of this paragraph. The provisions of paragraph (h) do not apply to dwellings for which neither a maximum sales price nor a maximum rent is established under this regulation and do not apply to dwellings approved on applications under (b) (1) (vi) or to the initial occupancy of a dwelling or an apartment in it approved under this regulation for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwellings.* (i) A builder who has built or converted a one-family dwelling under this regulation must, during construction and for 30 days after completion, publicly offer it for sale or for rent at or below the maximum sales price or the maximum rent specified in the application as approved to veterans of World War II or members of the Armed Forces for their own occupancy.

(ii) If a one-family dwelling built under this regulation is being offered for sale, the owner (whether the builder or any subsequent purchaser) must not sell or otherwise dispose of it to any person other than a veteran of World War II unless he has publicly offered it for sale to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the builder) at or below the maximum sales price.

(iii) If a one-family dwelling built under this regulation is being offered for rent, the owner (whether the builder or any subsequent purchaser) must not rent it to any person other than a veteran of World War II unless he has publicly offered it for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the builder) at or below the maximum rent.

(3) *Two-family dwellings.* (i) A builder who has built or converted a two-family dwelling under this regulation must, during construction and for 30 days afterwards, publicly offer it for sale or the apartments in it for rent at or below the maximum sales price or the maximum rent specified in the application, as approved, to veterans of World War II and members of the Armed Forces for their own occupancy.

(ii) If a two-family dwelling built or converted under this regulation is being offered for sale, the owner, whether the builder or subsequent purchaser, must not sell or otherwise dispose of it to any other person than a veteran of World War II unless he has publicly offered it for sale to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the builder) at or below the maximum sales price.

(iii) If an apartment in a two-family dwelling built or converted under this regulation is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran of World War II unless he has publicly offered it for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the builder) at or below the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) A builder who has built or converted a multiple-family dwelling under this regulation must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans of World War II and members of the Armed Forces for their own occupancy at or below the maximum rent given in the application as approved.

(ii) As long as this regulation remains in effect, no other person shall rent an apartment in a multiple-family dwelling built under this regulation to any person other than a veteran of World War II unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days after completion) at or below the maximum rent specified in the application.

(5) *Dormitories and group housing facilities.* A builder who has built or converted a dormitory or other group housing facility under this regulation must make the accommodations available exclusively for veterans of World War II and members of the Armed Forces otherwise eligible to occupy the accommodations, except that if an educational institution builds a dormitory under this program it may make available to non-veterans 40% of the accommodations in the dormitory if it makes available to veterans of World War II an equivalent number of similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

(6) [Deleted Apr. 12, 1946]

(i) *Notices in advertisements and deeds.* (1) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect a builder who has used the HH rating to get materials for a dwelling, or who could not, under Veterans' Housing Program Order 1, have built or converted the dwelling without approval under this regulation, and every other person who

(4) The right to use the HH rating for a project expires 90 days after the issuance of the rating, unless the builder has begun construction on the project by physically incorporating at the site of the project materials which will be an integral part of the construction. If the builder has not begun construction within this time, he must unrate all orders for materials for the project to which he has applied the HH rating. If the application covers a number of different buildings, the right to use the rating for materials going into any individual building expires unless that particular building has been started within the 90 day period. However, before the expiration of the 90 day period, he may apply to the Federal Housing Administration for an extension of the starting date showing why he was unable to begin construction in accordance with his original application and giving his revised starting date. Unless the request for an extension is denied, he need not unrate his orders but he must postpone the delivery dates so as to comply with paragraph (d) (2).

(5) [Deleted Apr. 12, 1946.]

(e) *Construction of the project.* A builder who constructs, converts, alters or repairs housing accommodations under this regulation must do the work in accordance with the description given in the application, except where he has obtained written approval for a change from the agency which approved the original application.

(f) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the CPA, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Maximum sales prices and rents—*(1) *General.* The restrictions on sales prices and rents contained in this paragraph (g) must be observed so long as this regulation remains in effect. They apply to dwellings of the kinds described below when built or converted under this regulation. Approval of a proposed sales price or rent should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes. In the case of remodelling or rehabilitation, the Office of Price Administration may reduce the maximum rent specified in the application, unless prior approval of the rent has been obtained from that agency.

(2) *One-family dwellings.* (i) An application to build or convert a one-family dwelling (a building designed for occupancy by one family and to be occupied, rented or sold as a unit, including a detached or semi-detached house or a row house but not including an apartment house or a two family "one-over-one" house) must contain a statement of the proposed maximum sales price, whether or not the builder proposes to sell the building except under the conditions described in paragraph (b) (1) (iv), or (b) (1) (vii). If the builder proposes to rent the building the application must also contain a statement of the proposed maximum rent and maximum shelter rent.

(ii) A builder must not sell a one-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or by the purchaser.

(iii) No other person shall sell a one-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus normal and customary brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder) whether paid by previous sellers or purchasers.

(iv) No person shall rent a one-family dwelling built or converted under this regulation for more than the maximum specified in the application as approved. If no rent is specified in the application, the person wishing to rent the dwelling may request the Federal Housing Administration to set a rent on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set. A rent of more than $80 a month will not be approved except as a result of an appeal showing that unusual hardship would result.

(3) *Two-family dwellings.* (i) An application for a two-family dwelling (a building designed for occupancy by two families which will be sold as a unit, not including semi-detached or row houses covered by paragraph (g) (2)) must contain statements of both the proposed maximum sales price for the entire dwelling and the proposed maximum rent and maximum shelter rent for each apartment in the dwelling, whether the builder proposes to sell the dwelling or rent it or the apartments in it. However, if a person wishes to convert a one-family dwelling to a two-family dwelling and he or a continuing tenant is going to occupy part of the dwelling himself, he need not specify a proposed maximum sales price for the entire dwelling nor need he specify a proposed maximum shelter rent for the part of the dwelling he or a continuing tenant is to occupy.

(ii) A builder must not sell a two-family dwelling built or converted under this regulation, including land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or the purchaser.

(iii) No other person shall sell a two-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder), whether paid by previous sellers or purchasers.

(iv) No person shall rent an apartment in a two-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) An application for a multiple-family dwelling (a building containing three or more separate living accommodations for three or more families) must contain a statement of the proposed maximum rent and the proposed maximum shelter rent for each apartment or for each group of apartments having the same maximum rents However, if a person wishes to convert a one or two-family dwelling to a multiple-family dwelling and he or a continuing tenant is going to occupy part of the dwelling himself, he need not specify a proposed maximum shelter rent for the part of the dwelling he or a continuing tenant is to occupy.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(5) *Dormitories and group housing facilities.* (i) An application by an educational institution or public organization for a dormitory or group housing facility must contain a statement of the maximum shelter rent to be charged to each occupant.

(ii) As long as this regulation remains in effect, no person (whether the builder or any other person) shall rent accommodations in a dormitory or other group housing facility built under this regulation for more than the maximum shelter rent specified in the application as approved.

(6) *Definition of maximum rent and maximum shelter rent.* "Maximum rent" means the total consideration paid by the tenant for the accommodations including charges paid by the tenant for tenant services specified on the application and including charges paid by the tenant for garage as specified on the application, but excluding charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage. The total charge for tenant services will not be approved if more than $3 per room per month. The charge for garage will not be approved if more than $10 per month and will be allowed only for multiple-family dwellings.

(7) *Requests for increases in sales prices and rents by builders.* A builder

work involves rebuilding more than half of the building, maximum sales prices or rents must be given, and except where this would result in great hardship, these must be limited to $10,000 and $80 a month respectively.

(v) A person who wishes to make repairs or alterations to dwelling accommodations in order to maintain them in a habitable condition or to return them to a habitable condition or to provide space for additional persons. Authorizations will be given where necessary under Veterans' Housing Program Order 1, but no priorities assistance will be granted except for repairs necessary to return the dwelling to a habitable condition if it has been vacant for at least six months for lack of repairs.

(vi) A person who wishes to construct, repair or alter dwelling accommodations, where the construction or repairs are necessary to increase or maintain the production of a scarce material or product. Housing accommodations requested under this paragraph will be approved only on the recommendation of the Civilian Production Administration. Sales prices or rents must be stated. The maximum sales price for applications of this sort may not exceed $10,000 for a single family or $17,000 for a two-family dwelling. The maximum shelter rent may not exceed $80 a month for the dwelling or any apartment in it.

(vii) A person who wishes to construct, repair or alter a farm dwelling where the construction, repair or alteration is necessary to increase or maintain the production of essential food products. The construction of a farm dwelling requested under this paragraph will be approved only on the recommendation of the appropriate County Agricultural Conservation Committee. No sales price or rent need be stated in an application under this paragraph, but the cost of the construction of any such dwelling shall not exceed $10,000.

(viii) An educational institution or a public organization which wishes to construct, repair or alter a dormitory or other group housing facility for veterans or members of the Armed Forces. The application will not be approved if the maximum shelter rent proposed is more than the amount charged by the builder for similar accommodations in its other facilities.

(2) Applications under this regulation should be made on Form CPA–4386. Applications covering dwelling accommodations on a farm should be filed with the appropriate County Agricultural Conservation Committee. Applications by educational institutions or public organizations should be filed with the appropriate Regional Office of the Federal Public Housing Authority. Other applications under this regulation should be filed with the appropriate State or District Office of the Federal Housing Administration. Applications should not be filed unless the construction is already under way (in the case of construction started before the issuance of Veterans' Housing Program Order 1) or unless the builder plans to start actual construction within 90 days of the approval of the CPA–4386 (the priorities assistance and authorization under Veterans' Housing Program Order 1 will expire, and rated orders already placed must be unrated unless construction has started within 90 days of the approval of the CPA–4386 or unless an extension has been obtained from the agency which approved the CPA–4386). The application should not be filed unless the builder has already obtained effective control of the land involved, and gives evidence of readiness to start within 90 days (for example, by getting necessary building permits, getting assurance of financing, making arrangements for utilities and the like). The builder must also state the proposed sales prices or rents for the accommodations, where these are required.

(c) If the application satisfies the requirements indicated in paragraph (b) and any applicable regulations of the National Housing Agency, if the proposed accommodations meet the standards as to space, accommodations and the like which are customary in the community for year-round occupancy, if the proposed sales prices or rents (where required) are reasonably related to the proposed accommodations, and if the available supply of building materials reserved for the program or for the appropriate part of the program has not been fully committed, the application may be approved. One copy of the application will be returned to the builder, bearing a project serial number. A placard or placards will also be sent to the builder, stating that the housing accommodations are being built under the Veterans' Emergency Housing Program.

(1) If the application covers the construction of accommodations to be rented or sold to veterans or members of the Armed Forces under paragraph (b) (1) (ii) or paragraph (b) (1) (viii), the placard will contain a statement to this effect and will contain spaces for the maximum sales price or rent and the project serial number. The builder must insert in the placard or placards clearly, legibly and permanently the project serial number and the appropriate rent and sales price, not in excess of those specified in the application as approved. The builder must set up a placard in front of each separate residential building on the project site in a conspicuous location within 5 days after the time construction has started (as defined in paragraph (d) (4), and must keep the placard there until completion of the building, and, unless all the accommodations in the building have been sold or rented to veterans or members of the Armed Forces in accordance with paragraph (h), for 30 days afterwards.

(2) If the application is not based on paragraph (b) (1) (ii) or paragraph (b) (1) (viii), the placard will contain a space for the project serial number which must be inserted by the builder. This placard must be set up in front of the building in a conspicuous location within 5 days after construction has started (as defined in paragraph (d) (4)), or after receipt of the placard in case of an application under (b) (1) (iii), and must be kept there until the work is completed.

(d) *Use and effect of HH ratings.* (1) The HH rating assigned for a project may be used only to get materials of the kinds listed on Schedule A of this regulation which are required for the project. The rating may be applied to a purchase order only by placing on the order the following certificate (the certificates set forth in Priorities Regulations 3 and 7 may not be substituted for this certificate):

VETERANS' EMERGENCY HOUSING PROGRAM
Project Serial Number ------
Rating: HH

I certify to the Civilian Production Administration that the materials covered by this order will be used only in a housing project being built under the Veterans' Emergency Housing Program at ---------- (give location of project), and that I will comply with the limitations on sales prices or rents and the preference to veterans provided in Priorities Regulation 33 and my approved application.

Builder

NOTE: If the application on Form CPA–4386 is not based on paragraph (b) (1) (ii) or paragraph (b) (1) (viii) and the placard described in paragraph (c) (2) above is sent to the applicant, he need only use the part of the certificate ending with the location of the project.

(2) The HH rating may be used to get materials by the builder, or by contractors or sub-contractors doing all or any part of the construction work for the builder. Contractors and sub-contractors using the rating must observe all provisions of this paragraph (d) applying to the use of HH ratings by builders. The builder must not use the rating or give others the right to use it before his application is approved. A contractor or sub-contractor may not use it or give others the right to use it unless he has received a statement in substantially the following form from a person who is himself authorized to use the rating (when a contractor or subcontractor uses the HH rating under this provision, he need only use the part of the certificate in paragraph (d) (1) ending with the location of the project):

Veterans' Emergency Housing Program
Project Serial #------
Rating HH

You are hereby authorized to use the HH rating to get materials of the kinds listed on Schedule A of Priorities Regulation 33 which are required for the project. Your use of this rating is subject to the provisions of Priorities Regulation 33.

Builder

(3) The preference rating assigned may be used only to get the minimum quantities of the materials on Schedule A which are needed for the project. The builder must not specify delivery dates on purchase orders for rated materials more than 30 days before the time they are to be incorporated in the project. This provision applies to materials ordered with an HH rating, instead of the usual rule in Priorities Regulation 32. Furthermore, the builder must not place rated purchase orders for materials in which delivery is specified later than during the third full calendar month after the time when the purchase order is placed. In accordance with Priorities Regulation 1, materials obtained by using the HH rating must, if possible, be used in the construction of the project.

has acquired title to such a dwelling (whether completed or not) must include a statement in substantially the following form in any deed, conveyance or other instrument by which the dwelling is sold, transferred or mortgaged to any other person:

The building on the premises hereby conveyed was built (converted) under Priorities Regulation 33 (Builder's Serial No. —). Under that regulation a limit is placed on either the sales price or the rent for the premises or both and preferences are given to veterans of World War II or members of the Armed Forces in selling or renting. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent purchaser will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Priorities Regulation 33 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby conveyed.

(2) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect the builder and every subsequent owner, and their agents and brokers, must include a statement in substantially the following form in any advertisement printed or published in which accommodations built under Priorities Regulation 33 are offered for sale or for rent:

This house (apartment) is being (was) built under the Veterans' Emergency Housing Program for sale (for rent) at or below $---------- (insert maximum sales price or rent). It is offered for sale (for rent) only to veterans of World War II or members of the Armed Forces during construction and until 30 days after completion (for the next 30 days in the case of sale or rent after initial occupancy).

(j) *Transfer of ratings forbidden.* No person to whom an HH rating has been assigned shall transfer the rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason a builder wishes to abandon a project and another builder wishes to continue with the project, the new builder should apply to the appropriate FHA office, attaching to his application a letter from the former builder or the representatives of the former builder joining in the request for the assignment of ratings to the new builder.

(k) *Appeals.* Any person affected by this regulation or a direction to it who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from any provision of this regulation except paragraph (d) should be filed with the appropriate local office of the Federal Housing Administration or other agency with which applications may be filed under this regulation, and the appeal shall be forwarded to the Washington office of that agency for consideration together with any recommendations made by the local office. An appeal from paragraph (d) of this regulation or a direction to this regulation, unless the direction expressly states otherwise, should be filed by letter in duplicate addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Direction —— to PR–33.

(l) *Amendments and supplemental applications.* A builder may apply to the agency which approved his application for an amendment to it. If the amendment covers changes in the specifications of the proposed dwelling or dwellings or changes in the proposed sales price or rent (see paragraph (g) (6)), or a change in the construction schedule of a project involving several buildings, the request for an amendment may be made by letter in triplicate. If the request for an amendment is granted, the provisions of this regulation apply to the application as amended. If the request is for permission to use the rating for dwellings listed on the original application but not to be started within 90 days of issuance. the request should be filed on Form CPA–4387. If the request for an amendment requires additiona buildings or dwelling units not includea in the original application, a new application on CPA–4386 covering the new units should be filed.

(m) *Communications.* All communications about this regulation (except about paragraph (d), Schedule A or directions to the regulation) should be addressed to the appropriate State or District Office of the Federal Housing Administration or other appropriate agency indicated in paragraph (b) (2). Communications about paragraph (d), Schedule A or directions to the regulation should, unless specifically directed otherwise, be addressed to the Civilian Production Administration, Washington 25, D. C., or to the appropriate Civilian Production Administration Construction Field Office.

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

(o) [Deleted Apr. 12, 1946.]

Issued this 14th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revised 12-13-46

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

[Priorities Reg. 33 as amended June 14, 1946]

VETERANS' EMERGENCY HOUSING PROGRAM

§ 944.54 *Priorities Regulation 33*—(a) *What this regulation does*—(1) *General.* This regulation provides priorities assistance to carry out the Veterans' Emergency Housing Program which calls for the construction of moderate and low-cost housing accommodations to meet the needs of returning veterans and members of the Armed Forces. It also provides for giving specific authorization under the Civilian Production Administration Veterans' Housing Program Order 1 to persons wishing to construct, repair, make additions or alterations to, improve or convert, or install fixtures or mechanical equipment in housing accommodations. This regulation explains who may apply for such an authorization and for priorities assistance (an HH rating and the right to place certified orders, generally referred to in this regulation simply as HH ratings), the circumstances under which applications will be approved, the way in which the priorities assistance given under the regulation may be used, and the conditions which will be imposed on the builder and succeeding owners in selling or renting the accommodations as long as this regulation is in force. Schedule A to this regulation lists the materials for which priorities assistance given under the regulation may be used. If a person building housing accommodations needs priorities assistance for materials not listed on Schedule A he may apply under Priorities Regulation 28 if he qualifies under its provisions. Directions to the regulation contain additional provisions about using priorities assistance given under this regulation and also contain provisions restricting distributors and producers of the materials.

(2) *Housing accommodations covered by this regulation.* This paragraph tells what kinds of applications involving housing accommodations are covered by this regulation and are under the jurisdiction of the National Housing Agency. All applications covered by this regulation should be on Form CPA–4386 or other applicable form and should be filed as indicated in paragraph (b) (2) of the regulation. Applications which are not covered by the regulation are under the jurisdiction of the Civilian Production Administration and should be filed as indicated in Veterans' Housing Program Order 1 (if authorization under that order is necessary) or as indicated in Priorities Regulation 28 (if priorities assistance is necessary).

(i) Applications for priorities assistance under Priorities Regulation 33 or for authorization under VHP–1 or both which involve the following kinds of work are covered by this regulation and are under the jurisdiction of the National Housing Agency.

The construction of any building primarily for occupancy by families (i. e., in which 50% or more of the floor space involved is to be used for residential purposes), except military housing. This includes subsidiary buildings on residential property where used for residential purposes, such as private garages, tool sheds, piers, greenhouses and the like. This also includes farmhouses and other farm living accommodations and bunkhouses for transitory farm labor.

The construction of apartment hotels and rooming or boarding houses (not including hotels and other rooming accommodations primarily for transients and overnight guests).

The construction of dormitories and other group housing facilities by educational institutions or public organizations to provide accommodations for veterans of World War II or members of the Armed Forces.

Additions, alterations or repairs to a building where 50% or more of the floor area involved in the proposed additions, alterations or repairs will be used for housing accommodations of the kinds described above.

(ii) All applications for priorities assistance under Priorities Regulation 28 are under the jurisdiction of the Civilian Production Administration and should be filed as indicated in that regulation. Applications for authorization under VHP–1 which involve construction, additions, alterations and repairs not covered by subdivision (i) above, or excepted from that paragraph, are not covered by Priorities Regulation 33 and are under the jurisdiction of the Civilian Production Administration. These include the following:

Military housing.

Institutional dormitories except those for veterans described above.

Summer or winter camps.

Hotels and tourist cabins designed primarily to accommodate transients and overnight guests.

Additions, alterations or repairs to a building where less than 50% of the floor area involved in the proposed additions, alterations or repairs will be used for housing accommodations of the kinds described in sub-paragraph (i) above.

If an application covered by this regulation involves construction of which more than 25% is non-residential in the case of applications for 1-family or 2-family dwellings or more than 15% in the case of other applications, a recommendation will be obtained from the Civilian Production Administration as to the essentiality of the non-residential portion of the construction.

(b) *Applications.* (1) Applications for authorization under Veterans' Housing Program Order 1 or for priorities assistance under this regulation or both may be made by the following:

(i) A veteran of World War II or a member of the Armed Forces who wishes to build, alter or repair a house for his own occupancy. A proposed sales price (except in cases of farmhouses) must be stated, if the application covers the construction of a house, to be applicable in case of sale of the house.

(ii) A person who wishes to build, complete or convert moderate or low-cost dwelling accommodations (either by new construction or by alterations or conversion resulting in the creation of an additional unit) to which veterans of World War II and members of the Armed Forces will be given preference in selling or renting. The maximum sales price for applications of this sort may not exceed $10,000 for a one-family dwelling or $17,000 for a two-family dwelling. The maximum shelter rent may not exceed $80 a month for each dwelling unit, except for conversion units for which rent need not be specified under paragraphs (g) (3) (i) and (g) (4) (i). Priorities assistance will not be granted except where at least 75% of the floor space in the case of 1 family or 2 family houses is devoted to residential purposes, or where at least 85% of the floor space is devoted to residential purposes, in the case of other dwellings. However, authorization under Order VHP–1 without priorities assistance may be granted in other cases.

(iii) A person who wishes priorities assistance to complete dwelling accommodations under construction on March 26, 1946 (and therefore exempt under Veterans' Housing Program Order 1), which cannot come within paragraph (b) (1) (ii) either because it will be impracticable because of commitments made or construction done to sell or rent them within the specified amounts or to give the initial preference to veterans or members of the Armed Forces called for by that paragraph. The governmental agency processing the application may waive the requirements stated in paragraph (b) (1) (ii) where appropriate in such cases. Except in unusual circumstances, applications of this sort will not be approved if the proposed sales price is over $15,000 or if the proposed shelter rent is over $120 a month.

(iv) A person who wishes to reconstruct or repair dwelling accommodations destroyed or damaged by fire, flood, tornado or other similar disaster, where the reconstruction or repair is necessary to eliminate hardship. If the proposed

OBSOLETE
Superseded 3-18-47

SUBJECT: PR-33, Amended 12-13-46 1/
Authorization and Priorities Assistance for Housing

This Regulation contains the provisions applicable to authorizations and assignment of HH ratings for housing construction and repair, in connection with applications filed prior to September 10, 1946.

If changes in such applications involving additional dwelling units are requested, they will be subject to the provisions of HEPR-5.

1/ Supersedes PR-33, dated 6-14-46
Amdt 1 to PR-33, dated 8-6-46
Amdt 2 to PR-33, dated 8-27-46
Int. 1 to PR-33, dated 10-31-46
Int. 2 to PR-33, dated 11-15-46

SUBJECT: PR-33, Amended 2-28-47 1/

This Regulation provided the method for obtaining authorization and priorities assistance for housing, on Form CPA-4386 applications filed prior to September 10, 1946.

It continues in an active status to explain the requirements and conditions imposed on any dwelling accommodations approved and built under the regulation; and governs any supplemental actions in connection with amendments and appeals relative to applications processed under the regulation.

This revision of PR-33 contains minor modifications to effect a parallel with current provisions in the permit system. All changes in the regulation have been underscored.

1/ Supersedes PR-33, dated 12-13-46.

Superseded 2-28-47.

OBSOLETE

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

[Priorities Reg. 33, as Amended Dec. 13, 1946]

VETERANS' EMERGENCY HOUSING PROGRAM

§ 944.54 *Priorities Regulation 33*—(a) *What this regulation does.* Priorities Regulation 33 was the method by which the Civilian Production Administration provided general priorities assistance for the Veterans' Emergency Housing Program on applications filed before September 10, 1946. It was also the method by which persons who wished to do construction work restricted by VHP–1 could apply for authorization under that order when the work was to be done on structures used for residential purposes. Applications under the regulation were made to the National Housing Agency or an agency acting for it under a delegation. Beginning September 10, 1946, all new applications in connection with housing accommodations, either for priorities assistance for materials on Schedule A to this regulation or for authorization under VHP–1 or both, have been filed under Housing Expediter Priorities Regulation 5 (11 F. R. 8349, 12350) or other applicable regulations of the Housing Expediter.

The provisions of Priorities Regulation 33, as amended, apply to all housing accommodations built under an approved application on Form CPA–4386 or Form CPA–4387.

(b) *Kinds of applications approved:* Applications for authorization under VHP–1 or for priorities assistance under PR–33, or both, have been approved when made by the following kinds of persons:

(1) Veterans of World War II or members of the armed forces wishing to build, alter or repair a house for their own occupancy.

(2) Persons wishing to build, complete or convert moderate or low cost dwelling accommodations to which veterans of World War II and members of the armed forces would be given preference in selling or renting.

(3) Persons wishing priorities assistance to complete dwelling accommodations under construction on March 26, 1946, which could not otherwise qualify under this paragraph.

(4) Persons wishing to reconstruct or repair dwelling accommodations destroyed by fire, flood, tornado, or other similar disaster.

(5) Persons wishing to make repairs or alterations to dwelling accommodations in order to maintain them in a habitable condition or to return them to a habitable condition or to provide space for additional persons.

(6) Persons wishing to construct, repair or alter dwelling accommodations where the construction or repairs were necessary to increase or maintain the production of scarce materials or products.

(7) Persons wishing to construct, repair or alter a farm dwelling where the construction, repairs or alterations were necessary to increase or maintain the production of essential food products.

(8) Educational institutions or public organizations wishing to construct, repair or alter a dormitory or other group housing facility for veterans of World War II and members of the armed forces.

(c) On approval of an application, a copy of the application bearing a project serial number and a placard or placards are sent to the builder.

(1) If the application covers the construction of accommodations to be rented or sold to veterans or members of the armed forces under paragraph (b) (2) or paragraph (b) (8), the placard will contain a statement to this effect and will contain spaces for the maximum sales price or rent and the project serial number. The builder must insert in the placard or placards clearly, legibly and permanently the project serial number and the appropriate rent and sales price, not in excess of those specified in the application as approved. The builder must set up a placard in front of each separate residential building on the project site in a conspicuous location within 5 days after the time construction has started and must keep the placard there until completion of the building, and, unless all the accommodations in the building have seen sold or rented to veterans of World War II or members of the armed forces in accordance with paragraph (h), and for 30 days afterwards (for 60 days afterwards in the case of accommodations approved after August 6, 1946, which are being offered for sale).

(2) If the application is not based on paragraph (b) (2) or paragraph (b) (8), the placard will contain a space for the project serial number which must be inserted by the builder. This placard must be set up in front of the building in a conspicuous location within 5 days after construction has started, or after receipt of the placard in case of an application under paragraph (b) (3), and must be kept there until the work is completed.

(d) Paragraph (c) of Schedule A to PR–33 contains the provisions concerning the use of HH ratings formerly in paragraph (d) of this regulation.

(e) *Construction of the project.* A builder who constructs, converts, alters, or repairs housing accommodations under this regulation must do the work in accordance with the description given in the application, except where he has obtained written approval for a change from the agency which approved the original application.

(f) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the CPA, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Maximum sales prices and rents*—(1) *General.* The restrictions on sales prices and rents contained in this paragraph (g) must be observed so long as this regulation remains in effect. They apply to dwellings of the kinds described below when built or converted under this regulation. Dwellings or other housing accommodations covered by approved applications under this regulation are considered to have been built or converted under this regulation when the priorities assistance assigned has been used to get materials for the accommodations or when the construction of the accommodations could not have been done under VHP–1 without the authorization granted by the approval of the application. The restrictions on sales prices do not apply to judicial or statutory foreclosure sales of a dwelling and do not prohibit any subsequent sale of the dwelling at or below the amount of the foreclosure sale. The restrictions on sales prices and rents apply to all sales and leases, whether made to veterans of World War II or to other persons. It is a violation of this regulation to condition a sale or rent on the purchase of or the agreement to purchase any commodity, service or property interest except where this regulation specifically permits the consideration paid for the commodity, service or property interest to be included in or added to the maximum sales price or maximum rent. Approval of a proposed sales price or rent should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes. In the case of remodelling or rehabilitation, the Office of Price Administration may reduce the maximum rent specified in the application, unless prior approval of the rent has been obtained from that agency.

(2) *One-family dwelling.* (i) A "one-family dwelling" means a building designed for occupancy by one family and to be occupied, rented or sold as a unit, including a detached or semi-detached house or a row house but not including an apartment house or a two-family "one-over-one" house.

(ii) A builder must not sell a one-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or by the purchaser.

(iii) No other person shall sell a one-family dwelling built or converted under

this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus normal and customary brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder) whether paid by previous sellers or purchasers.

(iv) No person shall rent a one-family dwelling built or covered under this regulation for more than the maximum rent specified in the application as approved. If no rent is specified in the application, the person wishing to rent the dwelling may request the Federal Housing Administration to set a rent on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set. A rent of more than $80 a month will not be approved except as a result of an appeal showing that unusual hardship would result.

(3) *Two-family dwellings.* (i) A "two-family dwelling" means a building designed for occupancy by two families which will be sold as a unit, not including semi-detached or row houses covered by paragraph (g) (2).

(ii) A builder must not sell a two-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or the purchaser.

(iii) No other person shall sell a two-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder), whether paid by previous sellers or purchasers.

(iv) No person shall rent an apartment in a two-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) A "multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(5) *Dormitories and group housing facilities.* No person (whether the builder or any other person) shall rent accommodations in a dormitory or other group housing facility built under this regulation for more than the maximum shelter rent specified in the application as approved.

(6) *Maximum rent and maximum shelter rent.* "Miximum rent" means the total consideration paid by the tenant for the accommodations including charges paid by the tenant for tenant services specified on the application and including charges paid by the tenant for garage as specified on the application, but excluding charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage. Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of dwelling accommodations built or altered under this regulation must be considered as a part of the maximum rent. However, if the rental of furniture was requested by the tenant in connection with a lease entered into with the tenant before December 13, 1946, the amount paid for furniture need not be included in the maximum rent.

(7) *Requests for increases in sales prices and rents by builders.* A builder may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application before the house is sold (i. e., before title has passed) or initially rented. The application will not be approved unless he can show that he has incurred or will incur additional or increased costs in the construction over which he had, or has, no control, or if he can show that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it unreasonable for him to sell or rent at the price or rent specified in the application. No increase in sales price or rent will be granted in excess of the increase in construction cost, or a proper proportion of it, or the increase in operating cost, as the case may be.

(8) *Requests for increases in sales prices or rents by subsequent owners.* An owner of a dwelling built under this regulation, other than the builder, may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application if the subsequent owner has made improvements to the dwelling which would warrant an increase. No increase will be granted in excess of the cost of construction of the improvement, or a proper proportion of it in the case of a requested increase in rents. However, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to more than $80 a month will be granted, except on appeal where unusual hardship would result. If an increase in rent is needed because of subsequent improvements, and the accommodations have previously been rented and are in a Defense Rental Area established by the Office of Price Administration, the owner should apply to the Area Rent Office of the Office of Price Administration for an increase (or in the District of Columbia to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the appropriate office of the Federal Housing Administration. Upon the filing of this copy with the Federal Housing Administration, the new rent granted becomes the maximum shelter rent under this regulation. (Note: Under Veterans' Housing Program Order 1 it may be necessary to get authorization to make these alterations.)

(h) *Preferences for veterans of World War II and members of the Armed Forces*—(1) *General.* This paragraph tells how preferences must be given under this regulation to veterans of World War II and members of the Armed Forces as long as this regulation remains in effect. As used in this regulation, "veterans of World War II and members of the Armed Forces" (sometimes referred to in this regulation as "veterans" or as "veterans of World War II") include the following: (i) A person who has been on active service in the U. S. Army, Navy, Coast Guard or Marine Corps or in the U. S. Merchant Marine during World War II (i. e., on or after September 16, 1940) and who was discharged or released under conditions other than dishonorable; (ii) a person who is serving in the U. S. Army, Navy, Coast Guard, Marine Corps or in the U. S. Merchant Marine; (iii) the spouse of a member of the Armed Forces who died in service during World War II or the spouse of a deceased veteran of World Wor II, if the spouse is living with a child or children of the deceased; or (iv) a citizen of the United States who served in the Armed Forces of an allied nation during World War II. The preference for veterans and members of the Armed Forces provided by this paragraph (h) do not apply to judicial or statutory foreclosure sales. Sales subsequent to a foreclosure sale, however, are subject to the provisions of this paragraph. The requirements of this paragraph apply to the original sales or leases and to later sales and leases, as long as this regulation remains in effect. The provisions of paragraph (h) do not apply to dwellings for which neither a maximum sales price nor a maximum rent is established under this regulation and do not apply to dwellings approved on applications under paragraph (b) (6) or to the initial occupancy of a dwelling or an apartment in it approved under this regulation for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwellings.* (i) A builder who has built or converted a one-family dwelling under this regulation must, during construction and for 30 days after completion (or 60 days after completion if the application was approved after August 6, 1946, and the dwelling is being offered for sale), publicly offer it for sale or for rent at or below the approved maximum sales price or the approved maximum rent to vet-

erans of World War II and members of the Armed Forces for their own occupancy, and he must not sell or rent it to any other person unless he has made such an offer.

(ii) If a one-family dwelling built or converted under this regulation is being offered for sale, the person offering it for sale must not sell or otherwise dispose of it to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered it for sale to such veterans for at least 30 days (or 60 days if the dwelling was built or converted under an authorization approved after August 6, 1946) at or below the approved maximum sales price.

(iii) No person shall rent a one-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the dwelling for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the initial offering by the builder) at or below the approxed maximum rent.

(3) *Two-family dwellings.* (i) A builder who has built or converted a two-family dwelling under this regulation must publicly offer it for sale or the apartments in it for rent at or below the maximum sales price or the maximum rent specified in the application, as approved, to veterans of World War II and members of the Armed Forces for their own occupancy. This public offering must continue during construction and for 30 days afterwards in the case of rentals, and in the case of sales if the application was approved before August 7, 1946. It must last during construction and for 60 days after completion in the case of sales of dwellings built or converted under an application approved after August 6, 1946.

(ii) If a two-family dwelling built or converted under this regulation is being offered for sale, the person offering it for sale must not sell or otherwise dispose of it to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered it for sale to such veterans for at least 30 days (or 60 days if the dwelling was built or converted under an authorization approved after August 6, 1946) at or below the approxed maximum sales price.

(iii) No person shall rent an apartment in a two-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the initial offering by the builder) at or below the approxed maximum rent.

(4) *Multiple-family dwellings.* (i) A builder who has built or converted a multiple-family dwelling under this regulation must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans of World War II and members of the Armed Forces for their own occupancy at or below the maximum rent given in the application as approved.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days after completion in the case of the initial offering of the builder) at or below the approved maximum rent.

(5) *Dormitories and group housing facilities.* A builder who has built or converted a dormitory or other group housing facility under this regulation must make the accommodations available exclusively for veterans of World War II and members of the Armed Forces otherwise eligible to occupy the accommodations, except that if an educational institution builds a dormitory under this program it may make available to non-veterans 40% of the accommodations in the dormitory if it makes available to veterans of World War II an equivalent number of similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

(i) *Notices in advertisements and deeds.* (1) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect a builder who has used the HH rating to get materials for a dwelling, or who could not, under Veterans' Housing Program Order 1, have built or converted the dwelling without approval under this regulation and every other person who has acquired title to such a dwelling (whether completed or not) must include a statement in substantially the following form in any deed, conveyance or other instrument by which the dwelling is sold, transferred or mortgaged to any other person:

> The building on the premises hereby conveyed was built (converted) under Priorities Regulation 33 (Builder's Serial No. —). Under that regulation a limit is placed on either the sales price or the rent for the premises or both and preferences are given to veterans of World War II or members of the Armed Forces in selling or renting. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent purchaser will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Priorities Regulation 33 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby conveyed.

(2) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect the builder and every subsequent owner, and their agents and brokers, must include in any advertisement printed or published in which accommodations built under Priorities Regulation 33 are offered for sale or for rent, the following statements:

> Built under Veterans' Emergency Housing Program.
> Held for sale (rent) to veterans of World War II for 60 (30) days.
> Sales price (rent per month) $_____.

(j) *Transfer of ratings forbidden.* No person to whom an HH rating has been assigned shall transfer the rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason a builder wishes to abandon a project and another builder wishes to continue with the project, the new builder should apply to the appropriate FHA office, attaching to his application a letter from the former builder or the representatives of the former builder joining in the request for the assignment of ratings to the new builder.

(k) *Appeals.* Any person affected by this regulation or a direction to it who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from any provision of this regulation should be filed with the appropriate local office of the Federal Housing Administration or other agency with which applications may be filed under this regulation, and the appeal will be forwarded to the Washington office of that agency for consideration, together with any recommendations made by the local office. An appeal from a schedule or direction to this regulation, unless expressly stated otherwise, should be filed by letter in duplicate addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Direction or Schedule to PR–33.

(l) *Amendments and supplemental applications.* A builder may apply to the agency which approved his application for an amendment to it. If the amendment covers changes in the specifications of the proposed dwelling or dwellings or changes in the proposed sales price or rent (see paragraph (g) (6)), or a change in the construction schedule of a project involving several buildings, the request for an amendment may be made by letter in triplicate. If the request for an amendment is granted, the provisions of this regulation apply to the application as amended. If the request for an amendment requires additional buildings or dwelling units not included in the original application, a new application on Form NHA 14–56 covering the new units should be filed.

(m) *Communications.* All communications about this regulation should be addressed to the appropriate State or District Office of the Federal Housing Administration or other appropriate agency. Communications about Schedules A and B or directions to the regulation should, unless specifically directed otherwise, be addressed to the Civilian Production Administration, Washington 25, D. C., or to the appropriate Civilian Production Administration Construction Field Office.

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

priority control and may be deprived of priorities assistance.

Issued this 13th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

PUBLIC OFFERING

Paragraph (h) of Priorities Regulation 33 provides generally that the owner of dwelling accommodations constructed under the Regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If, however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a non-veteran, the owner has violated the regulation. (Issued October 31, 1946.)

INTERPRETATION 2

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (h) of Priorities Regulation 33 sets forth the preferences which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (g) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be offered for sale or for rent to veterans of World War II (as defined in PR 33) during construction and for 30 days after completion or for 30 days in case the house or apartment is later sold or rented again. When a one or two family house which was authorized after August 6, 1946 is to be sold, it must be offered to veterans during construction and for 60 days after completion or for 60 days in case of a later sale. The requirement that a house or apartment be offered for 60 or 30 days does not prevent the offeror from accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules. (In the illustrations it is assumed that the authorization was issued after August 6, 1946. If approval had been given on or before August 6, 1946, the 60 day figures below would be 30 days.)

(1) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move. The veteran must publicly offer the house to other veterans of World War II for 60 days. The veteran must not charge more than $7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by the Federal Housing Administration. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(2) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder publicly offered the dwelling to veterans during construction and for 30 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for $7,500. The non-veteran now wishes to sell the house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of $7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(3) A one-family dwelling was built under the regulation. A maximum sales price of $7,500 was approved, but no rent was stated in the application. The builder, instead of selling the dwelling at once, decides to rent it. He must apply to the Federal Housing Administration for approval of a maximum rent before he rents the dwelling.

(4) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than $63, whether he rents to a veteran or a non-veteran unless the Federal Housing Administration authorizes an increase.

(5) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder rented it to a non-veteran for $63 a month, no veterans having applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than $63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(6) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than $63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than $63 a month.

(7) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than $63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans.

(8) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. The builder wishes to sell the building to be operated as a co-operative apartment house. The builder cannot do this unless the Federal Housing Administration grants him an appeal from the requirement that he must publicly offer the apartments for rent to veterans during construction and for 30 days after completion.

See also Interpretation 1 to Priorities Regulation 33 which defines and explains the requirements of the regulation which concern public offering to veterans. (Issued November 15, 1946.)

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

[Priorities Reg. 33, as Amended Feb. 28, 1947]

VETERANS' EMERGENCY HOUSING PROGRAM

§ 944.54 *Priorities Regulation 33*—(a) *What this regulation does.* Priorities Regulation 33 was the method by which the Civilian Production Administration provided general priorities assistance for the Veterans' Emergency Housing Program on applications filed before September 10, 1946. It was also the method by which persons who wished to do construction work restricted by VHP–1 could apply for authorization under that order when the work was to be done on structures used for residential purposes. Applications under the regulation were made to the National Housing Agency or an agency acting for it under a delegation. On and after December 24, 1946, all new applications in connection with housing accommodations have been filed under the Housing Permit Regulation or other applicable regulation of the Housing Expediter.

The provisions of Priorities Regulation 33, as amended, apply to all housing accommodations built under an approved application on Form CPA–4386 or Form CPA–4387.

(b) [Deleted Feb. 28, 1947.]

(c) On approval of an application, a copy of the application bearing a project serial number and a placard or placards are sent to the builder.

(1) If the application covered the construction, completion or conversion of dwelling accommodations to which veterans of World War II and members of the Armed Forces would be given preference in selling or renting, or if the application covered the construction, conversion or alteration by an educational institution or public organization of a dormitory or other group housing facility for veterans of World War II and members of the Armed Forces, the placard contained a statement that the accommodations were to be rented or sold to veterans or members of the Armed Forces and spaces for the maximum sales price or rent and the project serial number. The builder must insert in the placard or placards clearly, legibly and permanently the project serial number. The builder must set up a placard in front of each separate residential building on the project site in a conspicuous location within 5 days after construction has started and must keep the placard there until completion of the building; and, unless all the accommodations in the building have been sold or rented to veterans of World War II or members of the Armed Forces, in accordance with paragraph (h), for 30 days after completion (for 60 days after completion in the case of accommodations approved after August 6, 1946, which are being offered for sale). As soon as construction is completed, the builder must insert in the placard for that unit the appropriate rent and sales price, not in excess of those specified in the application as approved. The applicant may post a project sign instead of posting the placards sent to him. If he chooses to use a project sign, he must post a sign having the approximate dimensions of 3′ x 5′ or more in a conspicuous location on the site of the project. Such a sign must contain the same information that is required on placards as provided above and all provisions applying to placards, apply to signs posted instead of placards.

(2) If the application does not fall within paragraph (c) (1), the builder need not post any placard.

(d) Paragraph (c) of Schedule A to PR–33 contains the provisions concerning the use of HH ratings formerly in paragraph (d) of this regulation.

(e) *Construction of the project.* A builder who constructs, converts, alters, or repairs housing accommodations under this regulation must do the work in accordance with the description given in the application, except where he has obtained written approval for a change from the agency which approved the original application.

(f) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the CPA, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Maximum sales prices and rents*—(1) *General.* The restrictions on sales prices and rents contained in this paragraph (g) must be observed so long as this regulation remains in effect. They apply to dwellings of the kinds described below when built or converted under this regulation. Except as provided in the Housing Permit Regulation, dwellings or other housing accommodations covered by approved applications under this regulation are considered to have been built or converted under this regulation when the priorities assistance assigned has been used to get materials for the accommodations or when the construction of the accommodations could not have been done under VHP–1 without the authorization granted by the approval of the application. The restrictions on sales prices do not apply to judicial or statutory foreclosure sales of a dwelling and do not prohibit any subsequent sale of the dwelling at or below the amount of the foreclosure sale. The restrictions on sales prices and rents apply to all sales and leases, whether made to veterans of World War II or to other persons. It is a violation of this regulation to condition a sale or rent on the purchase of or the agreement to purchase any commodity, service or property interest except where this regulation specifically permits the consideration paid for the commodity, service or property interest to be included in or added to the maximum sales price or maximum rent. Approval of a proposed sales price or rent should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes. In the case of remodelling or rehabilitation, the Office of Price Administration may reduce the maximum rent specified in the application, unless prior approval of the rent has been obtained from that agency.

(2) *One-family dwelling.* (i) A "one-family dwelling" means a building designed for occupancy by one family and to be occupied, rented or sold as a unit, including a detached or semi-detached house or a row house but not including an apartment house or a two-family "one-over-one" house.

(ii) A builder must not sell a one-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or by the purchaser.

(iii) No other person shall sell a one-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus normal and customary brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder) whether paid by previous sellers or purchasers.

(iv) No person shall rent a one-family dwelling built or converted under this regulation for more than the maximum rent specified in the application as approved. If no rent is specified in the application, the person wishing to rent the dwelling may request the Federal

Housing Administration to set a rent on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set.

(3) *Two-family dwellings.* (i) A "two-family dwelling" means a building designed for occupancy by two families which will be sold as a unit, not including semi-detached or row houses covered by paragraph (g) (2).

(ii) A builder must not sell a two-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or the purchaser.

(iii) No other person shall sell a two-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder), whether paid by previous sellers or purchasers.

(iv) No person shall rent an apartment in a two-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) A "multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(5) *Dormitories and group housing facilities.* No person (whether the builder or any other person) shall rent accommodations in a dormitory or other group housing facility built under this regulation for more than the maximum shelter rent specified in the application as approved.

(6) *Maximum rent and maximum shelter rent.* "Maximum rent" means the total consideration paid by the tenant for the accommodations including charges paid by the tenant for tenant services specified on the application and including charges paid by the tenant for garage as specified on the application, but excluding charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage. Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of dwelling accommodations built or altered under this regulation must be considered as a part of the maximum rent. However, if the rental of furniture was requested by a tenant in connection with a dwelling accommodation covered by a lease entered into with the tenant before December 13, 1946, the amount paid for furniture in connection with the lease or with a later renting of that dwelling accommodation need not be included in the maximum rent.

(7) *Requests for increases in sales prices and rents by builders.* A builder may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application before the house is sold (i. e., before title has passed) or initially rented. The application will not be approved unless he can show that he has incurred or will incur additional or increased costs in the construction over which he had, or has, no control, or if he can show that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it unreasonable for him to sell or rent at the price or rent specified in the application. No increase in sales price or rent will be granted in excess of the increase in construction cost, or a proper proportion of it, or the increase in operating cost. as the case may be.

(8) *Requests for increases in sales prices or rents by subsequent owners.* An owner of a dwelling built under this regulation, other than the builder, may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application if the subsequent owner has made improvements to the dwelling which would warrant an increase. No increase will be granted in excess of the cost of construction of the improvement, or a proper proportion of it in the case of a requested increase in rents. However, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to more than $80 a month will be granted, except on appeal where unusual hardship would result. If an increase in rent is needed because of subsequent improvements, and the accommodations have previously been rented and are in a Defense Rental Area established by the Office of Price Administration, the owner should apply to the Area Rent Office of the Office of Price Administration for an increase (or in the District of Columbia to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the appropriate office of the Federal Housing Administration. Upon the filing of this copy with the Federal Housing Administration, the new rent granted becomes the maximum shelter rent under this regulation. (Note: Under Veterans' Housing Program Order 1 it may be necessary to get authorization to make these alterations.)

(h) *Preferences for veterans of World War II and members of the Armed Forces*—(1) *General.* This paragraph tells how preferences must be given under this regulation to veterans of World War II and members of the Armed Forces as long as this regulation remains in effect. As used in this regulation, "veterans of World War II and members of the Armed Forces" (sometimes referred to in this regulation as "veterans" or as "veterans of World War II") include the following: (i) A person who has been on active service in the U. S. Army, Navy, Coast Guard or Marine Corps or in the U. S. Merchant Marine during World War II (i. e., on or after September 16, 1940) and who was discharged or released under conditions other than dishonorable; (ii) a person who is serving in the U. S. Army, Navy, Coast Guard, Marine Corps or in the U. S. Merchant Marine; (iii) the spouse of a member of the Armed Forces who died in service during World War II or the spouse of a deceased veteran of World Wor II, if the spouse is living with a child or children of the deceased; or (iv) a citizen of the United States who served in the Armed Forces of an allied nation during World War II. The preference for veterans and members of the Armed Forces provided by this paragraph (h) do not apply to judicial or statutory foreclosure sales. Sales subsequent to a foreclosure sale, however, are subject to the provisions of this paragraph. The requirements of this paragraph apply to the original sales or leases and to later sales and leases, as long as this regulation remains in effect. The provisions of paragraph (h) do not apply to dwellings for which neither a maximum sales price nor a maximum rent is established under this regulation and do not apply to dwellings approved for the purpose of increasing or maintaining the production of scarce materials or products, or to the initial occupancy of a dwelling or an apartment in it approved under this regulation for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwellings.* (i) A builder who has built or converted a one-family dwelling under this regulation must, during construction and for 30 days after completion (or 60 days after completion if the application was approved after August 6, 1946, and the dwelling is being offered for sale), publicly offer it for sale or for rent at or below the approved maximum sales price or the approved maximum rent to veterans of World War II and members of the Armed Forces for their own occupancy, and he must not sell or rent it to any other person unless he has made such an offer.

(ii) If a one-family dwelling built or converted under this regulation is being offered for sale, the person offering it for sale must not sell or otherwise dispose of it to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered it for sale to such veterans for at least 30 days (or 60 days if the dwelling was built or converted under an authorization ap-

proved after August 6, 1946) at or below the approved maximum sales price.

(iii) No person shall rent a one-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the dwelling for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the initial offering by the builder) at or below the approved maximum rent.

(3) *Two-family dwellings.* (i) A builder who has built or converted a two-family dwelling under this regulation must publicly offer it for sale or the apartments in it for rent at or below the maximum sales price or the maximum rent specified in the application, as approved, to veterans of World War II and members of the Armed Forces for their own occupancy. This public offering must continue during construction and for 30 days afterwards in the case of rentals, and in the case of sales if the application was approved before August 7, 1946. It must last during construction and for 60 days after completion in the case of sales of dwellings built or converted under an application approved after August 6, 1946.

(ii) If a two-family dwelling built or converted under this regulation is being offered for sale, the person offering it for sale must not sell or otherwise dispose of it to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered it for sale to such veterans for at least 30 days (or 60 days if the dwelling was built or converted under an authorization approved after August 6, 1946) at or below the approved maximum sales price.

(iii) No person shall rent an apartment in a two-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the initial offering by the builder) at or below the approved maximum rent.

(4) *Multiple-family dwellings.* (i) A builder who has built or converted a multiple-family dwelling under this regulation must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans of World War II and members of the Armed Forces for their own occupancy at or below the maximum rent given in the application as approved.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days after completion in the case of the initial offering of the builder) at or below the approved maximum rent.

(5) *Dormitories and group housing facilities.* A builder who has built or converted a dormitory or other group housing facility under this regulation must make the accommodations available exclusively for veterans of World War II and members of the Armed Forces and their dependents otherwise eligible to occupy the accommodations, except that if an educational institution builds a dormitory under this program it may make available to non-veterans 40% of the accommodations in the dormitory if it makes available to veterans of World War II an equivalent number of similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

(i) *Notices in advertisements and deeds.* (1) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect a builder who has used the HH rating to get materials for a dwelling, or who could not, under Veterans' Housing Program Order 1, have built or converted the dwelling without approval under this regulation and every other person who has acquired title to such a dwelling (whether completed or not) must include a statement in substantially the following form in any deed, conveyance or other instrument by which the dwelling is sold, transferred or mortgaged to any other person:

> The building on the premises hereby conveyed was built (converted) under Priorities Regulation 33 (Builder's Serial No. —). Under that regulation a limit is placed on either the sales price or the rent for the premises or both and preferences are given to veterans of World War II or members of the Armed Forces in selling or renting. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent purchaser will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Priorities Regulation 33 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby conveyed.

(2) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect the builder and every subsequent owner, and their agents and brokers, must include in any advertisement printed or published in which accommodations built under Priorities Regulation 33 are offered for sale or for rent, the following statements:

> Built under Veterans' Emergency Housing Program.
>
> Held for sale (rent) to veterans of World War II for 60 (30) days.
>
> Sales price (rent per month) $_____.

(j) *Transfer of ratings forbidden.* No person to whom an HH rating has been assigned shall transfer the rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason a builder wishes to abandon a project and another builder wishes to continue with the project, the new builder should apply to the appropriate FHA office, attaching to his application a letter from the former builder or the representatives of the former builder joining in the request for the assignment of ratings to the new builder.

(k) *Appeals.* Any person affected by this regulation or a direction to it who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from a provision of this regulation should be filed with the local office of the Federal Housing Administration or other appropriate agency. An appeal from a schedule or direction to this regulation, unless expressly stated otherwise, should be filed by letter in duplicate addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Direction or Schedule to PR–33.

(l) *Amendments and supplemental applications.* A builder may apply to the agency which approved his application for an amendment to it. If the amendment covers changes in the specifications of the proposed dwelling or dwellings or changes in the proposed sales price or rent (see paragraph (g) (6)), or a change in the construction schedule of a project involving several buildings, the request for an amendment may be made by letter in triplicate. If the request for an amendment is granted, the provisions of this regulation apply to the application as amended. If the request for an amendment requires additional buildings or dwelling units not included in the original application, a new application on Form NHA 14–56 covering the new units should be filed.

(m) *Communications.* All communications about this regulation should be addressed to the appropriate State or District Office of the Federal Housing Administration or other appropriate agency. Communications about Schedules A and B or directions to the regulation should, unless specifically directed otherwise, be addressed to the Civilian Production Administration, Washington 25, D. C., or to the appropriate Civilian Production Administration Construction Field Office.

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

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

PUBLIC OFFERING

Paragraph (h) of Priorities Regulation 33 provides generally that the owner of dwelling accommodations constructed under the Regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the

obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If, however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a non-veteran, the owner has violated the regulation. (Issued October 31, 1946.)

Interpretation 2

Preferences to veterans in selling or renting housing accommodations

Paragraph (h) of Priorities Regulation 33 sets forth the preferences which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (g) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be offered for sale or for rent to veterans of World War II (as defined in PR 33) during construction and for 30 days after completion or for 30 days in case the house or apartment is later sold or rented again. When a one or two family house which was authorized after August 6, 1946 is to be sold, it must be offered to veterans during construction and for 60 days after completion or for 60 days in case of a later sale. The requirement that a house or apartment be offered for 60 or 30 days does not prevent the offeror from accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules. (In the illustrations it is assumed that the authorization was issued after August 6, 1946. If approval had been given on or before August 6, 1946, the 60 day figures below would be 30 days.)

(1) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move. The veteran must publicly offer the house to other veterans of World War II for 60 days. The veteran must not charge more than $7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by the Federal Housing Administration. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(2) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder publicly offered the dwelling to veterans during construction and for 30 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for $7,500. The non-veteran now wishes to sell the house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of $7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(3) A one-family dwelling was built under the regulation. A maximum sales price of $7,500 was approved, but no rent was stated in the application. The builder, instead of selling the dwelling at once, decides to rent it. He must apply to the Federal Housing Administration for approval of a maximum rent before he rents the dwelling.

(4) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than $63, whether he rents to a veteran or a non-veteran unless the Federal Housing Administration authorizes an increase.

(5) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder rented it to a non-veteran for $63 a month, no veterans having applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than $63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(6) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than $63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than $63 a month.

(7) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than $63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans.

(8) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. The builder wishes to sell the building to be operated as a co-operative apartment house. The builder cannot do this unless the Federal Housing Administration grants him an appeal from the requirement that he must publicly offer the apartments for rent to veterans during construction and for 30 days after completion.

See also Interpretation 1 to Priorities Regulation 33 which defines and explains the requirements of the regulation which concern public offering to veterans. (Issued November 15, 1946.)

Interpretation 3

Charges in excess of maximum sales price requested because of incidental charges, extras, or additional construction

Under paragraph (g) of Priorities Regulation 33 a seller must not require a purchaser, as a condition for the sale of a house, to buy or agree to buy any commodity, service, or property interest, except where the regulation specifically permits the charges for the commodity, service, or property interest to be added to the maximum sales price. This means that the seller must offer the dwelling accommodations to the purchaser at or below the approved maximum sales price and free from incidental charges and extras. The following examples illustrate the effect of this general rule:

1. *Abstract fees and title insurance.* The purchaser may pay the customary abstract fees and title insurance over and above the maximum sales price, unless the purchaser is required to take these services when he does not want them.

2. *Financing charges.* The purchaser may pay customary incidental charges (such as fire insurance, title insurance, mortgagee's appraisal fees, and future taxes) in connection with financing the purchase of a dwelling, if the purchase of these services is not made a condition to the sale. The purchaser must be given an opportunity to purchase the dwelling for cash at or below the approved maximum price and to finance the purchase himself in any way he desires. The seller cannot require the purchaser to finance the purchase through a particular lending institution.

3. *Previously incurred charges.* Charges which have been incurred by the builder before the sale of the dwelling must not be charged the purchaser in addition to the maximum sales price. A request that a prospective purchaser pay such charges for prior services would be making the charges a condition to the sale. Charges of this kind include accumulated taxes before the date of sale, interest before the sale, prepayment penalties in connection with a builder's loan, fees for survey of site and liability and fire insurance before the sale.

4. *Charges for additional construction or for equipment or fixtures not specified in the application.* The builder must publicly offer the building described in the application at or below the approved maximum sales price. He may not, under his authorization, do any additional construction in connection with the authorized construction over and above what is specified in the application, except where he gets written approval from the agency which approved the original application. He must not increase his sales price above the approved maximum sales price by reason of any such additional construction or added equipment, except where the increased price has been approved in writing by the agency which approved the original application.

A person who has bought a house built under Priorities Regulation 33 and who has made improvements to the house (authorization under VHP–1 may be required for such improvements) must not charge more than the approved maximum sales price for the house if he sells it, unless he has obtained permission for the increased charge from the agency which approved the original application (this will usually be given, where appropriate, in connection with the application for authorization under VHP–1 to make the improvements). (Issued February 3, 1947.)

SUBJECT: Interpretation 1 to PR-33, dated 10-31-46 1/
Public Offering to Veterans

This Interpretation clarifies the requirement relative to the obligation of offering housing accommodations to veterans, and explains that the mere posting of a placard is not adequate.

When the FPHA approves applications for public organizations or educational institutions, the applicant must assume the responsibility for compliance with the requirement to intensively publicize availability of the dwelling units for veterans. However, the regional offices may help to effect the intent of this Interpretation, by including a copy or a reference to it as part of the informational material forwarded to the applicant.

1/ This is a new insert, and an entry should be included in the Index for Part I, Section 3

a07
12-30-41

Int. 1 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

OCT. 31, 1946

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

[Priorities Reg. 33, Interpretation 1]

PUBLIC OFFERING

Paragraph (h) of Priorities Regulation 33 provides generally that the owner of dwelling accommodations constructed under the Regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If, however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a non-veteran, the owner has violated the regulation.

Issued this 31st day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 18552—p. 1

SUBJECT: Interpretation 2 to PR-33, dated 11-15-46 1/
Clarification of Veterans Preference Requirements

This Interpretation explains that housing accommodations built for sale or rent under the VEHP cannot be sold or rented for a second time unless again publicly offered to veterans. A similar clarification is contained in Interpretation 2 to HEPR-5.

In cases of subsequent sales or rentals, the ruling states that the accommodations must be offered publicly to veterans for a period of 60 days if offered for sale, or 30 days for rental housing. Housing authorized before August 6, 1946 need be publicly offered for sale for only 30 days.

Both interpretations contain several specific examples illustrating the effect of the general rules set forth in HEPR-5 and PR-33.

1/ This is a new insert, and an entry should be included in the Index for Part I, Section 3.

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

[Priorities Reg. 33, Interpretation 2]

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (h) of Priorities Regulation 33 sets forth the preferences which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (g) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be offered for sale or for rent to veterans of World War II (as defined in PR 33) during construction and for 30 days after completion or for 30 days in case the house or apartment is later sold or rented again. When a one or two family house which was authorized after August 6, 1946 is to be sold, it must be offered to veterans during construction and for 60 days after completion or for 60 days in case of a later sale. The requirement that a house or apartment be offered for 60 or 30 days does not prevent the offeror from accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules. (In the illustrations it is assumed that the authorization was issued after August 6, 1946. If approval had been given on or before August 6, 1946, the 60 day figures below would be 30 days.)

(1) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move. The veteran must publicly offer the house to other veterans of World War II for 60 days. The veteran must not charge more than $7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by the Federal Housing Administration. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(2) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder publicly offered the dwelling to veterans during construction and for 30 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for $7,500. The non-veteran now wishes to sell the house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of $7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(3) A one-family dwelling was built under the regulation. A maximum sales price of $7,500 was approved, but no rent was stated in the application. The builder, instead of selling the dwelling at once, decides to rent it. He must apply to the Federal Housing Administration for approval of a maximum rent before he rents the dwelling.

(4) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than $63, whether he rents to a veteran or a non-veteran unless the Federal Housing Administration authorizes an increase.

(5) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder rented it to a non-veteran for $63 a month, no veterans having applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than $63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(6) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than $63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than $63 a month.

(7) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than $63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans.

(8) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. The builder wishes to sell the building to be operated as a co-operative apartment house. The builder cannot do this unless the Federal Housing Administration grants him an appeal from the requirement that he must publicly offer the apartments for rent to veterans during construction and for 30 days after completion.

See also Interpretation 1 to Priorities Regulation 33 which defines and explains the requirements of the regulation which concern public offering to veterans.

Issued this 15th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 8/16/46

Sch. A to PR 33

JULY 8, 1946
[As Amended]

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 33, Schedule A, as Amended July 8, 1946]

BUILDING MATERIALS

§ 944.54 *Schedule A to Priorities Regulation 33.* The priorities assistance assigned to builders under Priorities Regulation 33 may be used only to get the following materials (additions to and deletions from this schedule may be made from time to time):

	Direction to Priorities Regulation 33 applying to the material
Hardwood flooring	Direction 1
Millwork (including doors and built-in kitchen cabinets)	Direction 1
Lumber	Direction 1
Softwood plywood (limited by Direction 1A as to uses and quantities)	Direction 1A
Plumbing fixtures (limited to the following, as listed and defined in Direction 2: bathtubs, lavatories, kitchen sinks, water closets)	Direction 2
Radiation ((cast iron tubular, cast iron convector, extended surface convector)	Direction 3
Cast iron soil pipe and fittings	Direction 4
Gypsum board	Direction 5
Gypsum lath	Direction 5
Structural clay tile	Direction 6
Common and face brick	Direction 6
Concrete blocks	Direction 7
Prefabricated houses	Direction 8
Prefabricated sections	Direction 8
Prefabricated panels	Direction 8
Clay sewer pipe	
Warm-air furnaces	Direction 9
Building board (except hardboard)	Direction 10

Definitions of the above items may be given in the appropriate directions.

Issued this 8th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Schedule A to PR-33, Amended 8-16-46 1/
Materials Obtainable with HH Rating

1. Substance. The materials and equipment listed on this Schedule are essential items for veterans' housing which are in short supply. The priorities assistance authorized under PR-33, or Direction to PR-33, may be used to obtain the material listed in this Schedule.

2. Explanation. The attached Schedule, as amended, now includes nails, hard-wall plaster, certain wiring devices, certain kinds of builders' hardware, and some other metal items. For many of the materials, the Schedule indicates the applicable Directions to PR-33, which specifically define the materials and explain restrictions relative to orders, deliveries, production set-asides, and extendibility.

1/ Supersedes Schedule A to PR-33, dated 7-8-46.

Superseded 10-30-46

SUBJECT: Schedule A to PR-33, Amended 8-27-46 1/
Materials Obtainable with HH Rating

Schedule A is a list of the scarce building materials and equipment for which HH ratings are issued. It has been amended to include and explain the way in which the HH rating may be used (replacing comparable instructions in PR-33 and some revoked Directions thereto) in addition to listing the materials for which the HH rating is used. It applies to persons who got HH ratings under HEPR-5 and those who received them under PR-33. It also revises the forms of certification to be employed in use of the HH rating.

The expansion of Schedule A -- to include a total of 58 items -- will obviate many requests for HH ratings. Other regulations provide that greater volumes of these materials will be "set aside" and held indefinitely for housing purposes.

Attention is directed to Paragraph (c) (5), which contains a revised form of certification to be used on purchase orders.

1/ Supersedes Schedule A to PR-33, dated 8-16-46.

Superseded 12-20-46

SUBJECT: Schedule A to PR-33, Amended 10-7-46 1/
Materials Obtainable With HH Rating

Schedule A is a list of the scarce building materials and equipment for which HH ratings are issued. In addition, Schedule A includes instructions relative to the use of the ratings, applying to persons who get HH ratings under HEPR-5 and those who received them under PR-33.

As revised, Schedule A contains 67 groups of materials, all of which are limited to residential types. Schedule B to PR-33, and other regulations, provide that certain volumes of these materials will be set aside and held indefinitely for housing purposes.

Definitions have been added or revised for the following items previously on the schedule: nails, fittings and trim for plumbing, warm air furnaces, pipe fittings, pipe nipples, copper tubing, building board, metal cabinets, floor coverings, and asbestos-cement flat sheets.

The new groups of materials added to the list are: certain types of electrical service entrance equipment; furnace pipes, fittings and ducts; copper tubing fittings; building and sheathing papers; copper sheet; and galvanized steel sheet.

Ten groups of items are now marked with asterisks to indicate those items for which orders bearing HHH and HH ratings cannot be placed with manufacturers. This does not mean that the HHH and HH ratings can be extended to manufacturers for other materials. As provided in paragraph (c) of Schedule B to PR-33, HHH and HH ratings cannot generally be extended.

Other changes in Schedule A clarify the certificate to be put on HH rated orders. The certification to be used by FPHA contractors has not been changed.

1/ Supersedes Schedule A to PR-33, dated 8-27-46

NHA
FPHA
12-20-46

Superseded 3-18-47

OBSOLETE

Bulletin 14

PART I - Section 3.12

SUBJECT: Schedule A to PR-33, Amended 12-10-46 1/
Materials Obtainable With HH Rating

Schedule A is a list of the scarce building materials and equipment for which HH ratings are issued. In addition, Schedule A includes instructions relative to the use of the ratings, applying to persons who get HH ratings under HEPR-5 and those who received them under PR-33.

As revised, Schedule A contains 69 groups of materials, all of which are limited to residential types. Hardwood Plywood is the only new item which was not included in the previous Schedule A or its Amendments; but use of the HH rating for that product is limited to house trailer manufacturers.

Definitions have been added or revised for the following items previously on the Schedule: Cement, Bathtubs, Window Sash and Frames, and Building Papers and Sheathing. No items as such have been deleted, but finishing lime has been transferred from the Miscellaneous Building Materials group to the Wall and Roof Materials group.

The Certification to be used on HH-rated purchase orders, by contractors and subcontractors of the FPHA and local bodies, has been changed to the following form:

"VETERANS' EMERGENCY HOUSING PROGRAM
Application Serial Number_____

I certify to the U. S. Government that an HH rating has been assigned for the materials covered by this order. The materials will be used only for housing accommodations, as authorized. The housing accommodations are at (location)_____.

(Purchaser's signature) "

Ten items are marked with asterisks (*) to indicate those items for which orders bearing HHH and HH ratings cannot be placed with manufacturers. This does not mean that the HHH and HH ratings can be extended to manufacturers for other materials. As provided in paragraph (c) of Schedule B to PR-33, HHH and HH ratings cannot generally be extended.

1/ Supersedes: Schedule A to PR-33, dated 10-7-46;
Amdt. 1, Sch. A to PR-33, dated 11-21-46; and
Amdt. 2, Sch. A to PR-33, dated 11-29-46.

SUBJECT: Schedule A to PR-33, Amended 3-3-47 1/

Schedule A is a list of the building materials and equipment for which HH ratings can be used; and includes instructions relative to using the ratings, which have been assigned under HEPR-5 and PR-33.

This Schedule has been revised by CPA to reflect its action for revocation of the Limitation Orders, L-358 and L-359, relative to lumber materials.

1/ Supersedes Schedule A to PR-33, dated 12-10-46.

Superseded 8/27/46

Sch. A to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

AUG. 16, 1946
[As Amended]

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

[Priorities Reg. 33, Schedule A, as Amended Aug. 16, 1946]

§ 944.54 *Schedule A to Priorities Regulation 33.* The priorities assistance assigned to builders under Priorities Regulation 33 may be used only to get the following materials (additions to and deletions from this schedule may be made from time to time):

	Direction to Priorities Regulation 33 applying to the material
Hardwood flooring	Direction 1
Millwork (including doors and built-in kitchen cabinets)	Direction 1
Lumber	Direction 1
Softwood plywood (limited by Direction 1A as to uses and quantities)	Direction 1A
Plumbing fixtures (limited to the following, as listed and defined in Direction 2; bathtubs, lavatories, kitchen sinks, water closets)	Direction 2
Radiation (cast iron tubular, cast iron convector, extended surface convector)	Direction 3
Cast iron soil pipe and fittings	Direction 4
Gypsum board	Direction 5
Gypsum lath	Direction 5
Structural clay tile	Direction 6
Common and face brick	Direction 6
Concrete blocks	Direction 7
Prefabricated houses	Direction 8
Prefabricated sections	Direction 8
Prefabricated panels	Direction 8
Clay sewer pipe	None
Warm-air furnaces	Direction 9
Building board (except hardboard)	Direction 10
Hardwall plaster	Direction 12
*Nails	None
Builders hardware of the following types only: (1) Butts, hinges, hasps; (2) door locks, lock trim; (3) sash, screen, and shelf hardware; (4) night latches, dead locks; (5) spring hinges; (6) sash balances, sash pulleys	None
Metal doors and frames	None
Metal windows, sash and frames	None
Metal plaster base (metal lath)	None
Boilers (low pressure—types designed for heating systems in dwellings)	None
Furnaces (floor, wall)	None
Registers and grilles (for heating systems)	None
Wiring devices (electrical) of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types; (2) convenience receptacles (outlets); (3) toggle switches; (4) wall and face plates; (5) outlet, switch, and receptacle boxes—covers, hangers, supports, and clamps included; (6) box connectors for residential-type metallic or non-metallic sheathed cable	None

For item marked with an asterisk (*) in the above list, HHH and HH ratings have no effect on orders placed with producers and such ratings may be disregarded by them. For items not so marked, the placing and effect of HHH and HH rated orders are controlled by the rules of Priorities Regulations 1, 3, and 33, as modified by any special rules in the applicable direction to PR 33, if there is such a direction.

Definitions of the above items may be given in the appropriate directions.

Issued this 16th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

OBSOLETE

Superseded 10-7-46

Sch. A to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

AUG. 27, 1946
[As Amended]

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

[Priorities Reg. 33, Schedule A as Amended Aug. 27, 1946]

Section 944.54a *Schedule A to Priorities Regulation 33*, is amended to read as follows:

There is a shortage in the supply of the materials and facilities listed in paragraph (b) of this schedule for defense, for private account and for export. These materials and facilities are suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. The allocation of, and the establishment of priorities for the delivery of, these materials and facilities in the manner, upon the conditions and to the extent provided in this schedule and other applicable regulations, orders, directives, schedules and directions of the Civilian Production Administration and of the Housing Expediter are necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 944.54a *Schedule A to Priorities Regulation 33*—(a) *Establishment of allocation and priorities system.* Priorities for the delivery of the materials and facilities listed in paragraph (b) of this schedule are hereby established, and they may be allocated, under the Veterans' Emergency Housing Act of 1946, as provided in this schedule and in other orders, regulations, directions, schedules and directives of the Civilian Production Administration. These priorities consist in general of HH and HHH ratings. The method by which these ratings may be applied and other provisions concerning their use are set forth in paragraph (c) of this schedule. The effect of these ratings shall be the effect provided in Priorities Regulations 1, 3 and other regulations and in schedules and directions to Priorities Regulation 33. In addition these directions provide for "certified" and "authorized" orders for some of these materials under certain conditions. The terms and conditions under which these ratings will be assigned and the conditions and requirements imposed upon the use of materials obtained by means of these ratings and upon housing accommodations constructed or manufactured from such materials are set forth in Housing Expediter Priorities Regulation 5. Priorities Regulation 33 and in other orders, regulations and directions of the Civilian Production Administration and the Housing Expediter.

(b) *List of short materials and facilities.* The materials and facilities for which priorities are established by this schedule are the following:

Lumber Materials

Flooring, hardwood, as defined in Direction 1 to PR-33.
Lumber, housing construction, as defined in Direction 1 to PR-33.
Millwork, including doors, built-in kitchen cabinets and screens as defined in Direction 1 to PR-33.
Plywood, construction (softwood), as defined in Direction 1A to PR-33. Limited by Direction 1A as to uses.

Clay and Concrete Materials

Brick, common and face, clay.
Concrete block and brick.
Cement, portland.
Tile, common and face, structural.
Sewer pipe, clay.

Electrical Wiring Materials

*Cable, metallic or non-metallic sheathed.
Lighting fixtures, residential, not including portable lamps.
Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.
Wiring devices of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types; (2) convenience receptacles (outlets); (3) toggle switches; (4) wall and face plates; (5) outlet, switch and receptable boxes—covers, hangers, supports, and clamps included; (6) box connectors for metallic or non-metallic sheathed cable.

Hardware Materials

Builders hardware, of the following types only: (1) Butts, hinges, hasps; (2) door locks, lock trim; (3) sash, screen, and shelf hardware; (4) night latches, dead locks; (5) spring hinges; (6) sash balances, sash pulleys.
*Nails.

Wall Materials

Building board (products made from wood pulp, vegetable fibres, pressed paper stock or multiple plies of fibred stock, produced for use in building construction and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board, roof insulation, laminated fibre wall board or laminated fibre tile board. Acoustical tile and products commonly described as "hardboard" not included).
Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board. Precast reinforced gypsum roof plank not included).
Gypsum lath (gypsum products especially made for use as a plaster base).
Plaster, hardwall (gypsum plaster—basic, ready-mixed and gauging—made for use in applying base or finish coats to lathed interior walls).
Plaster base (metal lath and accessories).
Shingles (asbestos-cement, asphalt, slate, wood).
Siding (asbestos-cement).
Stucco mesh (woven or welded wire).

Plumbing and Heating Supplies

Bathtubs.
Boilers, low pressure, for heating and hot water.
Controls, temperature and combustion, for heating and hot water.
Furnaces, floor, wall.
Furnaces, warm air.
Kitchen sinks (including sink-and-tray combinations and undersink cabinets).
Lavatories.
Oil burners, domestic.
Plumbing fixture fittings and trim, including brass tubular goods.
Pipe, bituminized fibre, for drains and sewers.
Pipe, cast iron soil pipe and fittings.
*Pipe, steel and wrought iron, including galvanized, in sizes ⅜" to 4" inclusive in diameter, and related nipples and threaded fittings.
Radiation, convector and cast iron, including accompanying metal enclosures and grilles.
Range boilers.
Registers and grilles for heating systems.
Stokers, domestic.
Stoves and ranges for cooking and heating, including space heaters.
Tanks, septic.
Tanks, oil and water storage, capacity 550 gallons or less.
Water closets (1-piece combinations, bowls, tanks).
Water heaters.
*Water tubing, copper.

Prefabricated Housing

Prefabricated houses, sections, and panels (as defined in Direction 8 to PR-33).

Structural Materials (Metal)

Doors and frames (metal).
Joists (steel).
Fabricated structural shapes (steel, aluminum).
Structural shapes (steel, aluminum) cut to size by a warehouse for a housing contractor.

Miscellaneous Building Materials

Cabinets, metal built-in types for kitchens and bathrooms.
Floor coverings of the following types: felt-base, linoleum, mastic, tile (asphalt, rubber).
Gutters and down-spouts.
Insect screen cloth (metal, plastic).
Lead, caulking.
Lime, finishing.
Weatherstripping (metal).
Fabricated reinforcing rod and mesh.

(c) *Use of HH and HHH ratings.* The general rules for applying HH ratings are set forth below, together with certain provisions concerning the use of these ratings by builders. These rules apply to the use of HHH ratings, except when otherwise provided by Direction 11 to Priorities Regulation 33 or other applicable regulations. The rules for the use of HH ratings by prefabricators and trailer manufacturers are set forth in Directions 8 and 13 to Priorities Regulation 33. Additional rules applicable to HHH

* For an item marked with an asterisk (*) in the above list, HHH and HH ratings have no effect on orders placed with producers and such ratings may be disregarded by them. For items not so marked, the placing and effect of HHH and HH rated orders are controlled by the rules of Priorities Regulations 1, 3 and 33, as modified by any special rules in any applicable direction or schedule to PR-33.

ratings and other related priorities assistance are set forth in Direction 11 to Priorities Regulation 33.

(1) *Kinds and quantities of materials.* The HH rating may be used only to get materials of the kinds listed in paragraph (b) of this schedule. The HH rating may not be used to get more than the minimum quantities of those materials needed to complete the housing accommodations for which the rating was assigned, in accordance with the description given in the application as approved. In some cases applicants may be limited to specific quantities of particular materials. In such cases the HH rating may not be used to get more than the specific quantities approved. The HH rating may not be applied to purchase orders for greater quantities of materials than the applicant is authorized to get. Persons authorized to use the HH rating may not place duplicate orders totalling more than the authorized minimum quantities, even though they plan to cancel one of the orders later.

(2) *Restriction on time of delivery.* The builder must not specify delivery dates on purchase orders for rated materials more than 30 days before the time they are to be incorporated in the project. This provision applies to materials ordered with an HH rating, instead of the usual rule in Priorities Regulation 32. Furthermore, the builder must not place rated purchase orders for materials in which delivery is specified later than during the third full calendar month after the calendar month during which the purchase order is placed.

(3) *Expiration of rating.* The right to use the HH rating for a project expires 90 days after the issuance of the rating, unless the builder has begun construction on the project by physically incorporating at the site of the project materials which will be an integral part of the construction. If the builder has not begun construction within this time, he must unrate all orders for materials for the project to which he has applied the HH rating. If the application covers a number of different buildings, the right to use the rating for materials going into any individual building expires unless that particular building has been started within the 90 day period. However, he may apply by letter in triplicate to the agency which granted his application for an extension of the starting date, showing why he was unable to begin construction in accordance with his original application and giving his revised starting date. If the request for an extension is approved, he need not unrate his orders but he must postpone the delivery dates so as to comply with paragraph (c) (2) of this schedule.

(4) *Use of rating.* The applicant must not use an HH rating or give others the right to use it before his application has been approved. After approval, the HH rating may be used to get materials by the applicant or by contractors or subcontractors doing all or any part of the construction work for the applicant. Applicants, contractors and sub-contractors using the rating and their officers and agents must comply with all applicable provisions of this and other pertinent regulations. The applicant may authorize contractors and sub-contractors, and contractors may authorize subcontractors, to use the rating assigned to the applicant, by using a certificate in substantially the following form:

VETERANS' EMERGENCY HOUSING PROGRAM

Application Serial Number------

You are hereby authorized to use the HH rating to obtain material of the kinds listed on Schedule A to Civilian Production Administration Priorities Regulation 33 which are required for the housing accommodations located at ---------- (give location). Your use of this rating is subject to the provisions of applicable regulations.

Authorized user of rating

(5) *Certificates.* The HH rating may be applied to a purchase order by a person authorized to use the rating only by placing on the order the following certificate:

VETERANS' EMERGENCY HOUSING PROGRAM

Application Serial Number------

I certify to the Civilian Production Administration that an HH rating has been assigned for the materials covered by this order and that these materials will be used only in housing accommodations being built under the Veterans' Emergency Housing Program at ---------- (give location), and that I will comply with the limitations and requirements provided in applicable regulations and the application as approved covering the housing accommodations.

Builder (or authorized contractor or authorized subcontractor.)

(d) *Violations.* Any person who wilfully violates any provision of any rule, regulation or order of the CPA dealing with the priorities assistance and allocations established by this schedule, or who, be any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnished false or misleading information to the CPA, and any person who obtains a delivery or an allocation of materials or facilities or a preference rating by means of a material and wilfully false or misleading statement, may be prohibited by the CPA from making or obtaining further deliveries of materials and facilities of the kinds listed in paragraph (b) of this schedule and may be deprived of further priorities assistance. The CPA may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code, under the Second War Powers Act or under the Veterans' Emergency Housing Act of 1946.

Issued this 27th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Amended 12-10-46

Sch. A to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

OCT. 7, 1946
[As Amended]
Corrected Copy

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

[Priorities Reg. 33, Schedule A as Amended Oct. 7, 1946]

Section 944.54a *Schedule A to Priorities Regulation 33,* is amended to read as follows:

There is a shortage in the supply of the materials and facilities listed in paragraph (b) of this schedule for defense, for private account and for export. These materials and facilities are suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. The allocation of, and the establishment of priorities for the delivery of, these materials and facilities in the manner, upon the conditions and to the extent provided in this schedule and other applicable regulations, orders, directives, schedules and directions of the Civilian Production Administration and of the Housing Expediter are necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 944.54a *Schedule A to Priorities Regulation 33*—(a) *Establishment of allocation and priorities system.* Priorities for the delivery of the materials and facilities listed in paragraph (b) of this schedule are hereby established, and they may be allocated, under the Veterans' Emergency Housing Act of 1946, as provided in this schedule and in other orders, regulations, directions, schedules and directives of the Civilian Production Administration. These priorities consist in general of HH and HHH ratings. The method by which these ratings may be applied and other provisions concerning their use are set forth in paragraph (c) of this schedule. The effect of these ratings shall be the effect provided in applicable regulations of the Civilian Production Administration (including Priorities Regulations 1 and 3, schedules and directions to Priorities Regulation 33, and orders in the "L" series). In addition, some of these applicable regulations provide for "certified" and "authorized" orders for some of these materials under certain conditions. The terms and conditions under which these ratings will be assigned and the conditions and requirements imposed upon the use of materials obtained by means of these ratings and upon housing accommodations constructed or manufactured from such materials are set forth in Housing Expediter Priorities Regulation 5, Priorities Regulation 33 and in other applicable regulations of the Civilian Production Administration and the Housing Expediter.

(b) *List of short materials.* The materials and facilities for which priorities are established by this schedule are listed below. The listing includes only residential types of the items mentioned. The fact that a residential type may also be suitable for nonresidential use does not take it out of the "residential" class.

MATERIALS AND FACILITIES SUBJECT TO HH RATINGS

A. Lumber Materials

1. Flooring, hardwood, residential, as defined in Direction 1 to PR 33.
2. Lumber, housing construction, as defined in Direction 1 to PR 33.
3. Millwork (including doors, built-in kitchen cabinets and screens), as defined in Direction 1 to PR 33.
4. Plywood, construction (softwood), as defined in Order L-358. Limited by Order L-358 as to quantities.

B. Electrical Wiring Materials

1. *Cable, metallic or nonmetallic sheathed.
2. Lighting fixtures, not including portable lamps.
3. Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.
4. Service entrance equipment (of the following kinds only: (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).
5. Wiring devices (of the following kinds only: (a) Sockets, lampholders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet, switch and receptacle boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).

C. Hardware Materials

1. Builders hardware (of the following types only: (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).
2. *Nails (of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

*For an item marked with an asterisk (*) in the above list, HHH and HH ratings have no effect on orders placed with producers and such ratings may be disregarded by them. For items not so marked, the placing and effect of HHH and HH rated orders are controlled by the rules of Priorities Regulations 1, 3, and 33, as modified by any special rules in any applicable direction or schedule to PR 33 or orders in the "L" series.

D. Masonry Materials

1. Brick, common and face, clay.
2. Brick, sand lime.
3. Concrete block and brick.
4. Cement, portland.
5. Tile, common and face, structural.

E. Plumbing and Heating Supplies

1. Bathtubs.
2. Boilers, low pressure, for heating and hot water.
3. Controls, temperature and combustion, for heating and hot water.
4. Fittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets.
5. Furnace pipes, fittings, and duct work.
6. Furnaces, floor, wall.
7. Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter).
8. Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
9. Lavatories.
10. Oil burners, domestic.
11. Pipe, bituminized fibre, for drains and sewers.
12. Pipe, sewer, clay.
13. Pipe, soil, cast iron, and fittings for such pipe.
14. *Pipe, steel and wrought iron, black and galvanized, sizes ⅜" to 4" inclusive, standard weight.
15. *Pipe fittings, screwed (of the following kinds only: (a) Gray cast recessed drainage, 2" and under; (b) gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) malleable fittings, including unions, 2" and under (150 lbs. S. W. P.)).
16. *Pipe nipples, steel and wrought iron, black and galvanized, sizes ⅜" to 4" inclusive, in lengths 6" and less, made from standard weight pipe.
17. Radiation, convector and cast iron, including accompanying metal enclosures and grilles.
18. Range boilers.
19. Registers and grilles for heating systems.
20. Stokers, domestic.
21. Stoves and ranges for cooking and heating, including space heaters.
22. Tanks, septic.
23. Tanks, oil and water storage, capacity 550 gallons or less.
24. *Tubing, copper—types K, L, M—sizes ⅜" to 3" inclusive.
25. Tubing fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).

E. Plumbing and Heating Supplies—Con.

26. Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
27. Water heaters.

F. Prefabricated Housing

1. Prefabricated houses, sections, and panels (as defined in Direction 8 to PR 33).

G. Structural Materials (Metal)

1. Doors and frames, hollow metal and kalamein.
2. *Fabricated reinforcing rod and mesh.
3. Joists, bar, steel.
4. Structural shapes, steel and aluminum, fabricated or cut to length.
5. Window sash and frames, metal (of the following types only: light, intermediate, and heavy casements; double hung windows; basement windows).

H. Wall and Roof Materials

1. Asbestos-cement flat sheets, ¼" thick or less. This does not include electrical and insulation grades.
2. Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board".
3. Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.
4. Gypsum lath (gypsum products especially made for use as a plaster base).
5. Papers, building and sheathing (of the following kinds only: (a) Slaters felt and asphalt sheathing paper weighing approximately 25 lbs. per 500 square-roll; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin, and house sheathing paper).
6. Plaster, hardwall (gypsum plaster—basic, ready-mixed and gauging—made for use in applying base or finish coats to lathed interior walls).
7. Plaster base (metal lath and accessories for metal lath).
8. *Sheet, copper. (A person authorized to use an HH rating may use this material only if (1) he is going to use the material in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28): flashing, gutters and downspouts; shower pans; termite shields.)

H. Wall and Roof Materials—Continued

9. *Sheet, flat galvanized steel, 26 gauge or lighter. (A person authorized to use an HH rating may use it for this material only if (1) he is going to use it in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28 or Order M-21): flashings; furnace pipes, fittings, and duct work; gutters and downspouts; termite shields.)
10. Shingles (asbestos-cement, asphalt, slate, wood).
11. *Stucco mesh (woven or welded wire).

I. Miscellaneous Building Materials

1. Cabinets, metal, attachable or built-in types for kitchens or bathrooms.
2. Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastic; (d) asphalt tile; (e) rubber tile).
3. Gutters and downspouts.
4. Insect screen cloth, metal or plastic.
5. Lead, caulking.
6. Lime, finishing.
7. Weatherstripping, metal.

(c) *Use of HH and HHH ratings.* The general rules for applying HH ratings are set forth below, together with certain provisions concerning the use of these ratings by builders. These rules apply to the use of HHH ratings, except when otherwise provided by Direction 11 to Priorities Regulation 33 or other applicable regulations. The rules for the use of HH ratings by prefabricators and trailer manufacturers are set forth in Directions 8 and 13 to Priorities Regulation 33. Additional rules applicable to HHH ratings and other related priorities assistance are set forth in Direction 11 to Priorities Regulation 33.

(1) *Kinds and quantities of materials.* The HH rating may be used only to get materials of the kinds listed in paragraph (b) of this schedule. The HH rating may not be used to get more than the minimum quantities of those materials needed to complete the housing accommodations for which the rating was assigned, in accordance with the description given in the application as approved. In some cases applicants may be limited to specific quantities of particular materials. In such cases the HH rating may not be used to get more than the specific quantities approved. The HH rating may not be applied to purchase orders for greater quantities of materials than the applicant is authorized to get. Persons authorized to use the HH rating may not place duplicate orders totalling more than the authorized minimum quantities, even though they plan to cancel one of the orders later.

(2) *Restriction on time of delivery.* The builder must not specify delivery dates on purchase orders for rated materials more than 30 days before the time they are to be incorporated in the project. This provision applies to materials ordered with an HH rating, instead of the usual rule in Priorities Regulation 32. Furthermore, the builder must not place rated purchase orders for materials in which delivery is specified later than during the third full calendar month after the calendar month during which the purchase order is placed.

(3) *Expiration of rating.* The right to use the HH rating for a project expires 90 days after the issuance of the rating, unless the builder has begun construction on the project by physically incorporating at the site of the project materials which will be an integral part of the construction. If the builder has not begun construction within this time, he must unrate all orders for materials for the project to which he has applied the HH rating. If the application covers a number of different buildings, the right to use the rating for materials going into any individual building expires unless that particular building has been started within the 90 day period. However, he may apply by letter in triplicate to the agency which granted his application for an extension of the starting date, showing why he was unable to begin construction in accordance with his original application and giving his revised starting date. If the request for an extension is approved, he need not unrate his orders but he must postpone the delivery dates so as to comply with paragraph (c) (2) of this schedule.

(4) *Use of rating.* The applicant must not use an HH rating or give others the right to use it before his application has been approved. After approval, the HH rating may be used to get materials by the applicant or by contractors or subcontractors doing all or any part of the construction work for the applicant. Applicants, contractors and sub-contractors using the rating and their officers and agents must comply with all applicable provisions of this and other pertinent regulations. The applicant may authorize contractors and sub-contractors, and contractors may authorize subcontractors, to use the rating assigned to the applicant, by using a certificate in substantially the following form:

VETERANS' EMERGENCY HOUSING PROGRAM

Application Serial Number_____

You are hereby authorized to use the HH rating to obtain material of the kinds listed on Schedule A to Civilian Production Administration Priorities Regulation 33 which are required for the housing accommodations located at _____ (give location). Your use of this rating is subject to the provisions of applicable regulations.

_____
Authorized user of rating

A contractor to whom an HH rating has been assigned by the Army or the Navy for military housing may authorize his subcontractors, to use that rating, by using the certificate as set out above in this paragraph but without the caption "Veterans' Emergency Housing Program" and the "Application Serial Number."

(5) *Certificates.* The HH rating may be applied to a purchase order by a per-

son authorized to use the rating only by placing on the order the certificate specified for him below (the certificates set out in Priorities Regulations 3 and 7 may not be used):

(i) *Persons authorized under PR 33 or HEPR 5.* A person using an HH rating assigned under Priorities Regulation 33 or Housing Expediter Priorities Regulation 5 should use the following certificate:

VETERANS' EMERGENCY HOUSING PROGRAM
APPLICATION SERIAL NUMBER ------

I certify to the Civilian Production Administration that an HH rating has been assigned for the materials covered by this order and that these materials will be used only in housing accommodations being built under the Veterans' Emergency Housing Program at ------ (give location), and that I will comply with the limitations and requirements provided in applicable regulations and the application as approved covering the housing accommodations.

Builder (or authorized contractor or authorized subcontractor)

(ii) *Military housing contractors.* A person using an HH rating assigned by the Army or the Navy for military housing in the continental United States should use the following certificate:

I certify to the Civilian Production Administration that an HH rating has been assigned by the Army (the Navy) for the materials covered by this order and that these materials will be used only in military housing accommodations.

(Contractor or authorized subcontractor.)

(iii) *Prefabricators and house-trailer manufacturers.* A prefabricator or house-trailer manufacturer using an HH rating assigned to him under Direction 8 or 13 to Priorities Regulation 33, respectively, should use the certificate set out in the Direction involved.

(d) *Violations.* Any person who wilfully violates any provision of any rule, regulation or order of the Civilian Production Administration dealing with the priorities assistance and allocations established by this schedule, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnished false or misleading information to the Civilian Production Administration and any person who obtains a delivery or an allocation of materials or facilities or a preference rating by means of a material and wilfully false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of materials and facilities of the kinds listed in paragraph (b) of this chedule and may be deprived of further priorities assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code, under the Second War Powers Act or under the Veterans' Emergency Housing Act of 1946.

Issued this 7th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

★GPO—CPA 18462A—p. 8

OBSOLETE

Sch. A to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

DEC. 10, 1946
[As Amended]
Corrected Copy

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

[Priorities Reg. 33, Schedule A as Amended Dec. 10, 1946]

There is a shortage in the supply of the materials and facilities listed in paragraph (b) of this schedule for defense, for private account and for export. These materials and facilities are suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. The allocation of, and the establishment of priorities for the delivery of, these materials and facilities in the manner, upon the conditions and to the extent provided in this schedule and other applicable regulations, orders, directives, schedules and directions of the Civilian Production Administration and of the Housing Expediter are necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 944.54a *Schedule A to Priorities Regulation 33*—(a) *Establishment of allocation and priorities system.* Priorities for the delivery of the materials and facilities listed in paragraph (b) of this schedule are hereby established, and they may be allocated, under the Veterans' Emergency Housing Act of 1946, as provided in this schedule and in other orders, regulations, directions, schedules and directives of the Civilian Production Administration. These priorities consist in general of HH and HHH ratings. The method by which these ratings may be applied and other provisions concerning their use are set forth in paragraph (c) of this schedule. The effect of these ratings shall be the effect provided in applicable regulations of the Civilian Production Administration (including Priorities Regulations 1 and 3, schedules and directions to Priorities Regulation 33, and orders in the "L" series). In addition, some of these applicable regulations provide for "certified" and "authorized" orders for some of these materials under certain conditions. The terms and conditions under which these ratings will be assigned and the conditions and requirements imposed upon the use of materials obtained by means of these ratings and upon housing accommodations constructed or manufactured from such materials are set forth in Housing Expediter Priorities Regulation 5, Priorities Regulation 33 and in other applicable regulations of the Civilian Production Administration and the Housing Expediter.

(b) *List of short materials.* The materials and facilities for which priorities are established by this schedule are listed below. The listing includes only residential types of the items mentioned. The fact that a residential type may also be suitable for nonresidential use does not take it out of the "residential" class.

MATERIALS AND FACILITIES SUBJECT TO HH RATINGS

A. Lumber Materials

1. Flooring, hardwood, residential, as defined in Order L–359.
2. Lumber, housing construction, as defined in Order L–359.
3. Millwork (including doors, built-in kitchen cabinets and screens), as defined in Order L–359.
4. Plywood, construction (softwood), as defined in Order L–358. Limited by Order L–358 as to quantities.
5. Plywood, hardwood (An HH rating may be used for this material only by a house trailer manufacturer authorized by Form NHA 14–44).

B. Electrical Wiring Materials

1. *Cable, metallic or nonmetallic sheathed.
2. Lighting fixtures, not including portable lamps.
3. Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.
4. Service entrance equipment (of the following kinds only: (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).
5. Wiring devices (of the following kinds only: (a) Sockets, lampholders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet, switch and receptacle boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).

C. Hardware Materials

1. Builders hardware (of the following types only: (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).
2. *Nails (ferrous, of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

D. Masonry Materials

1. Brick, common and face, clay.
2. Brick, sand lime.
3. Concrete block and brick.
4. Cement, portland (all types, including high early strength, limestone, slag, and sulfate resistant).
5. Tile, common and face, structural.

E. Plumbing and Heating Supplies

1. Bathtubs (steel, cast iron).
2. Boilers, low pressure, for heating and hot water.
3. Controls, temperature and combustion, for heating and hot water.
4. Fittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets.
5. Furnace pipes, fittings, and duct work.
6. Furnaces, floor, wall.
7. Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter).
8. Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
9. Lavatories.
10. Oil burners, domestic.
11. Pipe, bituminized fibre, for drains and sewers.
12. Pipe, sewer, clay.
13. Pipe, soil, cast iron, and fittings for such pipe.
14. *Pipe, steel and wrought iron, black and galvanized, sizes ⅜" to 4" inclusive, standard weight.
15. *Pipe fittings, screwed (of the following kinds only: (a) Gray cast recessed drainage, 2" and under; (b) gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) malleable fittings, including unions, 2" and under (150 lbs. S. W. P.)).
16. *Pipe nipples, steel and wrought iron, black and galvanized, sizes ⅜" to 4" inclusive, in lengths 6" and less, made from standard weight pipe.
17. Radiation, convector and cast iron, including accompanying metal enclosures and grilles.
18. Range boilers.
19. Registers and grilles for heating systems.
20. Stokers, domestic.
21. Stoves and ranges for cooking and heating, including space heaters.
22. Tanks, septic.
23. Tanks, oil and water storage, capacity 550 gallons or less.
24. *Tubing, copper—types K, L, M—sizes ⅜" to 3" inclusive.
25. Tubing fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).
26. Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
27. Water heaters.

F. Prefabricated Housing

1. Prefabricated houses, sections, and panels (as defined in Direction 8 to PR 33).

G. Structural Materials (Metal)

1. Doors and frames, hollow metal and kalamein.
2. *Fabricated reinforcing rod and mesh.
3. Joists, bar, steel.
4. Structural shapes, steel and aluminum, fabricated or cut to length.
5. Window sash and frames, metal (of the following types only: casements; double hung windows; basement windows).

H. Wall and Roof Materials

1. Asbestos-cement flat sheets, ¼" thick or less. This does not include electrical and insulation grades.

*See paragraph (v) of Schedule B to PR 33 for special rule regarding HHH and HH rated orders for items marked with an asterisk (*) in the above list.

2. Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board".
3. Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.
4. Gypsum lath (gypsum products especially made for use as a plaster base).
5. Lime, finishing.
6. Papers, building and sheathing (of the following kinds only: (a) Asphalt sheathing paper; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin, and house sheathing paper); (e) slaters felt weighing approximately 25 lbs. per 500 square-feet roll.
7. Plaster, hardwall (gypsum plaster—basic, ready-mixed and gauging—made for use in applying base or finish coats to lathed interior walls).
8. Plaster base (metal lath and accessories for metal lath).
9. *Sheet, copper. (A person authorized to use an HH rating may use this material only if (1) he is going to use the material in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28): flashings; gutters and downspouts; shower pans; termite shields.)
10. *Sheet, flat galvanized steel, 23 gauge or lighter. (A person authorized to use an HH rating may use it for this material only if (1) he is going to use it in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28 or Order M-21): flashings; furnace, pipes, fittings, and duct work; gutters and downspouts; termite shields.)
11. Shingles (asbestos-cement, asphalt, slate, wood).
12. *Stucco mesh (woven or welded wire).

NOTE: Former items 5 through 9, redesignated 6 through 10 respectively, and new item 5 added Dec. 10, 1946.

I. Miscellaneous Building Materials

1. Cabinets, metal, attachable or built-in types for kitchens or bathrooms.
2. Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastic; (d) asphalt tile; (e) rubber tile).
3. Gutters and downspouts.
4. Insect screen cloth, metal or plastic.
5. Lead, caulking.
6. Paints, house, exterior—ready mixed, paste, semi-paste, and lead-in-oil. This is limited to primers, under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints and exterior enamels. This is also limited to lead-in-oil in 12½-lb. and larger containers and to the other paints in 1-gal. and larger containers.
7. Weatherstripping, metal.

NOTE: Former item 6a redesignated 6, and former item 6 deleted Dec. 10, 1946.

(c) *Use of HH and HHH ratings.* The general rules for applying HH ratings are set forth below, together with certain provisions concerning the use of these ratings by builders. These rules apply to the use of HHH ratings except when otherwise provided by Direction 11 to Priorities Regulation 33 or other applicable regulations. Except as specifically provided elsewhere, these rules also apply to the use of HH ratings by prefabricators and trailer manufacturers. Additional rules applicable to HHH ratings and other related priorities assistance are set forth in Direction 11 to Priorities Regulation 33.

(1) *Kinds and quantities of materials.* The HH rating may be used only to get materials of the kinds listed in paragraph (b) of this schedule. The HH rating may not be used to get more than the minimum quantities of those materials needed to complete the housing accommodations for which the rating was assigned, in accordance with the description given in the application as approved. In some cases applicants may be limited to specific quantities of particular materials. In such cases the HH rating may not be used to get more than the specific quantities approved. The HH rating may not be applied to purchase orders for greater quantities of materials than the applicant is authorized to get. Persons authorized to use the HH rating may not place duplicate orders totalling more than the authorized minimum quantities, even though they plan to cancel one of the orders later.

(2) *Restriction on time of delivery.* A person placing an HH rated order must not specify delivery dates on purchase orders for rated materials more than 30 days before the time they are to be incorporated in the project. This provision applies to materials ordered with an HH rating, instead of the usual rule in Priorities Regulation 32. Furthermore, he must not place rated purchase orders for materials in which delivery is specified later than during the third full calendar month after the calendar month during which the purchase order is placed.

(3) *Expiration of rating.* The right to use the HH rating for a project expires 90 days after the issuance of the rating, unless the builder has begun construction on the project by physically incorporating at the site of the project materials which will be an integral part of the construction. If the builder has not begun construction within this time, he must unrate all orders for materials for the project to which he has applied the HH rating. If the application covers a number of different buildings, the right to use the rating for materials going into any individual building expires unless that particular building has been started within the 90 day period. However, he may apply by letter in triplicate to the agency which granted his application for an extension of the starting date, showing why he was unable to begin construction in accordance with his original application and giving his revised starting date. If the request for an extension is approved, he need not unrate his orders but he must postpone the delivery dates so as to comply with paragraph (c) (2) of this schedule. The provisions of this paragraph (c) (3) do not apply to prefabricators and house trailer manufacturers, since their authorizations are granted on a calendar-quarter basis.

(4) *Use of rating.* The applicant must not use an HH rating or give others the right to use it before his application has been approved. After approval, the HH rating may be used to get materials by the applicant or by contractors or subcontractors doing all or any part of the construction work for the applicant. Applicants, contractors and sub-contractors using the rating and their officers and agents must comply with all applicable provisions of this and other pertinent regulations. The applicant may authorize contractors and sub-contractors, and contractors may authorize subcontractors, to use the rating assigned to the applicant, by using a certificate in substantially the following form:

VETERANS' EMERGENCY HOUSING PROGRAM

Application Serial Number_____

You are hereby authorized to use the HH rating to obtain material of the kinds listed on Schedule A to Civilian Production Administration Priorities Regulation 33 which are required for the housing accommodations located at _____ (give location). Your use of this rating is subject to the provisions of applicable regulations.

_____
Authorized user of rating

A contractor to whom an HH rating has been assigned by the Army or the Navy for military housing may authorize his subcontractors, to use that rating, by using the certificate as set out above in this paragraph but without the caption "Veterans' Emergency Housing Program" and the "Application Serial Number."

(5) *Certificates.* The HH rating may be applied to a purchase order by a person authorized to use the rating only by placing on the order the certificate specified for him below (the certificates set out in Priorities Regulations 3 and 7 may not be used):

VETERANS' EMERGENCY HOUSING PROGRAM*

Application Serial Number_____*

I certify to the U. S. Government that an HH rating has been assigned for the materials covered by this order. The materials will be used only for housing accommodations, as authorized. The housing accommodations are at_____**
(Give location.)

_____
Purchaser.

*Contractors using HH rating assigned by the Army or Navy should substitute the following caption, without an application serial number: "MILITARY HOUSING."

**Prefabricators and house trailer manufacturers need not include statement about location.

Purchase orders already placed with the certificates previously specified in this Schedule or in Directions 8 and 13 to PR 33 need not be re-certified. Printed and other prepared forms of those previous certificates may continue to be employed until they are used up.

NOTE: Subparagraphs (i), (ii) and (iii) deleted Dec. 10, 1946.

(d) *Violations.* Any person who wilfully violates any provision of any rule, regulation or order of the Civilian Production Administration dealing with the priorities assistance and allocations established by this schedule, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnished false or misleading information to the Civilian Production Administration and any person who obtains a delivery or an allocation of materials or facilities or a preference rating by means of a material and wilfully false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of materials and facilities of the kinds listed in paragraph (b) of this schedule and may be deprived of further priorities assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code, under the Second War Powers Act or under the Veterans' Emergency Housing Act of 1946.

Issued this 10th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Sch. A to PR 33

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

MAR. 3, 1947
[As Amended]

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

[Priorities Reg. 33, Schedule A as Amended March 3, 1947]

Section 944.54a *Schedule A to Priorities Regulation 33,* is amended to read as follows:

There is a shortage in the supply of the materials and facilities listed in paragraph (b) of this schedule for defense, for private account and for export. These materials and facilities are suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. The allocation of, and the establishment of priorities for the delivery of, these materials and facilities in the manner, upon the conditions and to the extent provided in this schedule and other applicable regulations, orders, directives, schedules and directions of the Civilian Production Administration and of the Housing Expediter are necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 944.54a *Schedule A to Priorities Regulation 33*—(a) *Establishment of allocation and priorities system.* Priorities for the delivery of the materials and facilities listed in paragraph (b) of this schedule are hereby established, and they may be allocated, under the Veterans' Emergency Housing Act of 1946, as provided in this schedule and in other orders, regulations, directions, schedules and directives of the Civilian Production Administration. These priorities consist in general of HH and HHH ratings. The method by which these ratings may be applied and other provisions concerning their use are set forth in paragraph (c) of this schedule. The effect of these ratings shall be the effect provided in applicable regulations of the Civilian Production Administration (including Priorities Regulations 1 and 3, schedules and directions to Priorities Regulation 33, and orders in the "L" series). In addition, some of these applicable regulations provide for "certified" and "authorized" orders for some of these materials under certain conditions. The terms and conditions under which these ratings will be assigned and the conditions and requirements imposed upon the use of materials obtained by means of these ratings and upon housing accommodations constructed or manufactured from such materials are set forth in Housing Expediter Priorities Regulation 5, Priorities Regulation 33 and in other applicable regulations of the Civilian Production Administration and the Housing Expediter.

(b) *List of short materials.* The materials and facilities for which priorities are established by this schedule are listed below. The listing includes only residential types of the items mentioned. The fact that a residential type may also be suitable for nonresidential use does not take it out of the "residential" class.

MATERIALS AND FACILITIES SUBJECT TO HH RATINGS

A. Lumber Materials

1. Flooring, hardwood (all grades).
2. Lumber, housing construction (softwood—flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, lath and shop.) (After April 1, 1947 this will not include Douglas fir and Western pine shop which will be controlled by VHP 5).
3. Millwork.
4. Plywood, construction (softwood) (Interior (moisture resistant): 1/4" and 3/8" sanded or 5/16" and 7/16" unsanded wallboard; 1/4" and 3/8" sanded or 5/16" and 7/16" unsanded sound oneside plypanel; 5/16", 3/8", 1/2" and 5/8" sheathing; and Exterior: 1/4" and 3/8" sanded or 5/16" and 7/16" unsanded sound oneside plypanel).

B. Electrical Wiring Materials

1. *Cable, metallic or nonmetallic sheathed.
2. Lighting fixtures, not including portable lamps.
3. Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.
4. Service entrance equipment (of the following kinds only: (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).
5. Wiring devices (of the following kinds only: (a) Sockets, lampholders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet, switch and receptacle boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).

C. Hardware Materials

1. Builders hardware (of the following types only: (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).
2. *Nails (ferrous, of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

D. Masonry Materials

1. Brick, common and face, clay.
2. Brick, sand lime.
3. Concrete block and brick.
4. Cement, portland (all types, including high early strength, limestone, slag, and sulfate resistant).
5. Tile, common and face, structural.

*See paragraph (v) of Schedule B to PR 33 for special rule regarding HHH and HH rated orders for items marked with an asterisk (*) in the above list.

E. Plumbing and Heating Supplies

1. Bathtubs (steel, cast iron).
2. Boilers, low pressure, for heating and hot water.
3. Controls, temperature and combustion, for heating and hot water.
4. Fittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets.
5. Furnace pipes, fittings, and duct work.
6. Furnaces, floor, wall.
7. Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter).
8. Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
9. Lavatories.
10. Oil burners, domestic.
11. Pipe, bituminized fibre, for drains and sewers.
12. Pipe, sewer, clay.
13. Pipe, soil, cast iron, and fittings for such pipe.
14. *Pipe, steel and wrought iron, black and galvanized, sizes 3/8" to 4" inclusive, standard weight.
15. *Pipe fittings, screwed (of the following kinds only: (a) Gray cast recessed drainage, 2" and under; (b) gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) malleable fittings, including unions, 2" and under (150 lbs. S. W. P.)).
16. *Pipe nipples, steel and wrought iron, black and galvanized, sizes 3/8" to 4" inclusive, in lengths 6" and less, made from standard weight pipe.
17. Radiation, convector and cast iron, including accompanying metal enclosures and grilles.
18. Range boilers.
19. Registers and grilles for heating systems.
20. Stokers, domestic.
21. Stoves and ranges for cooking and heating, including space heaters.
22. Tanks, septic.
23. Tanks, oil and water storage, capacity 550 gallons or less.
24. *Tubing, copper—types K, L, M—sizes 3/8" to 3" inclusive.
25. Tubing fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).
26. Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
27. Water heaters.

F. Prefabricated Housing

1. Prefabricated houses, sections, and panels (as defined in Direction 8 to PR 33).

G. Structural Materials (Metal)

1. Doors and frames, hollow metal and kalamein.
2. *Fabricated reinforcing rod and mesh.
3. Joists, bar, steel.
4. Structural shapes, steel and aluminum, fabricated or cut to length.
5. Window sash and frames, metal (of the following types only: casements; double hung windows; basement windows).

H. Wall and Roof Materials

1. Asbestos-cement flat sheets, ¼" thick or less. This does not include electrical and insulation grades.
2. Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board".
3. Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.
4. Gypsum lath (gypsum products especially made for use as a plaster base).
5. Lime, finishing.
6. Papers, building and sheathing (of the following kinds only: (a) Asphalt sheathing paper; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin, and house sheathing paper); (e) slaters felt weighing approximately 25 lbs. per 500 square-feet roll.
7. Plaster, hardwall (gypsum plaster—basic, ready-mixed and gauging—made for use in applying base or finish coats to lathed interior walls).
8. Plaster base (metal lath and accessories for metal lath).
9. *Sheet, copper. (A person authorized to use an HH rating may use it for this material only if (1) he is going to use the material in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28): flashings; gutters and downspouts; shower pans; termite shields.)
10. *Sheet, flat galvanized steel, 23 gauge or lighter. (A person authorized to use an HH rating may use it for this material only if (1) he is going to use it in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28 or Order M-21): flashings; furnace pipes, fittings, and duct work; gutters and downspouts; termite shields.)
11. Shingles (asbestos-cement, asphalt, slate, wood).
12. *Stucco mesh (woven or welded wire).

I. Miscellaneous Building Materials

1. Cabinets, metal, attachable or built-in types for kitchens or bathrooms.
2. Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastic; (d) asphalt tile; (e) rubber tile).
3. Gutters and downspouts.
4. Insect screen cloth, metal or plastic.
5. Lead, caulking.
6. Paints, house, exterior—ready mixed, paste, semi-paste, and lead-in-oil. This is limited to primers, under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints and exterior enamels. This is also limited to lead-in-oil in 12½-lb. and larger containers and to the other paints in 1-gal. and larger containers.
7. Weatherstripping, metal.

(c) *Use of HH and HHH ratings.* The general rules for applying HH ratings are set forth below, together with certain provisions concerning the use of these ratings by builders. These rules apply to the use of HHH ratings except when otherwise provided by Direction 11 to Priorities Regulation 33 or other applicable regulations. Except as specifically provided elsewhere, these rules also apply to the use of HH ratings by prefabricators and trailer manufacturers. Additional rules applicable to HHH ratings and other related priorities assistance are set forth in Direction 11 to Priorities Regulation 33.

(1) *Kinds and quantities of materials.* The HH rating may be used only to get materials of the kinds listed in paragraph (b) of this schedule. The HH rating may not be used to get more than the minimum quantities of those materials needed to complete the housing accommodations for which the rating was assigned, in accordance with the description given in the application as approved. In some cases applicants may be limited to specific quantities of particular materials. In such cases the HH rating may not be used to get more than the specific quantities approved. The HH rating may not be applied to purchase orders for greater quantities of materials than the applicant is authorized to get. Persons authorized to use the HH rating may not place duplicate orders totalling more than the authorized minimum quantities, even though they plan to cancel one of the orders later.

(2) *Restriction on time of delivery.* A person placing an HH rated order must not specify delivery dates on purchase orders for rated materials more than 30 days before the time they are to be incorporated in the project. This provision applies to materials ordered with an HH rating, instead of the usual rule in Priorities Regulation 32. Furthermore, he must not place rated purchase orders for materials in which delivery is specified later than during the third full calendar month after the calendar month during which the purchase order is placed.

(3) *Expiration of rating.* The right to use the HH rating for a project expires 90 days after the issuance of the rating, unless the builder has begun construction on the project by physically incorporating at the site of the project materials which will be an integral part of the construction. If the builder has not begun construction within this time, he must unrate all orders for materials for the project to which he has applied the HH rating. If the application covers a number of different buildings, the right to use the rating for materials going into any individual building expires unless that particular building has been started within the 90 day period. However, he may apply by letter in triplicate to the agency which granted his application for an extension of the starting date, showing why he was unable to begin construction in accordance with his original application and giving his revised starting date. If the request for an extension is approved, he need not unrate his orders but he must postpone the delivery dates so as to comply with paragraph (c) (2) of this schedule. The provisions of this paragraph (c) (3) do not apply to prefabricators and house trailer manufacturers, since their authorizations are granted on a calendar-quarter basis.

(4) *Use of rating.* The applicant must not use an HH rating or give others the right to use it before his application has been approved. After approval, the HH rating may be used to get materials by the applicant or by contractors or subcontractors doing all or any part of the construction work for the applicant. Applicants, contractors and sub-contractors using the rating and their officers and agents must comply with all applicable provisions of this and other pertinent regulations. The applicant may authorize contractors and sub-contractors, and contractors may authorize subcontractors, to use the rating assigned to the applicant, by using a certificate in substantially the following form:

VETERANS' EMERGENCY HOUSING PROGRAM

Application Serial Number_____

You are hereby authorized to use the HH rating to obtain material of the kinds listed on Schedule A to Civilian Production Administration Priorities Regulation 33 which are required for the housing accommodations located at _____ (give location). Your use of this rating is subject to the provisions of applicable regulations.

_____
Authorized user of rating

A contractor to whom an HH rating has been assigned by the Army or the Navy for military housing may authorize his subcontractors, to use that rating, by using the certificate as set out above in this paragraph but without the caption "Veterans' Emergency Housing Program" and the "Application Serial Number."

(5) *Certificates.* The HH rating may be applied to a purchase order by a person authorized to use the rating only by placing on the order the certificate specified for him below (the certificates set out in Priorities Regulations 3 and 7 may not be used):

VETERANS' EMERGENCY HOUSING PROGRAM*

Application Serial Number_____*

I certify to the U. S. Government that an HH rating has been assigned for the materials covered by this order. The materials will be used only for housing accommodations, as authorized. The housing accommodations are at_____**
(Give location.)

_____
Purchaser.

Purchase orders already placed with the certificates previously specified in this Schedule or in Directions 8 and 13 to PR 33 need not be re-certified. Printed and other prepared forms of those previous certificates may continue to be employed until they are used up.

(d) *Violations.* Any person who wilfully violates any provision of any rule, regulation or order of the Civilian Production Administration dealing with the

*Contractors using HH rating assigned by the Army or Navy should substitute the following caption, without an application serial number: "MILITARY HOUSING."

**Prefabricators need not include statement about location.

priorities assistance and allocations established by this schedule, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnished false or misleading information to the Civilian Production Administration and any person who obtains a delivery or an allocation of materials or facilities or a preference rating by means of a material and wilfully false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of materials and facilities of the kinds listed in paragraph (b) of this schedule and may be deprived of further priorities assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code, under the Second War Powers Act or under the Veterans' Emergency Housing Act of 1946.

Issued this 3d day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Amendment 1, Schedule A to PR-33, dated 11-21-46 1/
Additional Critical Materials

This Amendment of Schedule A adds exterior house paint to the list of materials eligible for purchase with the HH rating.

Automatically, this item also is included under the ceiling provisions of Schedule B, whereby 75% of all deliveries, in containers of the sizes which are specified in the definition, must be made on rated orders.

1/ This is a new insert, and an entry should be included in the Index for PART I, Section 3.

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 33, Amdt. 1 to Schedule A, as Amended Oct. 7, 1946]

Section 944.54a *Priorities Regulation 33, Schedule A* is amended by inserting the following item in the Miscellaneous Building Materials group in the paragraph (b) list of short materials:

6a. Paints, house, exterior—ready mixed, paste, semi-paste, and lead-in-oil. This is limited to primers, under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints, and exterior enamels. This is also limited to lead-in-oil in 12½-lb. and larger containers and to the other paints in 1-gal and larger containers.

Issued this 21st day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

adf 12-30-46

SUBJECT: Amendment 1 to PR-33, dated 8-6-46 1/
Extension of Sales Period

1. Substance. This Amendment extends the length of time for which a dwelling accommodation must be held for sale to veterans. Specifically, the sales period is extended from 30 to 60 days.

2. Explanation. The provisions of this amendment (not retroactive) affect public organizations whose applications are approved by the FPHA. When an application involves sale to veterans, the regional office should advise the applicant of these provisions.

1/ This Amendment is a new insert for the Bulletin, and should be included in the Index for Part I, Section 3.

Amdt. 1 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

AUG. 6, 1946

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

[Priorities Reg. 33, as Amended June 14, 1946, Amdt. 1]

Section 944.54 *Priorities Regulation 33* is amended by inserting the following new paragraphs after paragraph (h) (1):

The length of time for which a dwelling accommodation must be held and publicly offered for sale to veterans of World War II or members of the Armed Forces is amended from thirty days to sixty days, with respect to accommodations covered by applications approved after August 6, 1946. This applies both in the case of a sale by the original builder and in the case of a sale by a subsequent owner of such a dwelling accommodation.

This amends the provisions of paragraph (c) (1), paragraph (h) (2), paragraph (h) (3) and paragraph (i) (2) by changing the thirty day period referred to in those paragraphs to sixty days in the case of dwellings held and publicly offered for sale.

This amendment does not affect dwelling accommodations built under the regulation if the application covering the accommodations was approved on or before August 6, 1946. This is true as to such earlier approvals both in the case of the original sales by builders and in the case of sales by subsequent owners. These accommodations, for which approvals were issued on or before August 6, 1946, must be held and publicly offered for sale to veterans of World War II and members of the Armed Forces for thirty days, as provided in earlier versions of Priorities Regulation 33.

This amendment does not affect any provision of Priorities Regulation 33 except the requirements of paragraphs (c), (h) and (i) with respect to the length of time for which a dwelling accommodation built under the regulation must be held for sale and publicly offered to veterans of World War II and members of the Armed Forces. It does not require any change in the length of time for which dwelling accommodations built under the regulation must be held and publicly offered for rent to veterans of World War II and members of the Armed Forces.

Issued this 6th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Amendment 2, Schedule A to PR-33, dated 11-29-46 1/
Materials Obtainable with HH Rating

This Amendment presents minor modifications to two of the items listed on Schedule A: Nails and sheet steel.

Relative to Nails, the word "ferrous" has been added; and the change for sheet steel effects the expansion to include 23 gauge.

These changes are such that they should be made directly on Schedule A, with a reference to this Amendment as authority for the change.

1/ This is a new insert, and an entry should be included in the Index for Part I, Section 3.

CIVILIAN PRODUCTION ADMINISTRATION

AMDT. 2
NOV. 29, 1946

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

[Priorities Reg. 33, Amdt. 2 to Schedule A, as Amended Oct. 7, 1946]

Section 944.54a *Priorities Regulation 33, Schedule A,* is amended by the following changes in the paragraph (b) list of short materials:

1. Changing the "Nails" item (*"Hardware Materials"* group) to read as follows:

2. *Nails (ferrous, of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

2. Changing the "Sheet steel" item (*"Wall and Roof Materials"* group) to read as follows:

9. *Sheet, flat galvanized steel, 23 gauge or lighter. (A person authorized to use an HH rating may use it for this material only if (1) he is going to use it in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28 or Order M-21): flashings; furnace, pipes, fittings, and duct work; gutters and downspouts; termite shields.)

Issued this 29th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Amendment 1, Schedule A to PR-33, dated 9-3-46 1/

This Amendment indicated changes which affect the list of critical materials in Schedule A to PR-33.

It is recommended that holders of the Bulletin make the additions directly on their copy of Schedule A.

1/ This is a new insert for the Bulletin, and appropriate entry should be made in the Index for Part I, Section 3.

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 33, to Schedule A as Amended Aug. 27, 1946, Amdt. 1]

Section 944.54a *Schedule A to Priorities Regulation 33* is amended by the following changes in the paragraph (b) list of materials:

1. Immediately after the words "Flooring, hardwood" in the *"Lumber Materials"* group, insert the word "residential,".

2. At the end of the *"Structural Materials (Metal)"* group, add the following items "Window sash and frames (metal)"

Issued this 3d day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Schedule B to PR-33, dated 8-27-46 1/
How Distributors of Building Materials Handle Ratings

This Schedule revises previous regulations governing "set-asides" on critical materials, to reserve greater volumes of materials for housing. It now contains all of the rules covering set-asides, except lumber and plywood.

Dealers and distributors are required to accept rated orders up to 75 percent of their receipts for most of the materials listed on Schedule A to PR-33. Ten of the critical materials, listed in paragraph (d) (2) of this Schedule, have set-asides ranging upward from 75 percent.

Materials and equipment which are set-aside by a dealer or distributor must now be held indefinitely to honor HH and other ratings, in contrast to the 21-to-30 day reserves previously required for HH ratings. Any unused reserves can be released only by specific authorization of a Regional Housing Expediter.

When a distributor or dealer fills orders during a given month up to the set-aside ceiling, he still must accept HH-rated orders and place them on the books for delivery against future set-asides if the customer so desires. This may build up a backlog of orders in some areas, and if such backlogs continue from month to month, the Expediter excepts to divert materials to the areas where there are general shortages.

1/ Supersedes Directions 2, 3, 4, 6, 7, 9, 10 and 12 to PR-33. This is a new insert for the Bulletin, and appropriate entry should be made in the Index for Part I, Section 3.

Superseded 11-23-46

SUBJECT: Schedule B to PR-33, Amended 10-14-46 1/
Handling of Rated Orders

This Schedule supplements Schedule A and is specifically directed to distributors and manufacturers, explaining how they are to handle rated orders for items on Schedule A.

By this amendment of Schedule B, HH and HHH rated orders now have limited extendibility for eight groups of items, and complete extendibility for four items (pars. e-1 and e-2). Extendibility is the process whereby a distributor passes on (extends) a priority-rated order to his source of supply -- wholesaler or manufacturer.

Eight items on Schedule A have been added to the set-aside list of Schedule B, making a total of 18 (par. g.). Set asides require that certain portions of receipts be set aside and held indefinitely to fill HH and other rated orders. This requirement applies to the distributor in all cases except for "extendible-rating" materials.

In contrast to the actual physical reserve of stock under the set-aside requirements, the ceiling provisions require that of the total amount of his deliveries for the month a distributor or dealer must deliver on rated orders: (1) 60% of nails; (2) 75% of items not on the set-aside list; and (3) 100% of items received by extending ratings.

For extendible-rating materials, percentage ceilings and set-aside requirements apply to the last person who gets the rating. If that person gets the rating as a manufacturer, the requirements apply to his total monthly production. If that person is not a manufacturer, the requirements apply to his total supply, on the basis of shipments received in the case of set-aside items, and on the basis of total monthly deliveries to users in the case of other items.

For four materials - clay brick, sand lime brick, concrete block and brick, and structural clay tile - a manufacturer or other supplier may refuse to accept HHH or HH rated orders for delivery outside his area.

Regional priorities officers should thoroughly familiarize themselves with the provisions of Schedule B, in order to advise dealers and distributors where necessary, and to gain full advantage of the set-asides and ceilings afforded to rated orders.

1/ Supersedes Schedule B to PR-33, dated 8-27-46

NHA
FPHA
11-22-46

Superseded 1-20-47

Bulletin 14

PART I - Section 3.12

SUBJECT: Schedule B to PR-33, Amended 11-12-46 1/
Handling of Rated Orders

This Schedule supplements Schedule A and is specifically directed to distributors and manufacturers, explaining how they are to handle rated orders for items on Schedule A.

This amendment of Schedule B adds nails to the set-aside list, which now comprises a total of 19 critical items (par. g). Set-asides require that certain portions of receipts (ranging from 50 to 100%) be set aside and held indefinitely to fill HH and other rated orders. This requirement applies to the distributor in all cases except for "extendible-rating" materials.

In contrast to the actual physical reserve of stock under the set-aside requirements, the ceiling provisions require that of the total amount of his deliveries for a month a distributor or dealer must deliver on rated orders: (1) 75% of items not on the set-aside list, and (2) 100% of items received by extending ratings.

HH and HHH rated orders have limited extendibility for eight groups of items (par. e-1), and complete extendibility for four items (par. e-2). Extendibility is the process whereby a distributor passes on (extends) a priority-rated order to his source of supply - wholesaler or manufacturer.

For extendible-rating materials, percentage ceilings and set-aside requirements apply to the last person who gets the rating. If that person gets the rating as a manufacturer, the requirements apply to his total monthly production. If that person is not a manufacturer, the requirements apply to his total supply, on the basis of shipments received in the case of set-aside items, and on the basis of total monthly deliveries to users in the case of other items.

For the four materials which have complete extendibility - clay brick, sand lime brick, concrete block and brick, and structural clay tile - a manufacturer or other supplier may refuse to accept HHH or HH rated orders for delivery outside his area (par. w).

Regional priorities officers should thoroughly familiarize themselves with the provisions of Schedule B, in order to advise dealers and distributors where necessary, and to assure that FPHA contractors gain full advantage of the set-asides and ceilings afforded to rated orders.

The following context in this November 12 amendment may be disregarded: (1) the second and third insets in paragraph (a) which refer to "this October 14th amendment"; (2) the sixth inset of paragraph (a) refering to Direction 1 to PR-33, which was superseded by L-359 on 11-1-46; and (3) the last part of paragraph o-3 refering to "temporary exceptions" which expired November 1.

1/ Supersedes Schedule B to PR-33, dated 10-14-46

NHA
FPHA
1-20-47

Superseded 3-18-47

OBSOLETE

Bulletin 14

PART I - Section 3.12

SUBJECT: Schedule B to PR-33, Amended 12-31-46 1/
Distributors' Handling of Rated Orders

This Schedule supplements Schedule A and is specifically directed to distributors and manufacturers, explaining how they are to handle rated orders for items on Schedule A.

This amendment of Schedule B eliminates the former system of set-asides of materials by dealers and producers. The ceiling provisions are retained to cover outstanding housing priorities, and require that 75% of deliveries be made on rated orders.

Schedule B provides that HH and HHH ratings have limited extendibility for eight groups of items (par. e-1), and complete extendibility for four items (par. e-2). Extendibility is the process whereby a distributor passes on (extends) a priority-rated order to his source of supply.

A change in Schedule B (par. v-2) exempts manufacturers of a half-dozen items from the necessity of accepting HH or HHH rated orders from a dealer. This revision also includes revocation of the special rule by which nail distributors were required to favor "users" over other customers.

1/ Supersedes Schedule B to PR-33, dated 11-12-46.

SUBJECT: Schedule B to PR-33, Amended 3-3-47 1/

This Schedule supplements Schedule A and is specifically directed to distributors and manufacturers, explaining how they are to handle rated orders for materials and equipment listed in Schedule A.

This Schedule has been revised by CPA to reflect its action for revocation of the limitation orders, L-358 and L-359, relative to lumber materials.

1/ Supersedes Schedule B to PR-33, dated 12-31-46.

Superseded 10-14-47

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

[Priorities Reg. 33, Schedule B]

HOW DISTRIBUTORS OF BUILDING MATERIALS HANDLE RATINGS

§ 944.54b *Schedule B to Priorities Reg. 33*—(a) *What this schedule does.* Schedule A lists the materials for which HHH and HH ratings can be used. It also tells how builders use these "H series" ratings. This schedule explains some special conditions on orders with ratings of any kind that apply to people who sell these materials on Schedule A. It takes the place of many of the directions to Priorities Regulation 33. (A list is in paragraph (g).)

(b) *Limit on the number of rated orders that must be filled.* A distributor need not make more than 75% of his deliveries of any item on Schedule A on rated purchase orders (MM, HHH, HH or CC) in any calendar month. However, there is a different ceiling on the items listed in paragraph (d) (2). The "ceiling" in this schedule does not apply to lumber, millwork, hardwood flooring and softwood plywood, which is still controlled by Direction 1 and 1A. (The word "distributor" as used in this schedule includes anyone who makes the material when he sells direct to a user. Paragraph (h) below has a complete definition.) Except for the materials that have to be "set-aside" under paragraph (d), it is not necessary to hold any material in expectation of receiving ratings.

The distributor can set his own unit of measure in figuring the ceiling. Ordinarily, the customary way of billing the material in the industry should be used, such as units on things like furnaces, pounds for insulated copper wire, square feet for screen cloth, etc.

(c) *Rated orders must be accepted.* A distributor must not turn down a rated order merely because he does not have the material ordered in stock. He must *accept* the order, and keep it on hand to fill it as soon as he can, and he must tell his customer how soon he expects to be able to fill it. (The other rules for accepting and filling rated orders, and how to fill them are explained in Priorities Regulation 1. The rule explained in this paragraph is an exception to that regulation.)

(d) *Set aside of certain items*—(1) *Reason for set aside.* Because of the delay in the Veterans' Emergency Housing Program, there is serious danger that full use will not be made of the present building season. To make sure that as many houses as possible are started and completed this year, it is necessary temporarily to take a higher percentage of a few critical products than has been done up to now.

(2) *Items subject to set-aside.* The items set aside, and the percentage set-aside on each, are as follows. (Paragraph (3) explains how the set-aside works.)

Materials to be set aside and set-aside percentage

Bath tubs—95% by units.
Kitchen sinks—75% by units.
Lavatories—90% by units.
Water closets, tanks and bowls—90% by units.
Cast iron soil pipe and fittings (under 5 inches)—80% by producer's billing price.
Clay sewer pipe (4, 5, and 6 inches only)—75% by producer's billing price.
Gypsum board and lath—85% by square feet.
Building board (as defined in Schedule A to Priorities Regulation 33)—75% by square feet.
Radiation (convector and cast iron)—75% by square feet of heating surface or producer's billing price for convectors without inclosures.
Warm air furnaces (as defined in Schedule A to Priorities Regulation 33)—75% by producer's billing price.

(3) *How the set-aside works.* Out of each shipment received by a distributor of the item listed above, a distributor must set-aside the percentage shown, and deliver those items only on rated orders (including AAA, but not including "certified HH" orders which are placed for FPHA projects under Direction 11 to Priorities Regulation 33). He must not deliver any items set aside on any unrated order, even if he does not have or receive any rated orders, unless he gets permission to do so. He can get this permission by applying to the Regional Housing Expediter, by letter, indicating the number of items he is holding and how long he has held them. The Regional Housing Expediter will release these only when he is unable to arrange for HHH or HH orders to be placed, and usually only where the materials have been held for one month or longer. This changes the rule that used to apply to most of these items permitting them to be sold on unrated orders after they had been held a certain period of time.

(4) *Set aside of inventory.* In addition, a distributor must set aside the percentage shown above in (2) of his inventory as of September 1, 1946, and deliver it as described in (3) above.

(5) *Ceiling on rated orders.* A distributor need not accept more rated orders for items in paragraph (d) (2) above than he is required to set-aside.

(e) *Miscellaneous provisions.* The following paragraphs tell certain additional things that a person must do in making the "ceiling" and "set-aside" provisions work, and also make some further explanations. Read them carefully.

(f) *Records.* (1) Each distributor selling the materials subject to the "ceiling" in paragraph (b) must keep a separate sheet of paper for each material which is under a "ceiling" showing how much was delivered without ratings and how much was delivered on ratings. The list must be kept so that each of the purchase orders placed with him and bearing a rating may be easily identified.

(2) Each distributor selling the materials listed in paragraph (d) subject to "set asides" must keep a separate sheet of paper for each material which is under a "set aside", showing how much was received, how much was delivered without ratings, and how much was delivered on ratings. The list must be kept so that each of the purchase orders placed with him and bearing a rating may be easily identified. If his stock cannot be readily inspected, he must maintain inventory figures for each material subject to "set asides". (These two paragraphs (1) and (2) are in addition to the record-keeping requirements of Priorities Regulation 1.)

(g) *Effect on other directions to Priorities Regulation 33.* Directions 1 and 1A (on lumber, millwork, hardwood flooring and softwood plywood) still are in effect. This schedule, however, takes the place of Directions 2, 3, 4, 7, 9, 10, and 12 to Priorities Regulation 33. It also takes the place of part of Direction 5, which is being amended.

(h) *How to determine what material is subject to this schedule.* This paragraph explains how much of the material that any person has is subject to the ceiling and set-aside provisions of the schedule. It defines the term "distributor" and also has some special provisions applicable to producers.

(1) *Definition of distributor.* "Distributor", whenever it is used in this schedule, includes any person who sells any material on Schedule A to a user. (A user is a builder, prefabricated house or trailer manufacturer, a person who normally installs what he sells such as a plumbing contractor, wiring contractor, etc.) This includes the part of a manufacturer's sales that he makes directly to a user.

(2) *Exclusion of certain quantities from ceilings and set-asides.* A distributor does not have to include the number of items which he does not sell to users when he figures his "ceiling" or "set-aside". For instance, where a manufacturer of an item on Schedule A makes some deliveries directly to users, those deliveries are subject to this schedule and he is a "distributor" with respect to them, but the set-aside and ceiling provisions of this schedule do not apply to the rest of his deliveries. Also, where a distributor delivers to another distributor, the set-aside and ceiling provisions do not apply to those quantities. This is an example of the rule. If a distributor receives 100 sinks, he would normally be required to set aside 75 (75% of 100) of them for delivery on rated orders. If however, he delivers 40 of the 100 to another distributor, then he need only apply the set-aside provisions to 60 sinks and set aside 45 (which is 75% of 60). However, in these cases he must make a complete record of the transaction and adjust the records which he is required to keep under paragraph (f) accordingly.

(3) HHH and HH ratings for nails metallic and non-metallic sheathed

cable copper water tubing, and iron and steel pipe have no effect on a producer's deliveries and may be disregarded by him. Consequently, a producer of these items is not subject to any provision of this schedule.

(4) *Inclusion of direct shipments in figuring a ceiling or set-aside.* A distributor must include any shipments which he arranges to have made by his supplier directly to his customer for his own account. These kinds of shipments count against the "ceiling" or the "set-aside", and the distributor must handle these shipments just as if the material had actually been delivered from his stock. It is the distributor's job to make arrangements with the producer so that these shipments the producer makes are in accordance with those that the distributor can make under this schedule. If he prefers, he can use the whole month's shipments in working out his set-aside, instead of using each shipment.

(i) *Treatment of HHH, HH and CC ratings by a manufacturer.* Where a producer receives an HHH, HH or CC rating, he need not change his production schedule if he is unable to fill the rated order out of his already scheduled production. In making deliveries of items produced he must give them the preference required under Priorities Regulation 1. This rules does not apply to AAA and MM ratings, as to which the normal rules of Priorities Regulation 1 apply.

(j) *HHH and HH ratings "extendible" for brick, tile and concrete building blocks.* (1) HHH and HH ratings may be extended by a distributor to his supplier for bricks (common and face), clay tile, and concrete building blocks. Priorities Regulation 3 explains how to extend ratings.

(2) The entire production by producers of brick, clay tile, and concrete building blocks is subject to the "ceiling" of paragraph (b) instead of just the quantity he sells direct to users and despite the provisions of paragraph (i) must schedule his production as required by Priorities Regulation 1.

(3) HHH and HH ratings are not extendible for any other product.

(k) *Applicability of this schedule to AAA rated orders.* This schedule does not limit acceptance of AAA rated orders or deliveries on AAA rated orders.

Technical provisions. (1) A reference in any other Civilian Production Administration directive, order or regulation or National Housing Agency or Housing Expediter order or regulation to a direction to Priorities Regulation 33, shall be deemed a reference to this Schedule B.

(2) The record keeping and reporting requirements of this Schedule have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(3) This Schedule B shall take effect September 1, 1946.

Issued this 27th day of Aug. 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 11-12-46

Sch. B to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

OCT. 14, 1946
[As Amended]
(Corrected Copy)

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

[Priorities Reg. 33, Schedule B as Amended Oct. 14, 1946]

Section 944.54b Schedule B to Priorities Regulation 33 is amended to read as follows:

PURPOSE AND SCOPE OF SCHEDULE B

Par.
(a) What this schedule does.

DEFINITIONS

(b) Definitions.

EXTENSION OF RATINGS

(c) What "extension" of ratings means.
(d) HHH and HH ratings are not extendible by manufacturers.
(e) When HHH and HH ratings are extendible.
(f) Special rule for "certified–HH" ratings.

SET-ASIDE PROVISIONS

(g) Materials subject to set-asides.
(h) Who makes set-asides.
(i) How the set-aside works.
(j) Set-aside of existing inventory.
(k) Effect of changed definitions.

"CEILING" PROVISIONS

(l) Purpose of "ceiling".
(m) Operation of "ceiling".
(n) Ceilings for materials for which HHH and HH ratings are not extendible.
(o) Ceilings for materials for which HHH and HH ratings are extendible.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) Minimum percentage for users.
(q) Special rule for nails.
(r) Exclusion of certain quantities from ceilings and set-asides.
(s) Inclusion of direct shipments in figuring ceilings and set-asides.

OTHER SPECIAL PROVISIONS

(t) Rated orders must be accepted.
(u) Manufacturer's scheduling for HHH, HH, and CC ratings.
(v) Materials for which manufacturers need not accept any HHH or HH rated orders.
(w) Refusal of outside-area orders.
(x) Applicability of this schedule to AAA rated orders.

RECORDS

(y) Records.

MISCELLANEOUS PROVISIONS

(z) Technical provisions.
(aa) Communications.

PURPOSES AND SCOPE OF SCHEDULE B

(a) *What this schedule does.* This Schedule B explains special rules for the handling of rated orders (AAA; MM; HHH; HH and CC) by people who sell most of the building materials listed in Schedule A to Priorities Regulation 33. (Schedule A lists the building materials for which HH ratings can be used by builders and other authorized persons and tells how they use these ratings.)

This October 14th amendment of Schedule B makes some changes and clarifications in the provisions of the schedule as originally issued on August 27, 1946.

The most important changes made by this amendment affect the following: The list of set-aside materials, the set-aside provisions for some listed materials, the "extension" of ratings for some materials (see paragraph (e) below), the record-keeping requirements, and distributors' division of total sales between other distributors and users.

When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

The provisions of this Schedule B apply to HHH ratings since they are to be treated exactly the same as HH ratings except in one respect—the HHH rating has a higher priority than the HH rating. The provisions of this Schedule B apply to "certified-HH" ratings only where specifically mentioned below. This is because there are special rules for certified-HH ratings, as explained in Direction 11 to PR–33.

This schedule does not apply to the "Lumber Materials" group listed on Schedule A because they are covered by other orders (currently, Direction 1 to PR–33 and Order L–358).

This schedule also does not apply to deliveries of "prefabricated houses, sections, and panels" manufactured under Direction 8 to PR–33 because they are covered by that direction. However, "prefabricated houses, sections, and panels" which are not manufactured under that direction are covered by this Schedule B.

DEFINITIONS

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

(1) "Distributor" means any of the following:

(i) A person (including, but not limited to, wholesalers, jobbers, dealers) who sells to users.

(ii) A retail outlet (including, but not limited to, the following: mail order houses, department stores, hardware stores, appliance stores, appliance sales departments of public utility companies, etc.)

(iii) A manufacturer's factory branch sales offices which sell to users.

(iv) A manufacturer (to the extent that he sells directly to users and not through factory branch sales offices).

(2) "User" means any person who buys for use instead of for resale. This includes, but is not limited to, the following:

(i) A builder, prefabricator, or house trailer manufacturer.

(ii) A person buying from a retail outlet.

(iii) A person buying for a structure, property, or installation owned, occupied, or managed by him.

(iv) A person who installs what he sells (such as a plumbing contractor, wiring contractor, etc.) The performance of such service as the mere connecting of a stove to an existing gas line in a structure does not constitute "installing" for the purpose of this definition.

EXTENSION OF RATINGS

(c) *What "extension" of ratings means.* Some of the new provisions of this schedule involve the matter of "extension" of ratings. This matter is explained in Priorities Regulation 3, but a brief generalized explanation is as follows (this is merely explanatory and its application to particular materials depends on the various provisions in the schedule).

In general, people may place rated orders in one of two ways (the distinction between the two is important):

(1) *By "application."* When a rating is used by a person to whom it was originally issued (or by a person he has authorized to use it), he is "applying" it to his supplier.

(2) *By "extension."* When a person receives a rated order from a customer and passes the rating on to his supplier, he is "extending" the rating. The cases in which HHH and HH ratings may be extended are explained below.

(d) *HHH and HH ratings are not extendible by manufacturers.* HHH and HH ratings are never extendible by manufacturers (as such).

(e) *When HHH and HH ratings are extendible.* In general, distributors and other suppliers may not extend HHH and HH ratings. However, they may extend such ratings for certain materials, subject to certain conditions. In these cases, the ratings may be extended by them to get the material to be delivered on the rated orders involved. The procedure for extending ratings is explained in Priorities Regulation 3.

(1) *Limited extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers except manufacturers (as such):

Nails.
Pipe, steel and wrought iron.
Pipe fittings (cast and malleable).
Pipe nipples, steel and wrought iron.
Sheet, copper.
Sheet, galvanized steel.
Tubing, copper.
Tubing (copper) fittings.

(2) *Complete extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers, including manufacturers (as such):

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural clay.

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

(f) *Special rule for certified-HH ratings.* "Certified-HH" ratings may be issued, under Direction 11 to PR 33, for the following materials, for use in FPHA projects: building board, cast iron soil pipe, and gypsum board. A "certified-HH" rating is extendible to suppliers, including manufacturers.

SET-ASIDE REQUIREMENTS

(g) *Materials subject to set-aside.* The materials to be set aside and the set-aside amounts for each are as follows. These are called "set-aside materials". (Paragraph (i) below explains how the set-aside works.)

Materials (same as corresponding Schedule A items unless otherwise specified)	Set-aside amounts
Bath tubs	95% by units.
Building board	75% by sq. ft.
Doors and frames, metal [2]	75% by units.
Fittings and trim for bathtubs, kitchen sinks, lavatories, water closets.[2]	"Match-up" amounts.[1]
Furnaces, floor and wall [2]	95% by units.
Furnaces, warm air	75% by units.
Gypsum board and lath	85% by sq. ft.
Kitchen sinks and undersink cabinets.	75% by units.
Lavatories	90% by units.
Pipe, sewer, clay—4", 5", 6" only.	75% by producer's billing price.
Pipe, soil, cast iron (and fittings) under 5" only.	90% by producer's billing price.
Prefabricated houses, sections, panels [2] (not produced under Dir 8 to PR 33).	100% by units.
Radiation	75% by sq. ft. of heating surface (or, in the case of convectors without enclosures, producer's billing price).
Tubing, copper,[2] sizes ⅜" to 1" inclusive only.	75% by weight.
Tubing (copper) fittings [2]—solder pressure types only, for ⅜"–1", inclusive, tubing).	75% by billing price.
Water closets, tanks, and bowls.	90% by units.
Water heaters [2]—following types only: (a) storage type—gas and electric direct-fired—40-gal. storage capacity or less; (b) indirect coil heaters—domestic type; (c) gas side-arm.	60% by units.
Window sash and frames, metal.[2]	75% by units.

[1] *"Match-up" amount.* The set-eside amount for this item is the amount needed to equip the amount of the fixture involved that the distributor has in his set aside plus the amount he has delivered, on rated orders, with an agreement to deliver fittings and trim later. While this requires him to match up amounts of fittings and trim with amounts of fixtures, it does not prevent him from selling one without the other, if he gets rated orders calling for only the one or the other.

[2] These materials were added to the set-aside list on October 14, 1946.

(h) *Who makes set-asides.* The person responsible for making a set-aside depends on the particular material involved.

In the case of any of the following materials,[1] the set-aside must be made by the supplier who gets that material from the manufacturer (since HHH and HH ratings are extendible to that point):

> Tubing, copper—sizes ⅜" to 1", inclusive, only
> Tubing (copper) fittings—solder pressure types for ⅜"–1", inclusive, tubing

In the case of any of the other set-aside materials, the set-aside must be made by the distributor (since he gets his supply without extending HH ratings).

(i) *How the set-aside works.* The set-aside requirement applies to each shipment of a set-aside material received by a person responsible for the set-aside. Out of each such shipment received, he must set aside the amount shown for the material and deliver it only on rated orders (including AAA, but not including "certified HH" orders placed for FPHA projects under Direction 11 to Priorities Regulation 33). He must not deliver set-aside amounts on any unrated order, even if he does not have or receive any rated orders, unless he gets permission to do so.

He may get this permission, only for materials set aside during the preceding month or months, by applying to the appropriate Regional Housing Expediter of the National Housing Agency at the addresses shown in Appendix I at the end of this schedule. (For Puerto Rico and the Virgin Islands, application should be made to the CPA District Manager, San Juan, Puerto Rico.) He should apply on Form NHA 14-94 (obtainable at the addresses listed), indicating the amount he is holding. The Regional Housing Expediter (or other authorized official) will release this only when he is unable to arrange for HHH or HH orders to be placed, and usually only where the materials have been held for at least two weeks after making application.

(j) *Set-aside of existing inventory.* For each material added to the set-aside list by an amendment of this Schedule, the set-aside requirement also applies to the inventory of that material on hand on the date they were added. Therefore, the person responsible for the set-aside must set aside the required part of his inventory on that latter date and deliver it as explained in paragraph (i) above. The materials involved are identified by a footnote in the set-aside list of paragraph (g) above.

(k) *Effect of changed definitions.* For the materials which were on the set-aside list before October 14, 1946, the types subject to set-aside were affected by changes in definitions. All materials have been limited by Schedule A to "residential" types and, in addition, changes have been made in some specific definitions in Schedule A ("building board," "warm air furnaces"). As a result, some material held in set-aside may include types which are not now covered by the definitions. In any such case, those types are automatically released from the set-aside.

"CEILING" PROVISIONS

(l) *Purpose of "ceiling."* The purpose of the ceiling is to put a limit on the amount of his supply a person has to use in filling rated orders. It is not necessary to hold any supply in expectation of receiving rated orders unless the material involved is in the "set-aside" list of paragraph (g) above.

(m) *Operation of "ceiling."* A person who is required to fill rated orders for a Schedule A material does not have to use more than his "ceiling" amount to fill such orders. (AAA rated orders are an exception to this rule. While amounts delivered on AAA orders may be charged against the ceiling, a person may not refuse to fill a AAA rated order merely on the ground that it will exceed his ceiling.)

Except for the set-aside items listed in paragraph (g) above, the distributor may set his own unit of measure in figuring the ceiling. Ordinarily, the customary way of billing the material in the industry should be used, such as units on things like stoves, pounds for insulated copper wire, square feet for screen cloth, etc. For the set-aside items, the unit of measure is specified in the set-aside list.

The figuring and application of ceilings depend on whether or not HHH and HH ratings are extendible for the particular material involved. The following paragraphs (n) and (o) explain this in more detail.

(n) *Ceilings for materials for which HHH and HH ratings are not extendible.* In the case of materials for which HHH and HH ratings are not extendible, the ceiling applies to the distributor only. The figuring and application depend on whether the material is on the set-aside list of paragraph (g) above.

(1) *Materials not on set-aside list.* If the material is not on the set-aside list, the ceiling is 75% of the distributor's deliveries to users during the month.

(2) *Set-aside materials.* If the material is on the set-aside list, the ceiling is the amount required to be set aside (paragraph (g) above).

(o) *Ceilings for materials for which HHH and HH ratings are extendible.* In the case of materials for which HHH and HH ratings are extendible, the figuring and application of ceilings depend on whether or not these ratings are extendible to the manufacturer.

(1) *Ceiling for "complete-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to a manufacturer, the percentage ceiling applies to him. His ceiling is 75% of the total amount scheduled for production during the month. This applies to the following materials:[1]

> Brick, common and face, clay.
> Brick, sand lime.
> Concrete block and brick.
> Tile, structural, clay.

See paragraph (3) below about ceilings for other suppliers of these materials.

(2) *Ceiling for "limited-extendibility" materials.* In the case of a material for

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

which HHH and HH ratings are extendible to any supplier except a manufacturer (as such), a percentage ceiling applies to the supplier who gets his supply from the manufacturer (as such). The amount of the percentage ceiling depends on the material involved.

(i) *Set-aside materials.* For any set-aside material, the ceiling is the amount required to be set aside. This applies to the following materials:[1]

Tubing, copper—sizes 3/8" to 1", inclusive, only.
Tubing (copper) fittings—solder pressure types only, for 3/8"–1", inclusive, tubing.

(ii) *Nails.* For "*nails*",[1] the ceiling is 60% of the total quantity delivered during the month.

(iii) *Other "limited-extendibility" materials.* For any other "limited extendibility" material, the ceiling is 75% of the total quantity delivered during the month. This applies to the following materials:[1]

Pipe, steel and wrought iron.
Pipe fittings, screwed (cast and malleable).
Pipe nipples, steel and wrought iron.
Sheet, copper.
Sheet, galvanized steel.
Tubing, copper—sizes over 1" but not over 3".
Tubing (copper) fittings—solder pressure types for tubing over 1" but not over 3", and flare and drainage types for 3/8"–3", inclusive, tubing.

See paragraph (3) below about ceilings for other suppliers of these materials.

(3) *Ceiling for other suppliers of "extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible, the ceiling for any distributor or other supplier who extends the rating is generally the amount he gets by extending those ratings. He must redeliver these (or equivalent) amounts on the orders bearing the ratings he extended. Generally, the amount he gets without extending ratings (i. e., "free supply") need not be used to fill rated orders.

For the materials listed in paragraph (o) (2) above, a temporary exception from the above rules will apply to distributors until November 1, 1946. Until that date, his ceiling is 75% of his deliveries to users during the month.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) *Minimum percentage for users.* Where a person normally sells both to users and to persons buying for resale, he must continue to sell to both those classes of customers. The portion he sells to users must be at least as large, percentage-wise, as the portion he has usually sold to that class of customers in the past. He may sell more than that percentage to users and should do so when it will help the Veterans' Emergency Housing Program. While this percentage requirement is an exception from the rules of Priorities Regulation 1, the other rules of that regulation apply to his handling of rated orders from users.

(q) *Special rule for nails.* An expansion of this minimum-percentage rule applies to persons who sell "nails".[1] If such a person ever sold "nails" in the last two years, to users, he must accept rated orders from users and fill them to the extent of his ceiling in preference to all unrated orders from any person and in preference also to all comparably rated orders from other suppliers.

(r) *Exclusion of certain quantities from ceilings and set asides.* In the case of materials for which a distributor's ceiling or set-aside requirements are based on deliveries to users, his ceiling and set-aside figuring does not have to include amounts delivered to persons who are not users which are made in conformity with paragraph (p) above. (This rule does not apply to any materials for which ratings are extendible. See paragraph (e) above).

For instance, where a manufacturer of sinks makes some deliveries directly to users, those deliveries are subject to this schedule and he is a "distributor" with respect to them. However, the set-aside and ceiling provisions of this schedule do not apply to the rest of his deliveries, if they are not made to users.

Also, where a person delivers to a distributor, the set-aside and ceiling provisions do not apply to the person making the delivery for those quantities but do apply to the person who receives them. This is an example of the rule. If a distributor receives 100 sinks, he would normally be required to set aside 75 (75% of 100) of them for delivery on rated orders. If, however, he legitimately delivers 40 of the 100 to another distributor, then he need apply the set-aside provisions to 60 sinks only and set aside 45 (which is 75% of 60).

However, in these cases he must make a complete record of the transaction and adjust the records which he is required to keep under paragraph (y) accordingly.

(s) *Inclusion of direct shipments in figuring ceilings and set-asides.* A distributor must include any direct shipments which he arranges to have made by his supplier directly to his customer for his own account. These kinds of shipments count against the "ceiling" or the "set-aside", and the distributor must handle these shipments just as if the material had actually been delivered from his stock. It is the distributor's job to make arrangements with the manufacturer so that these shipments the manufacturer makes are in accordance with those that the distributor can make under this schedule. If he prefers, he can use the whole month's shipments in working out his set-aside, instead of using each shipment.

OTHER SPECIAL PROVISIONS

(t) *Rated orders must be accepted.* A person required to accept rated orders under this schedule must not turn down a rated order merely because he does not have the material ordered in stock or because it would exceed his ceiling. He must accept the order, and keep it on hand to fill it as soon as he can, and he must tell his customer how soon he expects to be able to fill it.

(u) *Manufacturer's scheduling for HHH, HH, and CC ratings.* When a manufacturer receives, and is required to accept, any rated order, including an HHH, HH or CC rated order (by extension or by application), he must schedule it as required by Priorities Regulation 1.

(v) *Materials for which manufacturers need not accept any HHH or HH rated orders.* For the materials marked with an asterisk in Schedule A to PR 33, HHH and HH rated orders may not be served on a manufacturer and have no effect on him. This does not mean, by implication, that HHH and HH rated orders for the other Schedule A materials may be served on manufacturers. This question is controlled by other rules (Priorities Regulation 1 and other applicable regulations). The asterisk merely means that, for the materials involved, HHH and HH rated orders may not be served on manufacturers even if other applicable rules might otherwise permit that.

(w) *Refusal of outside-area orders.* A producer or other supplier may refuse to accept an HHH or HH rated order for any material listed below for delivery by him in any area to which he has not delivered it in the five years preceding receipt of this order. A new producer or dealer may not apply this basis for refusal to accept such rated orders for delivery in his local trading area. This paragraph applies to the following materials[1]:

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural, clay.

(x) *Applicability of this schedule to AAA rated orders.* This schedule does not limit acceptance of AAA rated orders or deliveries on AAA rated orders.

RECORDS

(y) *Records.* Each person entitled to apply a ceiling under this Schedule must keep records in such a way that, upon request of authorized government representatives, he can promptly show for each materials, how much he delivered with or without ratings, separately, after the material was put on Schedule A.

If he is required to make a set-aside of any material, the records must also be kept so that he can show how much of the material he had on hand when it was put on the set-aside list and how much he received after that. If his stock of any of these set-aside materials cannot be readily inspected, he must

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

keep inventory figures for that material.

These various records must be kept so that each rated purchase order placed with him can be easily identified. (These record requirements are in addition to those of Priorities Regulation 1.)

MISCELLANEOUS PROVISIONS

(z) *Technical provisions.* (1) A reference in any other Civilian Production Administration directive, order or regulation or National Housing Agency or Housing Expediter order or regulation to a direction to Priorities Regulation 33, shall be deemed a reference to this Schedule B.

(2) The addition of a material to Schedule A to PR 33 does not invalidate any outstanding CC ratings which persons may have previously been authorized to use for that material for construction.

(3) The record keeping and reporting requirements of this Schedule have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(aa) *Communications.* All communications about this schedule (except communications about set-aside releases under paragraph (i) above) should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Schedule B to PR 33.

Issued this 14th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—REGIONAL HOUSING EXPEDITER OFFICES OF THE NATIONAL HOUSING AGENCY

As explained in paragraph (i) of Schedule B to Priorities Regulation 33, these are the addresses to which Form NHA 14-94 applications for set-aside releases should be obtained and filed. (For Puerto Rico and the Virgin Islands, applications should be obtained and filed with the District Manager, Civilian Production Administration, Post Office Box 4387, San Juan, Puerto Rico.)

Region	Areas	Office address
I	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	Exchange Building, 53 State Street, Boston, Mass.
II	Delaware, Maryland (portions [1]), New Jersey, New York, Pennsylvania.	2 Park Avenue, New York 16, N. Y.
III	Illinois, Indiana, Iowa, Kansas (portions [2]), Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin.	201 N. Wells St. Building, Chicago 6, Ill.
IV	Alabama, Florida, Georgia, Mississippi, South Carolina, North Carolina, Tennessee, Virginia (portions [3]).	321 Grant Building, Atlanta 3, Ga.
V	Arkansas, Colorado, Kansas (portions [2]), Louisiana, New Mexico, Oklahoma, Texas.	Room 319, 1114 Commerce Street, Dallas 2, Tex.
VI	Arizona, California, Nevada, Utah, Hawaii	Humboldt Bank Building, 785 Market Street, San Francisco 3, Calif.
VII	Idaho, Montana, Oregon, Washington, Wyoming, Alaska	New World Life Ins. Building, 2d and Cherry Streets, Seattle 4, Wash.
VIII	Kentucky, Michigan, Ohio, West Virginia	Cuyahoga Abstract Building, 717 East Superior Avenue, Cleveland, Ohio.
IX	District of Columbia, Maryland (portions [1]), Virginia (portions [3]), and off-continent areas (except Hawaii, Puerto Rico, and the Virgin Islands).	Room 432 Barr Building, 910 17th Street, NW. Washington 25, D. C.

[1] The following portions of Maryland are served by the Region IX office and not by the Region II office: Calvert, Charles, Montgomery, Prince Georges, and St. Mary's Counties; locality of Odenton in Anne Arundel County.

[2] The following portions of Kansas are served by the Region III office and not by the Region V office: Johnson, and Wyandotte Counties.

[3] The following portions of Virginia are served by the Region IX office and not by the Region IV office: Arlington and Fairfax Counties; City of Alexandria.

Superseded 12-31-46

Sch. B to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

NOV. 12, 1946
[As Amended]

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

[Priorities Reg. 33, Schedule B as Amended Nov. 12, 1946]

Section 944.54b Schedule B to Priorities Regulation 33 is amended to read as follows:

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(b) Definitions.

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Par.
(c) What "extension" of ratings means.
(d) HHH and HH ratings are not extendible by manufacturers.
(e) When HHH and HH ratings are extendible.
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(z) Technical provisions.
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PURPOSES AND SCOPE OF SCHEDULE B

(a) *What this schedule does.* This Schedule B explains special rules for the handling of rated orders (AAA; MM; HHH; HH and CC) by people who sell most of the building materials listed in Schedule A to Priorities Regulation 33. (Schedule A lists the building materials for which HH ratings can be used by builders and other authorized persons and tells how they use these ratings.)

This October 14th amendment of Schedule B makes some changes and clarifications in the provisions of the schedule as originally issued on August 27, 1946.

The most important changes made by this amendment affect the following: The list of set-aside materials, the set-aside provisions for some listed materials, the "extension" of ratings for some materials (see paragraph (e) below), the record-keeping requirements, and distributors' division of total sales between other distributors and users.

When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

The provisions of this Schedule B apply to HHH ratings since they are to be treated exactly the same as HH ratings except in one respect—the HHH rating has a higher priority than the HH rating. The provisions of this Schedule B apply to "certified-HH" ratings only where specifically mentioned below. This is because there are special rules for certified-HH ratings, as explained in Direction 11 to PR–33.

This schedule does not apply to the "Lumber Materials" group listed on Schedule A because they are covered by other orders (currently, Direction 1 to PR–33 and Order L–358).

This schedule also does not apply to deliveries of "prefabricated houses, sections, and panels" manufactured under Direction 8 to PR–33 because they are covered by that direction. However, "prefabricated houses, sections, and panels" which are not manufactured under that direction are covered by this Schedule B.

DEFINITIONS

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

(1) "Distributor" means any of the following:

(i) A person (including, but not limited to, wholesalers, jobbers, dealers) who sells to users.

(ii) A retail outlet (including, but not limited to, the following: mail order houses, department stores, hardware stores, appliance stores, appliance sales departments of public utility companies, etc.)

(iii) A manufacturer's factory branch sales offices which sell to users.

(iv) A manufacturer (to the extent that he sells directly to users and not through factory branch sales offices).

(2) "User" means any person who buys for use instead of for resale. This includes, but is not limited to, the following:

(i) A builder, prefabricator, or house trailer manufacturer.

(ii) A person buying from a retail outlet.

(iii) A person buying for a structure, property, or installation owned, occupied, or managed by him.

(iv) A person who installs what he sells (such as a plumbing contractor, wiring contractor, etc.) The performance of such service as the mere connecting of a stove to an existing gas line in a structure does not constitute "installing" for the purpose of this definition.

EXTENSION OF RATINGS

(c) *What "extension" of ratings means.* Some of the new provisions of this schedule involve the matter of "extension" of ratings. This matter is explained in Priorities Regulation 3, but a brief generalized explanation is as follows (this is merely explanatory and its application to particular materials depends on the various provisions in the schedule).

In general, people may place rated orders in one of two ways (the distinction between the two is important):

(1) *By "application."* When a rating is used by a person to whom it was originally issued (or by a person he has authorized to use it), he is "applying" it to his supplier.

(2) *By "extension."* When a person receives a rated order from a customer and passes the rating on to his supplier, he is "extending" the rating. The cases in which HHH and HH ratings may be extended are explained below.

(d) *HHH and HH ratings are not extendible by manufacturers.* HHH and HH ratings are never extendible by manufacturers (as such).

(e) *When HHH and HH ratings are extendible.* In general, distributors and other suppliers may not extend HHH and HH ratings. However, they may extend such ratings for certain materials, subject to certain conditions. In these cases, the ratings may be extended by them to get the material to be delivered on the rated orders involved. The procedure for extending ratings is explained in Priorities Regulation 3.

(1) *Limited extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers except manufacturers (as such):

Nails.
Pipe, steel and wrought iron.
Pipe fittings (cast and malleable).
Pipe nipples, steel and wrought iron.
Sheet, copper.
Sheet, galvanized steel.
Tubing, copper.
Tubing (copper) fittings.

(2) *Complete extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers, including manufacturers (as such):

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural clay.

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

(f) *Special rule for certified-HH ratings.* "Certified-HH" ratings may be issued, under Direction 11 to PR 33, for the following materials, for use in FPHA projects: building board, cast iron soil pipe, and gypsum board. A "certified-HH" rating is extendible to suppliers, including manufacturers.

SET-ASIDE REQUIREMENTS

(g) *Materials subject to set-aside.* The materials to be set aside and the set-aside amounts for each are as follows. These are called "set-aside materials". (Paragraph (i) below explains how the set-aside works.)

Materials (same as corresponding Schedule A items unless otherwise specified)	Set-aside amounts
Bath tubs	95% by units.
Building board	75% by sq. ft.
Doors and frames, metal [2]	75% by units.
Fittings and trim for bathtubs, kitchen sinks, lavatories, water closets.[2]	"Match-up" amounts.[1]
Furnaces, floor and wall [2]	95% by units.
Furnaces, warm air	75% by units.
Gypsum board and lath	85% by sq. ft.
Kitchen sinks and undersink cabinets.	75% by units.
Lavatories	90% by units.
Nails [3]	50% by weight
Pipe, sewer, clay—4", 5", 6" only.	75% by producer's billing price.
Pipe, soil, cast iron (and fittings) under 5" only.	90% by producer's billing price.
Prefabricated houses, sections, panels [2] (not produced under Dir 8 to PR 33).	100% by units.
Radiation	75% by sq. ft. of heating surface (or, in the case of convectors without enclosures. producer's billing price).
Tubing, copper,[2] sizes ⅜" to 1" inclusive only.	75% by weight.
Tubing (copper) fittings [2]—solder pressure types only, for ⅜"–1", inclusive, tubing).	75% by billing price.
Water closets, tanks, and bowls.	90% by units.
Water heaters [2]—following types only: (a) storage type—gas and electric direct-fired—40-gal. storage capacity or less; (b) indirect coil heaters—domestic type; (c) gas side-arm.	60% by units.
Window sash and frames, metal.[2]	75% by units.

[1] *"Match-up" amount.* The set-aside amount for this item is the amount needed to equip the amount of the fixture involved that the distributor has in his set aside plus the amount he has delivered, on rated orders, with an agreement to deliver fittings and trim later. While this requires him to match up amounts of fittings and trim with amounts of fixtures, it does not prevent him from selling one without the other, if he gets rated orders calling for only the one or the other.

[2] These materials were added to the set-aside list on October 14, 1946.

[3] This material was added to the set-aside list on November 12, 1946.

(h) *Who makes set-asides.* The person responsible for making a set-aside depends on the particular material involved.

In the case of any of the following materials,[1] the set-aside must be made by the supplier who gets that material from the manufacturer (since HHH and HH ratings are extendible to the supplier who buys from the manufacturer):

Nails
Tubing, copper—sizes ⅜" to 1", inclusive, only
Tubing (copper) fittings—solder pressure types for ⅜"–1", inclusive, tubing

In the case of any of the other set-aside materials, the set-aside must be made by the distributor (since he gets his supply without extending HH ratings).

(i) *How the set-aside works.* The set-aside requirement applies to each shipment of a set-aside material received by a person responsible for the set-aside. Out of each such shipment received, he must set aside the amount shown for the material and deliver it only on rated orders (including AAA, but not including "certified HH" orders placed for FPHA projects under Direction 11 to Priorities Regulation 33). He must not deliver set-aside amounts on any unrated order, even if he does not have or receive any rated orders, unless he gets permission to do so.

He may get this permission, only for materials set aside during the preceding month or months, by applying to the appropriate Regional Housing Expediter of the National Housing Agency at the addresses shown in Appendix I at the end of this schedule. (For Puerto Rico and the Virgin Islands application should be made to the CPA District Manager, San Juan, Puerto Rico.) He should apply on Form NHA 14–94 (obtainable at the addresses listed), indicating the amount he is holding. The Regional Housing Expediter (or other authorized official) will release this only when he is unable to arrange for HHH or HH orders to be placed, and usually only where the materials have been held for at least two weeks after making application.

(j) *Set-aside of existing inventory.* For each material added to the set-aside list by an amendment of this Schedule, the set-aside requirement also applies to the inventory of that material on hand on the date they were added. Therefore, the person responsible for the set-aside must set aside the required part of his inventory on that latter date and deliver it as explained in paragraph (i) above. The materials involved are identified by a footnote in the set-aside list of paragraph (g) above.

(k) *Effect of changed definitions.* For the materials which were on the set-aside list before October 14, 1946, the types subject to set-aside were affected by changes in definitions. All materials have been limited by Schedule A to "residential" types and, in addition, changes have been made in some specific definitions in Schedule A ("building board," "warm air furnaces"). As a result, some material held in set-aside may include types which are not now covered by the definitions. In any such case, those types are automatically released from the set-aside.

"CEILING" PROVISIONS

(l) *Purpose of "ceiling."* The purpose of the ceiling is to put a limit on the amount of his supply a person has to use in filling rated orders. It is not necessary to hold any supply in expectation of receiving rated orders unless the material involved is in the "set-aside" list of paragraph (g) above.

(m) *Operation of "ceiling."* A person who is required to fill rated orders for a Schedule A material does not have to use more than his "ceiling" amount to fill such orders. (AAA rated orders are an exception to this rule. While amounts delivered on AAA orders may be charged against the ceiling, a person may not refuse to fill a AAA rated order merely on the ground that it will exceed his ceiling.)

Except for the set-aside items listed in paragraph (g) above, the distributor may set his own unit of measure in figuring the ceiling. Ordinarily, the customary way of billing the material in the industry should be used, such as units on things like stoves, pounds for insulated copper wire, square feet for screen cloth, etc. For the set-aside items, the unit of measure is specified in the set-aside list.

The figuring and application of ceilings depend on whether or not HHH and HH ratings are extendible for the particular material involved. The following paragraphs (n) and (o) explain this in more detail.

(n) *Ceilings for materials for which HHH and HH ratings are not extendible.* In the case of materials for which HHH and HH ratings are not extendible, the ceiling applies to the distributor only. The figuring and application depend on whether the material is on the set-aside list of paragraph (g) above.

(1) *Materials not on set-aside list.* If the material is not on the set-aside list, the ceiling is 75% of the distributor's deliveries to users during the month.

(2) *Set-aside materials.* If the material is on the set-aside list, the ceiling is the amount required to be set aside (paragraph (g) above).

(o) *Ceilings for materials for which HHH and HH ratings are extendible.* In the case of materials for which HHH and HH ratings are extendible, the figuring and application of ceilings depend on whether or not these ratings are extendible to the manufacturer.

(1) *Ceiling for "complete-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to a manufacturer, the percentage ceiling applies to him. His ceiling is 75% of the total amount scheduled for production during the month. This applies to the following materials: [1]

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural, clay.

See paragraph (3) below about ceilings for other suppliers of these materials.

(2) *Ceiling for "limited-extendibility" materials.* In the case of a material for

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

which HHH and HH ratings are extendible to any supplier except a manufacturer (as such), a percentage ceiling applies to the supplier who gets his supply from the manufacturer (as such). The amount of the percentage ceiling depends on the material involved.

(i) *Set-aside materials.* For any set-aside material, the ceiling is the amount required to be set aside. This applies to the following materials:[1]

Nails
Tubing, copper—sizes 3/8" to 1", inclusive, only.
Tubing (copper) fittings—solder pressure types only, for 3/8"–1", inclusive, tubing.

(ii) [Deleted Nov. 12, 1946.]

(iii) *Other "limited-extendibility" materials.* For any other "limited extendibility" material, the ceiling is 75% of the total quantity delivered during the month. This applies to the following materials:[1]

Pipe, steel and wrought iron.
Pipe fittings, screwed (cast and malleable).
Pipe nipples, steel and wrought iron.
Sheet, copper.
Sheet, galvanized steel.
Tubing, copper—sizes over 1" but not over 3".
Tubing (copper) fittings—solder pressure types for tubing over 1" but not over 3", and flare and drainage types for 3/8"–3", inclusive, tubing.

See paragraph (3) below about ceilings for other suppliers of these materials.

(3) *Ceiling for other suppliers of "extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible, the ceiling for any distributor or other supplier who extends the rating is generally the amount he gets by extending those ratings. He must redeliver these (or equivalent) amounts on the orders bearing the ratings he extended. Generally, the amount he gets without extending ratings (i. e., "free supply") need not be used to fill rated orders.

For the materials listed in paragraph (o) (2) above, a temporary exception from the above rules will apply to distributors until November 1, 1946. Until that date, his ceiling is 75% of his deliveries to users during the month.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) *Minimum percentage for users.* Where a person normally sells both to users and to persons buying for resale, he must continue to sell to both those classes of customers. The portion he sells to users must be at least as large, percentage-wise, as the portion he has usually sold to that class of customers in the past. He may sell more than that percentage to users and should do so when it will help the Veterans' Emergency Housing Program. While this percentage requirement is an exception from the rules of Priorities Regulation 1, the other rules of that regulation apply to his handling of rated orders from users.

(q) *Special rule for nails.* An expansion of this minimum-percentage rule applies to persons who sell "nails"[1]. If such a person ever sold "nails" in the last two years, to users, he must accept rated orders from users and fill them to the extent of his ceiling in preference to all unrated orders from any person and in preference also to all comparably rated orders from other suppliers.

(r) *Exclusion of certain quantities from ceilings and set asides.* In the case of materials for which a distributor's ceiling or set-aside requirements are based on deliveries to users, his ceiling and set-aside figuring does not have to include amounts delivered to persons who are not users which are made in conformity with paragraph (p) above. (This rule does not apply to any materials for which ratings are extendible. See paragraph (e) above).

For instance, where a manufacturer of sinks makes some deliveries directly to users, those deliveries are subject to this schedule and he is a "distributor" with respect to them. However, the set-aside and ceiling provisions of this schedule do not apply to the rest of his deliveries, if they are not made to users.

Also, where a person delivers to a distributor, the set-aside and ceiling provisions do not apply to the person making the delivery for those quantities but do apply to the person who receives them. This is an example of the rule. If a distributor receives 100 sinks, he would normally be required to set aside 75 (75% of 100) of them for delivery on rated orders. If, however, he legitimately delivers 40 of the 100 to another distributor, then he need apply the set-aside provisions to 60 sinks only and set aside 45 (which is 75% of 60).

However, in these cases he must make a complete record of the transaction and adjust the records which he is required to keep under paragraph (y) accordingly.

(s) *Inclusion of direct shipments in figuring ceilings and set-asides.* A distributor must include any direct shipments which he arranges to have made by his supplier directly to his customer for his own account. These kinds of shipments count against the "ceiling" or the "set-aside", and the distributor must handle these shipments just as if the material had actually been delivered from his stock. It is the distributor's job to make arrangements with the manufacturer so that these shipments the manufacturer makes are in accordance with those that the distributor can make under this schedule. If he prefers, he can use the whole month's shipments in working out his set-aside, instead of using each shipment.

OTHER SPECIAL PROVISIONS

(t) *Rated orders must be accepted.* A person required to accept rated orders under this schedule must not turn down a rated order merely because he does not have the material ordered in stock or because it would exceed his ceiling. He must accept the order, and keep it on hand to fill it as soon as he can, and he must tell his customer how soon he expects to be able to fill it.

(u) *Manufacturer's scheduling for HHH, HH, and CC ratings.* When a manufacturer receives, and is required to accept, any rated order, including an HHH, HH or CC rated order (by extension or by application), he must schedule it as required by Priorities Regulation 1.

(v) *Materials for which manufacturers need not accept any HHH or HH rated orders.* For the materials marked with an asterisk in Schedule A to PR 33, HHH and HH rated orders may not be served on a manufacturer and have no effect on him. This does not mean, by implication, that HHH and HH rated orders for the other Schedule A materials may be served on manufacturers. This question is controlled by other rules (Priorities Regulation 1 and other applicable regulations). The asterisk merely means that, for the materials involved, HHH and HH rated orders may not be served on manufacturers even if other applicable rules might otherwise permit that.

(w) *Refusal of outside-area orders.* A producer or other supplier may refuse to accept an HHH or HH rated order for any material listed below for delivery by him in any area to which he has not delivered it in the five years preceding receipt of this order. A new producer or dealer may not apply this basis for refusal to accept such rated orders for delivery in his local trading area. This paragraph applies to the following materials[1]:

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural, clay.

(x) *Applicability of this schedule to AAA rated orders.* This schedule does not limit acceptance of AAA rated orders or deliveries on AAA rated orders.

RECORDS

(y) *Records.* Each person entitled to apply a ceiling under this Schedule must keep records in such a way that, upon request of authorized government representatives, he can promptly show for each materials; how much he delivered with or without ratings, separately, after the material was put on Schedule A.

If he is required to make a set-aside of any material, the records must also be kept so that he can show how much of the material he had on hand when it was put on the set-aside list and how

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much he received after that. If his stock of any of these set-aside materials cannot be readily inspected, he must keep inventory figures for that material.

These various records must be kept so that each rated purchase order placed with him can be easily identified. (These record requirements are in addition to those of Priorities Regulation 1.)

MISCELLANEOUS PROVISIONS

(z) *Technical provisions.* (1) A reference in any other Civilian Production Administration directive, order or regulation or National Housing Agency or Housing Expediter order or regulation to a direction to Priorities Regulation 33, shall be deemed a reference to this Schedule B.

(2) The addition of a material to Schedule A to PR 33 does not invalidate any outstanding CC ratings which persons may have previously been authorized to use for that material for construction.

(3) The record keeping and reporting requirements of this Schedule have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(aa) *Communications.* All communications about this schedule (except communications about set-aside releases under paragraph (i) above) should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Schedule B to PR 33.

Issued this 12th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—REGIONAL HOUSING EXPEDITER OFFICES OF THE NATIONAL HOUSING AGENCY

As explained in paragraph (i) of Schedule B to Priorities Regulation 33, these are the addresses to which Form NHA 14-94 applications for set-aside releases should be obtained and filed. (For Puerto Rico and the Virgin Islands, applications should be obtained and filed with the District Manager, Civilian Production Administration, Post Office Box 4387, San Juan, Puerto Rico.)

Region	Areas	Office address
I	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	Exchange Building, 53 State Street, Boston, Mass.
II	Delaware, Maryland (portions [1]), New Jersey, New York, Pennsylvania.	2 Park Avenue, New York 16, N. Y.
III	Illinois, Indiana, Iowa, Kansas (portions [2]), Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin.	201 N. Wells St. Building, Chicago 6, Ill.
IV	Alabama, Florida, Georgia, Mississippi, South Carolina, North Carolina, Tennessee, Virginia (portions [3]).	321 Grant Building, Atlanta 3, Ga.
V	Arkansas, Colorado, Kansas (portions [2]), Louisiana, New Mexico, Oklahoma, Texas.	Room 319, 1114 Commerce Street, Dallas 2, Tex.
VI	Arizona, California, Nevada, Utah, Hawaii	Humboldt Bank Building, 785 Market Street, San Francisco 3, Calif.
VII	Idaho, Montana, Oregon, Washington, Wyoming, Alaska	New World Life Ins. Building, 2d and Cherry Streets, Seattle 4, Wash.
VIII	Kentucky, Michigan, Ohio, West Virginia	Cuyahoga Abstract Building, 717 East Superior Avenue, Cleveland, Ohio.
IX	District of Columbia, Maryland (portions [1]), Virginia (portions [3]), and off-continent areas (except Hawaii, Puerto Rico, and the Virgin Islands).	Room 432 Barr Building, 910 17th Street, NW. Washington 25, D. C..

[1] The following portions of Maryland are served by the Region IX office and not by the Region II office: Calvert Charles, Montgomery, Prince Georges, and St. Mary's Counties; locality of Odenton in Anne Arundel County.
[2] The following portions of Kansas are served by the Region III office and not by the Region V office: Johnson, and Wyandotte Counties.
[3] The following portions of Virginia are served by the Region IX office and not by the Region IV office: Arlington and Fairfax Counties; City of Alexandria.

OBSOLETE

Superseded 3-3-47

Sch. B to PR 33

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

DEC. 31, 1946
[As Amended]

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

[Priorities Reg. 33, Schedule B as Amended Dec. 31, 1946]

HOW DISTRIBUTORS OF BUILDING MATERIALS HANDLE RATINGS

PURPOSE AND SCOPE OF SCHEDULE B

Par.
(a) What this schedule does.

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(b) Definitions.

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(c) What "extension" of ratings means.
(d) HHH and HH ratings are not extendible by manufacturers.
(e) When HHH and HH ratings are extendible.
(f) Special rule for "certified-HH" ratings.

SET-ASIDE PROVISIONS

(g)-(k) [Revoked Dec. 31, 1946.]

"CEILING" PROVISIONS

(l) Purpose of "ceiling".
(m) Operation of "ceiling".
(n) Ceilings for materials for which HHH and HH ratings are not extendible.
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(p) Minimum percentage for users.
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OTHER SPECIAL PROVISIONS

(t) Rated orders must be accepted.
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(y) Records

MISCELLANEOUS PROVISIONS

(z) Communications.
(aa) [Revoked Dec. 31, 1946.]

PURPOSES AND SCOPE OF SCHEDULE B

§ 944.54b *Schedule B to Priorities Regulation 33*—(a) *What this schedule does.* This Schedule B explains special rules for the handling of rated orders (AAA; MM; HHH; HH and CC) by people who sell most of the building materials listed in Schedule A to Priorities Regulation 33. (Schedule A lists the building materials for which HH ratings can be used by builders and other authorized persons and tells how they use these ratings.)

This amendment of Schedule B becomes effective as of January 1, 1947. Until that date, the provisions of Schedule B, as amended November 12, 1946, remain effective.

This means that, beginning January 1, 1947, no further set-asides need be made and that items previously set aside become released from the holding requirements. The materials previously listed in the set-aside table remain subject to the ceiling provisions, as amended (see paragraphs (l), (m), (n), and (o) below).

When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

The provisions of this Schedule B apply to HHH ratings since they are to be treated exactly the same as HH ratings except in one respect—the HHH rating has a higher priority than the HH rating. The provisions of this Schedule B apply to "certified-HH" ratings only where specifically mentioned below. This is because there are special rules for certified-HH ratings, as explained in Direction 11 to PR-33.

This schedule does not apply to the "Lumber Materials" group listed on Schedule A because they are covered by other orders (Orders L-358 and L-359).

This Schedule also does not apply to deliveries of any "prefabricated houses, sections, and panels." They are covered by Direction 8 to PR 33.

DEFINITIONS

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

(1) "Distributor" means any of the following:

(i) A person (including, but not limited to, wholesalers, jobbers, dealers) who sells to users.

(ii) A retail outlet (including, but not limited to, the following: mail order houses, department stores, hardware stores, appliance stores, appliance sales departments of public utility companies, etc.)

(iii) A manufacturer's factory branch sales offices which sell to users.

(iv) A manufacturer (to the extent that he sells directly to users and not through factory branch sales offices).

(2) "User" means any person who buys for use instead of for resale. This includes, but is not limited to, the following:

(i) A builder, prefabricator, or house trailer manufacturer.

(ii) A person buying from a retail outlet.

(iii) A person buying for a structure, property, or installation owned, occupied, or managed by him.

(iv) A person who installs what he sells (such as a plumbing contractor, wiring contractor, etc.) The performance of such service as the mere connecting of a stove to an existing gas line in a structure does not constitute "installing" for the purpose of this definition.

EXTENSION OF RATINGS

(c) *What "extension" of ratings means.* Some of the new provisions of this schedule involve the matter of "extension" of ratings. This matter is explained in Priorities Regulation 3, but a brief generalized explanation is as follows (this is merely explanatory and its application to particular materials depends on the various provisions in the schedule).

In general, people may place rated orders in one of two ways (the distinction between the two is important):

(1) *By "application."* When a rating is used by a person to whom it was originally issued (or by a person he has authorized to use it), he is "applying" it to his supplier.

(2) *By "extension."* When a person receives a rated order from a customer and passes the rating on to his supplier, he is "extending" the rating. The cases in which HHH and HH ratings may be extended are explained below.

(d) *HHH and HH ratings are not extendible by manufacturers.* HHH and HH ratings are never extendible by manufacturers (as such).

(e) *When HHH and HH ratings are extendible.* In general, distributors and other suppliers may not extend HHH and HH ratings. However, they may extend such ratings for certain materials, subject to certain conditions. In these cases, the ratings may be extended by them to get the material to be delivered on the rated orders involved. The procedure for extending ratings is explained in Priorities Regulation 3.

(1) *Limited extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers except manufacturers (as such):

Nails.
Pipe, steel and wrought iron.
Pipe fittings (cast and malleable).
Pipe nipples, steel and wrought iron.
Sheet, copper.
Sheet, galvanized steel.
Tubing, copper.
Tubing (copper) fittings.

(2) *Complete extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers, including manufacturers (as such):

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural clay.

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

(f) *Special rule for certified-HH ratings.* "Certified-HH" ratings may be issued, under Direction 11 to PR 33, for the following materials, for use in FPHA projects: building board, cast iron soil pipe, and gypsum board. A "certified-HH" rating is extendible to suppliers, including manufacturers.

SET-ASIDE PROVISIONS

(g)–(k) [Revoked Dec. 31, 1946.]

"CEILING" PROVISIONS

(l) *Purpose of "ceiling."* In general, rated orders must be accepted and filled in accordance with the basic priorities rules of Priorities Regulation 1. One of those rules is that rated orders must be accepted and filled in preference to unrated or lower rated orders. The "ceiling" provisions of this Schedule modify that basic rule by putting a limit on the amount of his supply a person has to use in filling rated orders.

It is not necessary to hold any supply in expectation of receiving rated orders.

(m) *Operation of "ceiling."* A person who is required to fill rated orders for a Schedule A material does not have to use more than his "ceiling" amount to fill such orders. (AAA rated orders are an exception to this rule. While amounts delivered on AAA orders may be charged against the ceiling, a person may not refuse to fill a AAA rated order merely on the ground that it will exceed his ceiling.)

The distributor may set his own unit of measure in figuring the ceiling. Ordinarily, the customary way of billing the material in the industry should be used, such as units on things like stoves, pounds for insulated copper wire, square feet for screen cloth, etc.

The figuring and application of ceilings depend on whether or not HHH and HH ratings are extendible for the particular material involved. The following paragraphs (n) and (o) explain this in more detail.

(n) *Ceilings for materials for which HHH and HH ratings are not extendible.* In the case of materials for which HHH and HH ratings are not extendible, the ceiling applies to the distributor only. The ceiling is 75% of the distributor's deliveries to users during the month.

(o) *Ceilings for materials for which HHH and HH ratings are extendible.* In the case of materials for which HHH and HH ratings are extendible, the figuring and application of ceilings depend on whether or not these ratings are extendible to the manufacturer.

(1) *Percentage ceiling for "complete-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to a manufacturer, the percentage ceiling applies to him. His ceiling is 75% of the total amount scheduled for production during the month. This applies to the materials listed in paragraph (e) (2).

(2) *Percentage ceiling for "limited-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to any supplier except a manufacturer (as such), the percentage ceiling applies to the supplier who gets his supply from the manufacturer (as such). The supplier's ceiling is 75% of the total quantity delivered by him during the month. This applies to the materials listed in paragraph (e) (1).

(3) *General ceiling for other suppliers of "extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible, the ceiling for any distributor or other supplier who extends the rating is generally the amount he gets by extending those ratings. He must redeliver these (or equivalent) amounts on the orders bearing the ratings he extended. Generally, the amounts he gets without extending ratings (i. e., "free supply") need not be used to fill rated orders.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) *Minimum percentage for users.* Where a person normally sells both to users and to persons buying for resale, he must continue to sell to both those classes of customers. The portion he sells to users must be at least as large, percentage-wise, as the portion he has usually sold to that class of customers in the past. He may sell more than that percentage to users and should do so when it will help the Veterans' Emergency Housing Program. While this percentage requirement is an exception from the rules of Priorities Regulation 1, the other rules of that regulation apply to his handling of rated orders from users.

(q) *Special rule for nails.* The former special rule for apportioning sales of nails between users and persons buying for resale is revoked. Instead, the apportioning rule of paragraph (p) now applies to nails,[1] as well as to the other materials in Schedule A to PR 33.

(r) *Exclusion of certain quantities in figuring ceilings.* In the case of materials for which a distributor's ceiling is based on deliveries to users, his ceiling figuring does not have to include amounts delivered to persons who are not users if those deliveries are made in conformity with paragraph (p) above. (This rule does not apply to any materials for which HHH and HH ratings are extendible, as listed in paragraph (e) above.)

For instance, where a manufacturer of sinks makes some deliveries directly to users, those deliveries are subject to this Schedule and he is a "distributor" with respect to them. However, the ceiling provisions of this Schedule do not apply to the rest of his deliveries, if they are not made to users.

Also, where a person delivers to a distributor, the ceiling provisions do not apply to the person making the delivery for those quantities but do apply to the person who receives them. This is an example of the rule. If a distributor delivers 100 sinks during a month, he would normally be required to deliver up to 75 (75% of 100) on rated orders, if received. If, however, he legitimately delivers 40 of the 100 to another distributor, then he need apply the ceiling provisions to 60 sinks only and deliver up to 45 (which is 75% of 60) on rated orders, if received.

However, in these cases he must make a complete record of the transaction and adjust the records which he is required to keep under paragraph (y) accordingly.

(s) *Inclusion of direct shipments in figuring ceilings.* A distributor must include any direct shipments which he arranges to have made by his supplier directly to his customer for his own account. These kinds of shipments count against the distributor's ceiling, and the distributor must handle these shipments just as if the material had actually been delivered from his stock. It is the distributor's job to make arrangements with the manufacturer so that these shipments the manufacturer makes are in accordance with those that the distributor can make under this schedule.

OTHER SPECIAL PROVISIONS

(t) *Rated orders must be accepted.* A person required to accept rated orders under this schedule must not turn down a rated order merely because he does not have the material ordered in stock or because it would exceed his ceiling. He must accept the order, and keep it on hand to fill it as soon as possible (subject to the ceiling provisions), and he must tell his customer how soon he expects to be able to fill it.

(u) *Manufacturer's scheduling for HHH, HH, and CC ratings.* When a manufacturer receives, and is required to accept, any rated order, including an HHH, HH or CC rated order (by extension or by application), he must schedule it as required by Priorities Regulation 1.

(v) *Materials for which manufacturers need not accept any HHH or HH rated orders.* (1) For the following materials [1], HHH and HH rated orders may not be served on a manufacturer and have no effect on him (see paragraph (v) (3) below):

Cable
Fabricated reinforcing rod and mesh
Nails
Pipe, steel and wrought iron
Pipe, fittings (cast and malleable)
Pipe nipples, steel and wrought iron
Sheet, copper
Sheet, galvanized steel
Stucco mesh
Tubing, copper

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

These items have been marked with an asterisk in Schedule A to PR 33.

(2) For any of the following materials [1], a manufacturer who sells to dealers directly (and not through factory branch sales offices) need not accept HHH and HH rated orders from a dealer even if the dealer has been authorized to use such a rating as a subcontractor:

Asphalt tile floor covering
Boilers, low pressure
Controls, temperature and combustion
Furnaces, floor, wall
Furnaces, warm air
Oil burners, domestic

(3) Subparagraphs (v) (1) and (v) (2) above do not mean, by implication, that HHH and HH rated orders may be served on manufacturers for the Schedule A materials not mentioned. This question is controlled by other rules (Priorities Regulation 1 and other applicable regulations). The special rules in those subparagraphs merely mean that, for the materials mentioned, HHH and HH rated orders may not be served on the manufacturers involved even if other applicable rules might otherwise permit that.

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

(w) *Refusal of outside-area orders.* A producer or other supplier may refuse to accept an HHH or HH rated order for any material listed below for delivery by him in any area to which he has not delivered it in the five years preceding receipt of this order. A new producer or dealer may not apply this basis for refusal to accept such rated orders for delivery in his local trading area. This paragraph applies to the following materials [1]:

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural, clay.

(x) *Applicability of this schedule to AAA rated orders.* This schedule does not limit acceptance of AAA rated orders or deliveries on AAA rated orders.

RECORDS

(y) *Records.* Each person entitled to apply a ceiling under this Schedule must keep records in such a way that, upon request of authorized government representatives, he can show for each material, how much he delivered with or without ratings, separately, after the material was put on Schedule A.

NOTE: Former undesignated subparagraph re required set-aside deleted Dec. 31, 1946.

These various records must be kept so that each rated purchase order placed with him can be easily identified. (These record requirements are in addition to those of Priorities Regulation 1.)

MISCELLANEOUS PROVISIONS

(z) *Communications.* All communications about this Schedule should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Schedule B to PR 33.

(aa) [Revoked Dec. 31, 1946.]

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—[Deleted Dec. 31, 1946.]

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

[Priorities Reg. 33, Schedule B as Amended Mar. 3, 1947]

HOW DISTRIBUTORS OF BUILDING MATERIALS HANDLE RATINGS

PURPOSE AND SCOPE OF SCHEDULE B

Par.
(a) What this schedule does.

DEFINITIONS

(b) Definitions.

EXTENSION OF RATINGS

(c) What "extension" of ratings means.
(d) HHH and HH ratings are not extendible by manufacturers.
(e) When HHH and HH ratings are extendible.
(f) Special rule for "certified-HH" ratings.

SET-ASIDE PROVISIONS

(g)-(k) [Revoked Dec. 31, 1946.]

"CEILING" PROVISIONS

(l) Purpose of "ceiling".
(m) Operation of "ceiling".
(n) Ceilings for materials for which HHH and HH ratings are not extendible.
(o) Ceilings for materials for which HHH and HH ratings are extendible.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) Minimum percentage for users.
(q) Special rule for nails.
(r) Exclusion of certain quantities in figuring ceilings.
(s) Inclusion of direct shipments in figuring ceilings.

OTHER SPECIAL PROVISIONS

(t) Rated orders must be accepted.
(u) Manufacturer's scheduling for HHH, HH, and CC ratings.
(v) Materials for which manufacturers need not accept any HHH or HH rated orders.
(w) Refusal of outside-area orders.
(x) Applicability of this schedule to AAA rated orders.

RECORDS

(y) Records.

MISCELLANEOUS PROVISIONS

(z) Communications.
(aa) [Revoked Dec. 31, 1946.]

PURPOSES AND SCOPE OF SCHEDULE B

§ 944.54b *Schedule B to Priorities Regulation 33*—(a) *What this schedule does.* This Schedule B explains special rules for the handling of rated orders (AAA; MM; HHH; HH and CC) by people who sell most of the building materials listed in Schedule A to Priorities Regulation 33. (Schedule A lists the building materials for which HH ratings can be used by builders and other authorized persons and tells how they use these ratings.)

NOTE: Former 2d and 3d undesignated subparagraphs of paragraph (a) deleted March 3, 1947.

When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

The provisions of this Schedule B apply to HHH ratings since they are to be treated exactly the same as HH ratings except in one respect—the HHH rating has a higher priority than the HH rating. The provisions of this Schedule B apply to "certified-HH" ratings only where specifically mentioned below. This is because there are special rules for certified-HH ratings, as explained in Direction 11 to PR-33.

Beginning April 1, 1947, this Schedule will apply to the "Lumber Materials" group on Schedule A to PR 33. Until then, the Schedule does not apply to those materials since they are covered by other orders (L-358 and L-359) which will remain in effect up to that date.

This Schedule also does not apply to deliveries of any "prefabricated houses, sections, and panels." They are covered by Direction 8 to PR 33.

DEFINITIONS

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

(1) "Distributor" means any of the following:

(i) A person (including, but not limited to, wholesalers, jobbers, dealers) who sells to users.

(ii) A retail outlet (including, but not limited to, the following: mail order houses, department stores, hardware stores, appliance stores, appliance sales departments of public utility companies, etc.)

(iii) A manufacturer's factory branch sales offices which sell to users.

(iv) A manufacturer (to the extent that he sells directly to users and not through factory branch sales offices).

(v) Any sawmill, any manufacturer of construction plywood (softwood), millwork, or hardwood flooring and any person who buys and stocks construction plywood (softwood), millwork, or hardwood flooring for resale or housing construction lumber for resale as such. Where two or more separate and distinct sales yards are operated, each yard must be considered a "distributor." (For the purposes of Schedule B, this paragraph (v) is the only definition for distributors of the materials mentioned in it.)

(2) "User" means any person who buys for use instead of for resale. This includes, but is not limited to, the following:

(i) A builder, prefabricator, or house trailer manufacturer.

(ii) A person buying from a retail outlet.

(iii) A person buying for a structure, property, or installation owned, occupied, or managed by him.

(iv) A person who installs what he sells (such as a plumbing contractor, wiring contractor, etc.) The performance of such service as the mere connecting of a stove to an existing gas line in a structure does not constitute "installing" for the purpose of this definition.

EXTENSION OF RATINGS

(c) *What "extension" of ratings means.* Some of the new provisions of this schedule involve the matter of "extension" of ratings. This matter is explained in Priorities Regulation 3, but a brief generalized explanation is as follows (this is merely explanatory and its application to particular materials depends on the various provisions in the schedule).

In general, people may place rated orders in one of two ways (the distinction between the two is important):

(1) *By "application."* When a rating is used by a person to whom it was originally issued (or by a person he has authorized to use it), he is "applying" it to his supplier.

(2) *By "extension."* When a person receives a rated order from a customer and passes the rating on to his supplier, he is "extending" the rating. The cases in which HHH and HH ratings may be extended are explained below.

(d) *HHH and HH ratings are not extendible by manufacturers.* HHH and HH ratings are never extendible by manufacturers (as such).

(e) *When HHH and HH ratings are extendible.* In general, distributors and other suppliers may not extend HHH and HH ratings. However, they may extend such ratings for certain materials, subject to certain conditions. In these cases, the ratings may be extended by them to get the material to be delivered on the rated orders involved. The procedure for extending ratings is explained in Priorities Regulation 3.

(1) *Limited extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers except manufacturers (as such):

Nails.
Pipe, steel and wrought iron.
Pipe fittings (cast and malleable).
Pipe nipples, steel and wrought iron.
Sheet, copper.
Sheet, galvanized steel.
Tubing, copper.
Tubing (copper) fittings.

(2) *Complete extendibility.* For the following materials,[1] HHH and HH rat-

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

ings may be extended to suppliers, including manufacturers (as such):

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural clay.

(f) *Special rule for certified-HH ratings.* "Certified-HH" ratings may be issued, under Direction 11 to PR 33, for the following materials, for use in FPHA projects: building board, cast iron soil pipe, and gypsum board. A "certified-HH" rating is extendible to suppliers, including manufacturers.

SET-ASIDE PROVISIONS

(g)–(k) [Revoked Dec. 31, 1946.]

"CEILING" PROVISIONS

(l) *Purpose of "ceiling."* In general, rated orders must be accepted and filled in accordance with the basic priorities rules of Priorities Regulation 1. One of those rules is that rated orders must be accepted and filled in preference to unrated or lower rated orders. The "ceiling" provisions of this Schedule modify that basic rule by putting a limit on the amount of his supply a person has to use in filling rated orders.

It is not necessary to hold any supply in expectation of receiving rated orders.

(m) *Operation of "ceiling."* A person who is required to fill rated orders for a Schedule A material does not have to use more than his "ceiling" amount to fill such orders. (AAA rated orders are an exception to this rule. While amounts delivered on AAA orders may be charged against the ceiling, a person may not refuse to fill a AAA rated order merely on the ground that it will exceed his ceiling.)

The distributor may set his own unit of measure in figuring the ceiling. Ordinarily, the customary way of billing the material in the industry should be used, such as units on things like stoves, pounds for insulated copper wire, square feet for screen cloth, etc.

The figuring and application of ceilings depend on whether or not HHH and HH ratings are extendible for the particular material involved. The following paragraphs (n) and (o) explain this in more detail.

(n) *Ceilings for materials for which HHH and HH ratings are not extendible.* In the case of materials for which HHH and HH ratings are not extendible, the ceiling applies to the distributor only. He is to figure his ceiling as follows (this does not apply to the "extendibility" materials listed in paragraphs (e) (1) and (2) above):

(1) *Most materials.* Except for the "Lumber Materials" group covered by paragraph (n) (2) below, the ceiling is 75% of the distributor's deliveries of the particular material to users during the month.

(2) *Lumber materials.* In the case of any of the following materials[1], after March 31, 1947, a distributor need not use more than the specified percentage of the quantity he produces or receives in any quarter to fill rated orders:

	Percent
Hardwood flooring	75
Housing construction lumber	50
Millwork	75
Construction plywood (softwood)	50

(o) *Ceilings for materials for which HHH and HH ratings are extendible.* In the case of materials for which HHH and HH ratings are extendible, the figuring and application of ceilings depend on whether or not these ratings are extendible to the manufacturer.

(1) *Percentage ceiling for "complete-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to a manufacturer, the percentage ceiling applies to him. His ceiling is 75% of the total amount scheduled for production during the month. This applies to the materials listed in paragraph (e) (2).

(2) *Percentage ceiling for "limited-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to any supplier except a manufacturer (as such), the percentage ceiling applies to the supplier who gets his supply from the manufacturer (as such). The supplier's ceiling is 75% of the total quantity delivered by him during the month. This applies to the materials listed in paragraph (e) (1).

(3) *General ceiling for other suppliers of "extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible, the ceiling for any distributor or other supplier who extends the rating is generally the amount he gets by extending those ratings. He must redeliver these (or equivalent) amounts on the orders bearing the ratings he extended. Generally, the amounts he gets without extending ratings (i. e., "free supply") need not be used to fill rated orders.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) *Minimum percentage for users.* Where a person normally sells both to users and to persons buying for resale, he must continue to sell to both those classes of customers. The portion he sells to users must be at least as large, percentage-wise, as the portion he has usually sold to that class of customers in the past. He may sell more than that percentage to users and should do so when it will help the Veterans' Emergency Housing Program. While this percentage requirement is an exception from the rules of Priorities Regulation 1, the other rules of that regulation apply to his handling of rated orders from users.

(q) *Special rule for nails.* The former special rule for apportioning sales of nails between users and persons buying for resale is revoked. Instead, the apportioning rule of paragraph (p) now applies to nails,[1] as well as to the other materials in Schedule A to PR 33.

(r) *Exclusion of certain quantities in figuring ceilings.* In the case of materials for which a distributor's ceiling is based on deliveries to users, his ceiling figuring does not have to include amounts delivered to persons who are not users if those deliveries are made in conformity with paragraph (p) above. (This rule does not apply to any materials for which HHH and HH ratings are extendible, as listed in paragraph (e) above.)

For instance, where a manufacturer of sinks makes some deliveries directly to users, those deliveries are subject to this Schedule and he is a "distributor" with respect to them. However, the ceiling provisions of this Schedule do not apply to the rest of his deliveries, if they are not made to users.

Also, where a person delivers to a distributor, the ceiling provisions do not apply to the person making the delivery for those quantities but do apply to the person who receives them. This is an example of the rule. If a distributor delivers 100 sinks during a month, he would normally be required to deliver up to 75 (75% of 100) on rated orders, if received. If, however, he legitimately delivers 40 of the 100 to another distributor, then he need apply the ceiling provisions to 60 sinks only and deliver up to 45 (which is 75% of 60) on rated orders, if received.

However, in these cases he must make a complete record of the transaction and adjust the records which he is required to keep under paragraph (y) accordingly.

(s) *Inclusion of direct shipments in figuring ceilings.* A distributor must include any direct shipments which he arranges to have made by his supplier directly to his customer for his own account. These kinds of shipments count against the distributor's ceiling, and the distributor must handle these shipments just as if the material had actually been delivered from his stock. It is the distributor's job to make arrangements with the manufacturer so that these shipments the manufacturer makes are in accordance with those that the distributor can make under this schedule.

OTHER SPECIAL PROVISIONS

(t) *Rated orders must be accepted.* A person required to accept rated orders under this schedule must not turn down a rated order merely because he does not have the material ordered in stock or because it would exceed his ceiling.

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

He must accept the order, and keep it on hand to fill it as soon as possible (subject to the ceiling provisions), and he must tell his customer how soon he expects to be able to fill it.

(u) *Manufacturer's scheduling for HHH, HH, and CC ratings.* When a manufacturer receives, and is required to accept, any rated order, including an HHH, HH or CC rated order (by extension or by application), he must schedule it as required by Priorities Regulation 1.

(v) *Materials for which manufacturers need not accept any HHH or HH rated orders.* (1) For the following materials [1], HHH and HH rated orders may not be served on a manufacturer and have no effect on him (see paragraph (v) (3) below):

Cable
Fabricated reinforcing rod and mesh
Nails
Pipe, steel and wrought iron
Pipe, fittings (cast and malleable)
Pipe nipples, steel and wrought iron
Sheet, copper
Sheet, galvanized steel
Stucco mesh
Tubing, copper

These items have been marked with an asterisk in Schedule A to PR 33.

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

(2) For any of the following materials,[1] a manufacturer who sells to dealers directly (and not through factory branch sales offices) need not accept HHH and HH rated orders from a dealer even if the dealer has been authorized to use such a rating as a subcontractor:

Asphalt tile floor covering
Boilers, low pressure
Controls, temperature and combustion
Furnaces, floor, wall
Furnaces, warm air
Oil burners, domestic

(3) Subparagraphs (v) (1) and (v) (2) above do not mean, by implication, that HHH and HH rated orders may be served on manufacturers for the Schedule A materials not mentioned. This question is controlled by other rules (Priorities Regulation 1 and other applicable regulations). The special rules in those subparagraphs merely mean that, for the materials mentioned, HHH and HH rated orders may not be served on the manufacturers involved even if other applicable rules might otherwise permit that.

(w) *Refusal of outside-area orders.* A producer or other supplier may refuse to accept an HHH or HH rated order for any material listed below for delivery by him in any area to which he has not delivered it in the five years preceding receipt of this order. A new producer or dealer may not apply this basis for refusal to accept such rated orders for delivery in his local trading area. This paragraph applies to the following materials [1]:

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural, clay.

(x) *Applicability of this schedule to AAA rated orders.* This schedule does not limit acceptance of AAA rated orders or deliveries on AAA rated orders.

RECORDS

(y) *Records.* Each person entitled to apply a ceiling under this Schedule must keep records in such a way that, upon request of authorized government representatives, he can show for each material, how much he delivered with or without ratings, separately, after the material was put on Schedule A.

These various records must be kept so that each rated purchase order placed with him can be easily identified. (These record requirements are in addition to those of Priorities Regulation 1.)

MISCELLANEOUS PROVISIONS

(z) *Communications.* All communications about this Schedule should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Schedule B to PR 33.

(aa) [Revoked Dec. 31, 1946.]

Issued this 3d day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—[Deleted Dec. 31, 1946.]

SUBJECT: Amendment 2 to PR-33, dated 8-27-46 1/

This Amendment revises paragraphs (a) and (d) of PR-33. Holders of the Bulletin should delete these paragraphs and insert in the margin of that document a cross-reference to this Amendment.

After September 10, HH priority assistance and authorizations to begin housing construction are to be provided under HEPR-5. By this Amendment the CPA modifies PR-33 to provide for recognition of the new method, and to continue in effect the provisions of PR-33 which will still apply to any subsequent actions related to priorities applications filed before September 10.

1/ This is a new insert for the Bulletin, and appropriate entry should be made in the Index for Part I, Section 3.

Amdt. 2 to PR 33

AUG. 27, 1946

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 33, as Amended June 14, 1946. Amdt. 2]

VETERANS' EMERGENCY HOUSING PROGRAM

Section 944.54 *Priorities Regulation 33* is amended in the following respects:

1. By amending paragraph (a) to read as follows:

(a) *What this regulation does*—(1) *Effect of amendment.* Priorities Regulation 33 has been the method by which the Civilian Production Administration provided general priorities assistance for the Veterans' Emergency Housing Program. It also has been the method by which persons who wished to do construction work restricted by Veterans' Housing Program Order 1 could apply for authorization under that order, when the work was to be done on structures used for residential purposes. These applications have been made to the National Housing Agency or an agency acting for it under a delegation.

On and after September 10, 1946 all new applications in connection with housing accommodations, either for priorities for materials on Schedule A to this regulation or for authorization under VHP-1 or both, will be filed under Housing Expediter Priorities Regulation 5 or other applicable regulations of the Housing Expediter.

(2) *Effect of Priorities Regulation 33.* The provisions of paragraph (c) and paragraphs (e) through (n) of Priorities Regulation 33 will still apply to all housing accommodations built under an approved application on Forms CPA-4386 or Form CPA-4387. Applications for amendments, time extensions and the like, and also applications on Form CPA-4387, with respect to housing accommodations on an approved Form CPA-4386 may be made as provided in Priorities Regulation 33.

2. By amending paragraph (d) to read as follows:

(d) Paragraph (c) of Schedule A to Priorities Regulation 33 now contains the provisions concerning the use of HH ratings formerly in paragraph (d) of this regulation. The new provisions are applicable both to approved applications under Priorities Regulations 33 and to approved applications under Housing Expediter Priorities Regulation 5.

Issued this 27th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 7/17/46.

Dir. 1 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

Corrected Copy

JUNE 11, 1946
[As Amended]
Corrected Copy

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

[Priorities Reg. 33, Direction 1, as Amended June 11, 1946]

LUMBER, HARDWOOD FLOORING AND MILLWORK

The fulfilment of requirements for the defense of the United States has created a shortage in the supply of lumber and millwork for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense:

(a) *What this direction does.* Priorities Regulation 33 and Direction 8 to Priorities Regulation 33 provide for the assignment to builders, prefabricators and others, of priorities assistance to secure materials listed on Schedule A of Priorities Regulation 33 and List I of Direction 8 to Priorities Regulation 33, which are required for use in the Veterans' Emergency Housing Program. Among these items are lumber, hardwood flooring and millwork. This direction provides that sawmills shall produce a percentage of their total production of lumber in housing construction lumber and hardwood flooring lumber and hold as a reserve for certified orders from distributors, office wholesalers, millwork manufacturers, hardwood flooring manufacturers and prefabricators, as well as rated orders from housing contractors and other consumers. It applies to all sawmills and to lumber distributors, office wholesalers, millwork manufacturers, hardwood flooring manufacturers, prefabricators and housing contractors, and other consumers who have been assigned priorities assistance. It explains how such persons may obtain lumber or lumber products for the purpose for which the priorities assistance was granted and how delivery on such orders must be made. It also provides that the Civilian Production Administration may issue directives to allocate production, direct shipments, and direct or prohibit production of particular items.

This direction does not apply to lumber other than housing construction lumber and hardwood flooring lumber, and all such lumber must be sold and delivered in accordance with Priorities Regulation 1.

DEFINITIONS

(b) *Definitions for the purpose of this direction.* (1) "Lumber" means any sawed lumber of any species, size or grade, including rough, surfaced on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except (i) shingles, slabs and round edge lumber; (ii) mine and railway cross ties nine feet or less in length; (iii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Distributor" means any person who buys and stocks lumber for resale as lumber either at wholesale or retail. A distributor who has two or more distinct and separate yards must for the purpose of this direction, consider each yard a "distributor".

(3) "Housing construction lumber" means softwood lumber in the form of flooring, ceiling, siding, partition, casing, base, moulding, stock, strips and boards, two-inch dimension, finish, shop and lath.

(4) "Millwork" means windows, sash, doors; window sash and door frames; window and door screens; cut stock for foregoing items; trim, mouldings, built-in kitchen cabinets and other built-in millwork items suitable for authorized housing construction under Priorities Regulation 33.

(5) "Hardwood flooring lumber" means Grades 2 and 3a, rough, in all thicknesses of Oak, Pecan and Beech, in 4/4 and 8/4 thicknesses of Hard Maple and 4/4 and thinner thicknesses in Birch.

(6) "Sawmill" means: (i) any mill or plant, stationary or portable; (ii) any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of logs and lumber which it receives, into an item which is defined as lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard engaged in either retail or wholesale business even though it may process, for the servicing of special orders from consumers, more than 25 percent of the lumber it receives.

(7) "Housing contractor" means a builder (applicant) who has been directly assigned an HH rating under Priorities Regulation 33. It also includes a general contractor who has been directly authorized by such a builder to use the HH rating for the whole job. It does not include a subcontractor authorized to use the HH rating for a part of the job.

(8) "Millwork manufacturer" means a person who consumes a softwood lumber in the manufacture of millwork.

(9) "Hardwood flooring manufacturer" means a person who consumes hardwood flooring lumber in the manufacture of standard hardwood flooring.

(10) "Office wholesaler" means a person who buys lumber for resale but does not stock lumber.

(11) "Certified order" is any order for the delivery of lumber bearing the certificate described in paragraph (1).

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

(13) "Prefabricator" means a person engaged in the manufacture of prefabricated houses, panels or sections who has been directly given priorities assistance on Form CPA-4415 to build prefabricated houses, panels or sections.

SAWMILLS

(c) *Sawmill reserve production.* The following provisions will govern the amount of housing construction lumber sawmills shall produce and reserve for certified and rated orders.

(1) Each sawmill as described in paragraph (b) (6) above, shall reserve in his over-all production of lumber in footage for the month of June, 1946, and for each calendar month thereafter, time and supplies sufficient to produce and deliver on certified or rated orders within such month at least 50 percent of his expected monthly production of softwood lumber in the form of housing construction lumber, and 100 percent of the Grades 2 and 3a rough, in all thicknesses of Oak and Pecan; 100 percent of Grades 2 and 3a rough, in 4/4 and 8/4 thicknesses of Hard Maple; 25 percent of Grades 2 and 3a rough, in all thicknesses of Beech; and 25 percent of Grades 2 and 3a rough, in 4/4 and thinner thicknesses of Birch.

The Civilian Production Administration may from time to time, change such percentage by publication in the Federal Register prior to the first day of any month.

(2) Where it is the customary practice of a sawmill to season lumber as described in paragraphs (b) (3) and (b) (5) by air drying, the lumber properly piled for seasoning and carried in inventory for this purpose will not be considered as produced until seasoned for the customary period.

(3) This direction does not prevent the free movement of softwood or hardwood lumber between sawmills. However, a sawmill that delivers all or any part of his lumber to another sawmill must still manufacture the percentage required under paragraph (c) (1) above, of his softwood or hardwood production into housing construction lumber or hardwood flooring lumber. A sawmill receiving housing construction lumber or hardwood flooring lumber from another sawmill must hold such lumber for sale on certified or rated orders in addition to his own reserve production. A sawmill delivering housing construction lumber or hardwood flooring lumber to another sawmill may credit against his reserve production under paragraph (c) (1) above the amount of housing construction lumber or hardwood flooring lumber so delivered.

(4) Every sawmill must hold his reserve production until the last day of each month for delivery on certified or rated orders and must accept and ship such orders for delivery in that month in preference to all other orders to the extent that such orders do not require more than the sawmill's monthly reserve production. The order of precedence for filling certified and rated orders is given in paragraph (m) (1) below. A sawmill, however, must not accept for delivery in any month orders rated MM for more housing construction lumber or hardwood flooring lumber than 5 percent of his reserve production for that month except on special authorization from the Civilian Production Administration. When a sawmill has accepted certified or rated orders for housing construction lumber or hardwood flooring lumber to the extent of his reserve, he must not accept additional certified or rated orders (except AAA), for housing construction lumber or hardwood flooring lumber produced in that month. Any portion of the sawmill's production of housing construction or hardwood flooring lumber not required to fill certified or rated orders received during the month, may be sold only on uncertified and unrated (except AAA) orders.

(5) *Certified orders.* The following types of certified orders placed with the sawmill will be accorded the treatment provided for in paragraph (c) (4) above, and shipments on such orders may be credited against the percentage the sawmill is required to produce and reserve each month: Certified orders from (i) distributors; (ii) millwork manufacturers; (iii) hardwood flooring manufacturers; (iv) office wholesalers; (v) prefabricators.

DISTRIBUTORS

(d) *Distributors.* The following provisions tell how lumber distributors may place certified orders for housing construction lumber and how lumber so obtained may be sold:

(1) Any distributor may place certified orders for delivery each month for housing construction lumber with a sawmill, a distributor who sells at wholesale or an office wholesaler for one of the following amounts whichever is greater; (i) starting with the month of June an amount of housing construction lumber not exceeding 7 percent of

the amount in footage of his inventory of all softwood lumber as of January 1, 1942, or (ii) two carloads of housing construction lumber in any calendar quarter at the rate of not more than one carload in any month of the quarter.

(2) Every distributor must reserve 75% of the housing construction lumber received in any month on certified orders for delivery on certified and rated orders. A distributor must accept all certified and rated orders up to the reserve quantities which are received before the end of the month regardless of whether such orders call for delivery within that month. A distributor, however, may not accept for delivery in any month orders rated MM for more housing construction lumber than 10% of the quantity reserved in that month. In addition, he must not accept certified or rated orders (except AAA) for a quantity in excess of the reserve. Any housing construction lumber received which a distributor is not required to reserve and any lumber in the reserve for which certified and rated orders are not received during the month, may be delivered by a distributor only on uncertified and unrated (except AAA) orders.

(3) A distributor may not use MM, CC or HH rated orders to get housing construction lumber from a supplier to fill a rated order for housing construction lumber, and he may not use an MM, CC or HH rating to replace in inventory housing construction lumber delivered from inventory on an MM, CC or HH rated order.

Office Wholesaler

(e) *Office wholesaler.* (1) An office wholesaler receiving certified orders from a distributor, millwork manufacturer, hardwood flooring manufacturer, or prefabricator, may place certified orders with the sawmill for an amount of housing construction lumber or hardwood flooring lumber not in excess of the amount called for by the certified orders which he has received.

(2) An office wholesaler receiving AAA, MM, CC or HH rated orders for not less than carload lots of housing construction lumber or hardwood flooring lumber may extend the rating on such orders to the sawmill for direct mill shipments.

Millwork Manufacturers

(f) *Millwork manufacturers.* The following provisions tell how millwork manufacturers may place with a sawmill, an office wholesaler or a distributor certified orders for housing construction lumber and how such lumber shall be used, and the millwork sold:

(1) Any millwork manufacturer may place certified orders for delivery in each month starting with the month of June, 1946, for housing construction lumber with a sawmill, an office wholesaler or a distributor for an amount in footage not exceeding 8 percent of the amount in footage of softwood lumber consumed by him in the manufacture of millwork in the year 1940.

(2) A millwork manufacturer must use each month a quantity of lumber equal to all housing construction lumber received on certified orders for the manufacture of millwork. Every millwork manufacturer must reserve 75 percent of the millwork so manufactured for delivery on certified or rated orders. He must accept certified or rated orders up to the reserve which are received before the end of the month, regardless of whether such orders call for delivery within the month. A millwork manufacturer, however, may not accept for delivery in any month orders rated MM for more millwork than 10% of the quantity reserved in that month. In addition, he must not accept certified and rated orders for a quantity in excess of the reserve. Any millwork which the millwork manufacturer is not required to reserve and any millwork in the reserve for which certified and rated orders are not received during the month in which it is manufactured, may be delivered by the millwork manufacturer only on uncertified and unrated (except AAA) orders.

(3) A millwork manufacturer placing certified orders under paragraph (f) (1) above for delivery of housing construction lumber, who receives a rated order (except AAA) for millwork, may not extend the rating to a supplier to get housing construction lumber.

(4) A person not authorized as a millwork manufacturer to place certified orders under paragraph (f) (1) above, who has received an AAA, MM, CC or HH rated order for millwork, may extend the AAA, MM, CC or HH rating to his supplier, except to a sawmill, to get housing construction lumber to be incorporated in the millwork which he will deliver on that order, subject to the applicable inventory regulations.

Hardwood Flooring Manufacturers

(g) *Hardwood flooring manufacturers.* The following provisions tell how hardwood flooring manufacturers may place with a sawmill or office wholesaler certified orders for hardwood flooring lumber and how such lumber shall be used and the hardwood flooring sold:

(1) Hardwood flooring manufacturers may place certified orders for delivery each month starting with the month of June, 1946, with a sawmill or with an office wholesaler for hardwood flooring lumber for an amount in footage not to exceed 8 percent of the amount of footage of hardwood flooring lumber consumed in the manufacture of hardwood flooring in the year 1940.

(2) A hardwood flooring manufacturer shall use each month a quantity of hardwood lumber equal to all hardwood flooring lumber received on certified orders for the manufacture of hardwood flooring. Every hardwood flooring manufacturer must reserve 75 percent of the hardwood flooring so manufactured during that month for delivery on certified or rated orders. He must accept certified or rated orders up to the reserve which are received before the end of the month, regardless of whether such orders call for delivery within the month. A hardwood flooring manufacturer, however, may not accept for delivery in any month orders rated MM for more hardwood flooring than 10% of the amount reserved in that month. In addition, he must not accept certified and rated orders for a quantity in excess of the reserve. Any hardwood flooring which the hardwood flooring manufacturer is not required to reserve and any hardwood flooring in the reserve for which certified and rated orders are not received during the month it is manufactured, may be delivered by hardwood flooring manufacturer only on uncertified and unrated (except AAA) orders.

(3) Hardwood flooring manufacturers receiving rated orders (except AAA) for hardwood flooring may not extend the ratings to a supplier to get hardwood flooring lumber.

Housing Contractors

(h) *Housing contractors.* The following provisions tell how a housing contractor may place with a sawmill distributor or office wholesaler HH rated orders for housing construction lumber:

(1) A housing contractor who has an HH rating may apply the HH rating on orders for housing construction lumber to a distributor, or he may place HH rated orders for delivery each month starting with the month of June, 1946, with a sawmill or with an office wholesaler for housing construction lumber for an amount in footage not in excess of the total lumber required to meet his construction schedule for housing for which he has received priorities assistance under PR-33. Rated orders may be placed with a sawmill or with an office wholesaler for housing construction lumber only to the extent that other rated orders have not been placed with distributors for authorized amounts. The housing contractor must not specify delivery dates on rated orders more than 30 days before the time that the housing construction lumber is needed for incorporation into housing. Furthermore, the housing contractor must not place rated orders for housing construction lumber in which is specified a delivery date later than during the third calendar month after the time when the purchase order was placed.

(2) The housing contractor must use the housing construction lumber obtained on rated orders in the construction of housing for which the priorities assistance was authorized.

Prefabricators

(i) *Prefabricators.* The following provisions tell how a prefabricator may place certified orders for housing construction lumber, millwork or hardwood flooring:

(1) A prefabricator may place certified orders for housing construction lumber with a sawmill, distributor or office wholesaler, for millwork with a millwork manufacturer, and for hardwood flooring with a hardwood flooring manufacturer, for an amount not in excess of the total amount of housing construction lumber, millwork or hardwood flooring required to meet a quarterly production schedule for prefabricated houses, panels or sections for which he has received priorities assistance on Form CPA-4415. A prefabricator must not specify delivery dates (at plant or warehouse) on certified orders more than 30 days before the time the housing construction lumber, millwork or hardwood flooring is needed for incorporation into the prefabricated houses, panels or sections. Furthermore, a prefabricator must not place certified orders for housing construction lumber, millwork or hardwood flooring in which is specified a delivery date later than during the third calendar month after the time when his purchase order is placed.

(2) A prefabricator must use the housing construction lumber, millwork or hardwood flooring obtained on certified orders for the purposes for which priorities assistance has been granted under Direction 8 to Priorities Regulation 33.

(3) A prefabricator may not apply or extend an HH rating for housing construction lumber, millwork or hardwood flooring.

Integrated Sawmills

(j) *Sawmills that are also prefabricators, millwork or hardwood flooring manufacturers.* If a person engaged in operating a sawmill is also engaged in manufacturing prefabricated houses, panels or sections, millwork or hardwood flooring, he may transfer housing construction lumber or hardwood flooring lumber from his sawmill to his manufacturing operation provided he is permitted to place monthly certified orders for housing construction lumber, millwork or hardwood flooring lumber. The transfer from the sawmill must be treated as delivery on a certified order and he must keep records of the transfer in his sawmill files and endorse the appropriate certificate on his records.

A person making a transfer permitted in the above paragraph must use or dispose of the housing construction lumber, millwork or hardwood flooring lumber transferred to his manufacturing operation in conformity with the applicable paragraphs above.

Newcomers

(k) *Persons not established as distributors, millwork manufacturers or hardwood flooring manufacturers.* (1) Any person who was not on January 1, 1942, a lumber distributor and wants permission to place monthly certified orders for an amount of housing construction lumber in excess of two carloads of housing construction lumber in any calendar quarter at the rate of not more than one carload in any month of the quarter, may apply by let-

ter to the Civilian Production Administration.

(2) Any person who was not, in the year 1940 a millwork or hardwood flooring manufacturer, and wants permission to place monthly certified orders may apply by letter to the Civilian Production Administration.

(3) Any person applying by letter under subparagraph (1) or (2) above should state how much housing construction lumber or hardwood flooring lumber he needs each month, proximity of his place of business to similar businesses, and any other information to help the Civilian Production Administration decide what amount of housing construction lumber or hardwood flooring lumber is needed by him to engage in business. Such application will be processed in an equitable manner.

CERTIFICATION ON ORDERS

(1) *Certification on orders.* To certify an order for housing construction lumber or hardwood flooring lumber or millwork or hardwood flooring under this direction, the following certificate must be endorsed on or attached to the purchase order, sales ticket or other delivery orders. Certificates must be signed manually or as explained in Priorities Regulation 7. However, the standard form described in that regulation may not be used in place of certificate described in this direction. The certification required by this direction may not be waived under paragraph (f) or Priorities Regulation 7. The Serial Number must be inserted by persons holding authorizations on Form CPA-4386 or Form CPA-4415 in the place provided in the certificate. Orders placed verbally must be confirmed immediately and the confirmation must bear the appropriate certificate. The certificate must be substantially as follows:

The undersigned certifies to the supplier and to the Civilian Production Administration that he is a (distributor, millwork manufacturer, hardwood flooring manufacturer, prefabricator, office wholesaler) and that the quantities of housing construction lumber or hardwood flooring lumber or millwork or hardwood flooring covered by this order (together with all other certified orders for the particular material for delivery in the month specified in this order) do not exceed the amount permitted under Direction 1 to Priorities Regulation 33 with the provisions of which he is familiar.

Date_____ _____

Serial Number_____

MISCELLANEOUS

(m) The following provisions generally affecting sawmills, distributors, millwork manufacturers, hardwood flooring manufacturers, prefabricators, housing contractors, and office wholesalers, should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this direction shall be subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 except as modified in this direction. The order of precedence is (subject to any provision limiting the quantity of orders that need be accepted) as follows:

(i) At sawmill; (i) AAA; (ii) MM; (iii) certified; (iv) CC and HH;

(ii) At a supplier other than a sawmill; (i) AAA; (ii) MM; (iii) CC, HH and certified orders which are of equal value.

(2) *Applicability of regulations.* Except as otherwise required by this direction, Priorities Regulations 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this direction.

(3) *Extension of preference ratings.* For the purpose of this direction the extendibility of ratings (except AAA) is governed by paragraphs (d), (e), (f), (g) and (h) which rules supersede paragraphs (d) and (d-1) of Priorities Regulation 3.

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

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency, through which the Civilian Production Administration may distribute housing construction lumber, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Directives.* The term "directive" as used in this direction means written instructions to a specific person regarding the manufacture, delivery, or use of lumber, millwork or hardwood flooring. The Civilian Production Administration may issue directives requiring sawmills, millwork manufacturers or hardwood flooring manufacturers or distributors to set aside specific quantities or percentages of production or shipments for persons placing certified or rated orders. It may also allocate production or shipments to specified persons for specified uses, and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any person of particular items of lumber, millwork or hardwood flooring. Directives supersede any preference ratings (except AAA) or certifications assigned to particular purchase orders or contracts. They may be issued for the satisfaction of Veterans' Emergency Housing Program and essential civilian requirements, and in order to carry out more fully the purposes of this direction.

(7) *Appeals.* Any appeal from the provisions of this direction should be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: Direction 1 to Priorities Regulation 33, stating the particular provision appealed from and stating fully the grounds for the appeal.

(8) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

Issued this 11th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary

SUBJECT: Direction 1 to PR-33, Amended 7-17-46 1/
Lumber, Hardwood Flooring and Millwork

1. Substance. This direction explains how housing construction lumber, hardwood flooring and millwork is to be ordered, and how delivery on such orders must be made.

2. Explanation. Even though Direction 11 to PR-33 provides special assistance for FPHA temporary re-use projects in obtaining these lumber products, orders are to be handled in accordance with the provisions of this direction. Paragraph (h) contains specific instructions for housing contractors. For other projects and FPHA needs which do not qualify under Direction 11 to PR-33, the provisions of Direction 1 apply. In computing requirements and before ordering hardwood lumber, reference should be made to Order VHP-2, which prohibits its use for certain items of construction.

1/ Supersedes Direction 1 to PR-33, dated 6-11-46.

Superseded by L 359 9-11-46

SUBJECT: Direction 1 to PR-33, Amended 8-28-46 1/
Lumber, Hardwood Flooring and Millwork

This Direction explains how housing construction lumber, hardwood flooring and millwork is to be ordered, and how delivery on such orders must be made. This amendment of the CPA lumber production and distribution order is designed to channel more lumber into homes for veterans.

One hundred per cent of all residential hardwood flooring produced is to be held indefinitely for veterans' housing, military hospitals, and emergency priorities. Previously 75 percent was set aside for this purpose and only for the month in which it was produced. The increase in the reserve is expected to add 60 million board feet of hardwood flooring to the amount to be available for veterans homes in the last four months of 1946.

Eighty-five per cent of millwork produced from lumber received on certified orders, instead of 75 per cent, is to be held indefinitely for certified and rated orders.

Eighty per cent of housing construction lumber, instead of 75 per cent, is to be held indefinitely for certified and rated orders.

The amendment also covers sawmill operation and provides that sawmill operators, who now reserve 50 per cent of production in construction grades of lumber for the veterans' housing program, must set aside all shop grades of Western pine and fir for certified orders from millwork or cut stock manufacturers. Heretofore Western pine and fir was available to all rated as well as certified orders.

House trailer manufacturers are included for the first time in the order. After receiving authorization from the NHA, they may place certified orders for house construction lumber and millwork.

Even though Direction 11 to PR-33 provides special assistance for FPHA temporary re-use projects in obtaining these lumber products, orders are to be handled in accordance with the provisions of this direction, unless otherwise specified in the CPA action. Paragraph (h) contains specific instructions for housing contractors. For other projects and FPHA needs which do not qualify under Direction 11 to PR-33, the provisions of Direction 1 apply.

In computing requirements of and before ordering hardwood lumber, reference should be made to Order VHP-2, which prohibits its use for certain items of construction.

1/ Supersedes Direction 1 to PR-33, dated 7-17-46

Superseded 8/28/46.

Dir. 1 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

JULY 17, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 1, as Amended July 17, 1946]

LUMBER, HARDWOOD FLOORING AND MILLWORK

The fulfilment of requirements for the defense of the United States has created a shortage in the supply of lumber and millwork for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense:

(a) *What this direction does.* Priorities Regulation 33 and Direction 8 to Priorities Regulation 33 provide for the assignment to builders, prefabricators and others, of priorities assistance to secure materials listed on Schedule A of Priorities Regulation 33 and List I of Direction 8 to Priorities Regulation 33, which are required for use in the Veterans' Emergency Housing Program. Among these items are lumber, hardwood flooring and millwork. This direction provides that sawmills shall produce a percentage of their total production of lumber in housing construction lumber and hardwood flooring lumber and hold as a reserve for certified orders from distributors, office wholesalers, millwork manufacturers, hardwood flooring manufacturers and prefabricators, as well as rated orders from housing contractors and other consumers. It applies to all sawmills and to lumber distributors, office wholesalers, millwork manufacturers, hardwood flooring manufacturers, prefabricators and housing contractors, and other consumers who have been assigned priorities assistance. It explains how such persons may obtain lumber or lumber products for the purpose for which the priorities assistance was granted and how delivery on such orders must be made. It also provides that the Civilian Production Administration may issue directives to allocate production, direct shipments, and direct or prohibit production of particular items.

This direction does not apply to lumber other than housing construction lumber and hardwood flooring lumber, and all such lumber must be sold and delivered in accordance with Priorities Regulation 1.

DEFINITIONS

(b) *Definitions for the purpose of this direction.* (1) "Lumber" means any sawed lumber of any species, size or grade, including rough, surfaced on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except (i) shingles, slabs and round edge lumber; (ii) mine and railway cross ties nine feet or less in length; (iii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Distributor" means any person who buys and stocks lumber for resale as lumber either at wholesale or retail. A distributor who has two or more distinct and separate yards must for the purpose of this direction, consider each yard a "distributor".

(3) "Housing construction lumber" means softwood lumber in the form of flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, shop and lath.

(4) "Millwork" means windows, sash, doors; window sash and door frames; window and door screens; cut stock for foregoing items; trim, mouldings, built-in kitchen cabinets and other built-in millwork items suitable for authorized housing construction under Priorities Regulation 33.

(5) "Hardwood flooring lumber" means Grades 2 and 3a common, rough of oak, hard maple, beech and birch in 5/8, 4/4, and 5/4 thicknesses, and Grades 2 and 3 common, rough, in pecan of 5/8, 4/4 and 5/4 thicknesses.

(6) "Sawmill" means: (i) any mill or plant, stationary or portable; (ii) any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of logs and lumber which it receives, into an item which is defined as lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard engaged in either retail or wholesale business even though it may process, for the servicing of specific orders from consumers, more than 25 percent of the lumber it receives.

(7) "Housing contractor" means a builder (applicant) who has been directly assigned an HH rating under Priorities Regulation 33. It also includes a general contractor who has been directly authorized by such a builder to use the HH rating for the whole job. It does not include a subcontractor authorized to use the HH rating for a part of the job.

(8) "Millwork manufacturer" means a person who consumes a softwood lumber in the manufacture of millwork.

(9) "Hardwood flooring manufacturer" means a person who consumes hardwood flooring lumber in the manufacture of standard hardwood flooring.

(10) "Office wholesaler" means a person who buys lumber for resale but does not stock lumber.

(11) "Certified order" is any order for the delivery of lumber bearing the certificate described in paragraph (1).

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

(13) "Prefabricator" means a person engaged in the manufacture of prefabricated houses, panels or sections who has been directly given priorities assistance on Form CPA-4415 to build prefabricated houses, panels or sections.

SAWMILLS

(c) *Sawmill reserve production.* The following provisions will govern the amount of housing construction lumber and hardwood flooring lumber sawmills shall produce and reserve for certified and rated orders.

(1) *Softwood.* Each sawmill as described in paragraph (b) (6) above, shall reserve in his over-all production of lumber in footage for each month, time and supplies sufficient to produce and ship on certified and rated orders calling for delivery within such month at least 50 percent of his expected monthly production of softwood lumber in the form of housing construction lumber.

(2) *Hardwoods.* (i) Each sawmill as described in paragraph (b) (6) above shall in each month manufacture that portion of all oak and hard maple logs that will produce the standard grades of 2 and 3a common and that portion of all pecan logs that will produce the standard grades of 2 and 3 common into thicknesses of 5/8, 4/4 and 5/4 which shall be reserved for shipment only on certified or rated orders calling for delivery in such month.

(ii) Each sawmill as described in paragraph (b) (6) shall in each month manufacture at least 25 percent of that portion of all beech and birch logs that will produce the standard grades of 2 and 3a into thicknesses of 5/8, 4/4 and 5/4 which shall be reserved for shipment only on certified or rated orders calling for delivery within such month.

NOTE: Subparagraphs (3) to (6), inclusive, formerly subparagraphs (2) to (5), inclusive, redesignated July 17, 1946.

(3) Where it is the customary practice of a sawmill to season lumber as described in paragraphs (b) (3) and (b) (5) by air drying, the lumber properly piled for seasoning and carried in inventory for this purpose will not be considered as produced until seasoned for the customary period.

(4) This direction does not prevent the free movement of softwood or hardwood lumber between sawmills. However, a sawmill that delivers all or any part of his lumber to another sawmill must still manufacture the percentage required under paragraph (c) (1) and (c) (2) above, of his softwood or hardwood production into housing construction lumber or hardwood flooring lumber. A sawmill receiving housing construction lumber or hardwood flooring lumber from another sawmill must hold such lumber for sale on certified or rated orders in addition to his own reserve production. A sawmill delivering housing construction lumber or hardwood flooring lumber to another sawmill may credit against his reserve production under paragraph (c) (1) and (c) (2) above the amount of housing construction lumber or hardwood flooring lumber so delivered.

(5) Every sawmill must hold his reserve production until the last day of each month for delivery on certified or rated orders and must accept and ship such orders for delivery in that month in preference to all other orders to the extent that such orders do not require more than the sawmill's monthly reserve production. The order of precedence for filling certified and rated orders is given in paragraph (m) (1) below. A sawmill, however, must not accept for delivery in any month orders rated MM for more housing construction lumber or hardwood flooring lumber than 5 percent of his reserve production for that month except on special authorization from the Civilian Production Administration. When a sawmill has accepted certified or rated orders for housing construction lumber or hardwood flooring lumber to the extent of his reserve, he must not accept additional certified or rated orders (except AAA), for housing construction lumber or hardwood flooring lumber produced in that month. Any portion of the sawmill's production of housing construction or hardwood flooring lumber not required to fill certified or rated orders calling for delivery during the month, may be sold only on uncertified and unrated (except AAA) orders.

(6) *Certified orders.* The following types of certified orders placed with the sawmill will be accorded the treatment provided for in paragraph (c) (6) above, and shipments on such orders may be credited against the percentage the sawmill is required to produce and reserve each month: Certified or-

ders from (i) distributors; (ii) millwork manufacturers; (iii) hardwood flooring manufacturers; (iv) office wholesalers; (v) prefabricators.

Distributors

(d) *Distributors.* The following provisions tell how lumber distributors may place certified orders for housing construction lumber and how lumber so obtained may be sold:

(1) Any distributor may place certified orders for delivery each month for housing construction lumber with a sawmill, a distributor who sells at wholesale or an office wholesaler for one of the following amounts whichever is greater; (i) starting with the month of June an amount of housing construction lumber not exceeding 7 percent of the amount in footage of his inventory of all softwood lumber as of January 1, 1942, or (ii) two carloads of housing construction lumber in any calendar quarter at the rate of not more than one carload in any month of the quarter.

(2) Every distributor must reserve 75% of the housing construction lumber received in any month on certified orders for delivery on certified and rated orders. A distributor must accept all certified and rated orders up to the reserve quantities which are received before the end of the month regardless of whether such orders call for delivery within that month. A distributor, however, may not accept for delivery in any month orders rated MM for more housing construction lumber than 10% of the quantity reserved in that month. In addition, he must not accept certified or rated orders (except AAA) for a quantity in excess of the reserve. Any housing construction lumber received which a distributor is not required to reserve and any lumber in the reserve for which certified and rated orders are not received during the month, may be delivered by a distributor only on uncertified and unrated (except AAA) orders.

(3) A distributor may not use MM, CC or HH rated orders to get housing construction lumber from a supplier to fill a rated order for housing construction lumber, and he may not use an MM, CC or HH rating to replace in inventory housing construction lumber delivered from inventory on an MM, CC or HH rated order.

Office Wholesaler

(e) *Office wholesaler.* (1) An office wholesaler receiving certified orders from a distributor, millwork manufacturer, hardwood flooring manufacturer, or prefabricator, may place certified orders with the sawmill for an amount of housing construction lumber or hardwood flooring lumber not in excess of the amount called for by the certified orders which he has received.

(2) An office wholesaler receiving AAA, MM CC or HH rated orders for not less than carload lots of housing construction lumber or hardwood flooring lumber may extend the rating on such orders to the sawmill for direct mill shipments.

Millwork Manufacturers

(f) *Millwork manufacturers.* The following provisions tell how millwork manufacturers may place with a sawmill, an office wholesaler or a distributor certified orders for housing construction lumber and how such lumber shall be used, and the millwork sold:

(1) Any millwork manufacturer may place certified orders for delivery in each month starting with the month of June, 1946, for housing construction lumber with a sawmill, an office wholesaler or a distributor for an amount in footage not exceeding 8 percent of the amount in footage of softwood lumber consumed by him in the manufacture of millwork in the year 1940.

(2) A millwork manufacturer must use each month a quantity of lumber equal to all housing construction lumber received on certified orders for the manufacture of millwork. Every millwork manufacturer must reserve 75 percent of the millwork so manufactured for delivery on certified or rated orders. He must accept certified or rated orders up to the reserve which are received before the end of the month, regardless of whether such orders call for delivery within the month. A millwork manufacturer, however, may not accept for delivery in any month orders rated MM for more millwork than 10% of the quantity reserved in that month. In addition, he must not accept certified and rated orders for a quantity in excess of the reserve Any millwork which the millwork manufacturer is not required to reserve and any millwork in the reserve for which certified and rated orders are not received during the month in which it is manufactured, may be delivered by the millwork manufacturer only on uncertified and unrated (except AAA) orders.

(3) A millwork manufacturer placing certified orders under paragraph (f) (1) above for delivery of housing construction lumber, who receives a rated order (except AAA) for millwork, may not extend the rating to a supplier to get housing construction lumber.

(4) A person not authorized as a millwork manufacturer to place certified orders under paragraph (f) (1) above, who has received an AAA, MM, CC or HH rated order for millwork, may extend the AAA, MM, CC or HH rating to his supplier, except to a sawmill, to get housing construction lumber to be incorporated in the millwork which he will deliver on that order, subject to the applicable inventory regulations.

(5) A distributor who has received an AAA, MM, CC or HH rated order for millwork may extend the rating to his suppliers to get millwork which he will deliver on that order. If a distributor has made delivery of millwork on an AAA, MM, CC or HH rated order, he may extend the rating to his suppliers to replace it in his inventory subject to applicable inventory regulations.

Hardwood Flooring Manufacturers

(g) *Hardwood flooring manufacturers.* The following provisions tell how hardwood flooring manufacturers may place with a sawmill or office wholesaler certified orders for hardwood flooring lumber and how such lumber shall be used and the hardwood flooring sold:

(1) Hardwood flooring manufacturers may place certified orders for delivery each month starting with the month of June, 1946, with a sawmill or with an office wholesaler for hardwood flooring lumber for an amount in footage not to exceed 8 percent of the amount of footage of hardwood flooring lumber consumed in the manufacture of hardwood flooring in the year 1940.

(2) A hardwood flooring manufacturer shall use each month a quantity of hardwood lumber equal to all hardwood flooring lumber received on certified orders for the manufacture of hardwood flooring. Every hardwood flooring manufacturer must reserve 75 percent of the hardwood flooring so manufactured during that month for delivery on certified or rated orders. He must accept certified or rated orders up to the reserve which are received before the end of the month, regardless of whether such orders call for delivery within the month. A hardwood flooring manufacturer, however, may not accept for delivery in any month orders rated MM for more hardwood flooring than 10% of the amount reserved in that month. In addition, he must not accept certified and rated orders for a quantity in excess of the reserve. Any hardwood flooring which the hardwood flooring manufacturer is not required to reserve and any hardwood flooring in the reserve for which certified and rated orders are not received during the month it is manufactured, may be delivered by hardwood flooring manufacturer only on uncertified and unrated (except AAA) orders.

(3) Hardwood flooring manufacturers receiving rated orders (except AAA) for hardwood flooring may not extend the ratings to a supplier to get hardwood flooring lumber.

Housing Contractors

(h) *Housing contractors.* The following provisions tell how a housing contractor may place with a sawmill distributor or office wholesaler HH rated orders for housing construction lumber:

(1) A housing contractor who has an HH rating may apply the HH rating on orders for housing construction lumber to a distributor, or he may place HH rated orders for delivery each month starting with the month of June, 1946, with a sawmill or with an office wholesaler for housing construction lumber for an amount in footage not in excess of the total lumber required to meet his construction schedule for housing for which he has received priorities assistance under PR-33. Rated orders may be placed with a sawmill or with an office wholesaler for housing construction lumber only to the extent that other rated orders have not been placed with distributors for authorized amounts. The housing contractor must not specify delivery dates on rated orders more than 30 days before the time that the housing construction lumber is needed for incorporation into housing. Furthermore, the housing contractor must not place rated orders for housing construction lumber in which is specified a delivery date later than during the third calendar month after the time when the purchase order was placed.

(2) The housing contractor must use the housing construction lumber obtained on rated orders in the construction of housing for which the priorities assistance was authorized.

Prefabricators

(i) *Prefabricators.* The following provisions tell how a prefabricator may place certified orders for housing construction lumber, millwork or hardwood flooring:

(1) A prefabricator may place certified orders for housing construction lumber with a sawmill, distributor or office wholesaler, for millwork with a millwork manufacturer, and for hardwood flooring with a hardwood flooring manufacturer, for an amount not in excess of the total amount of housing construction lumber, millwork or hardwood flooring required to meet a quarterly production schedule for prefabricated houses, panels or sections for which he has received priorities assistance on Form CPA-4415. A prefabricator must not specify delivery dates (at plant or warehouse) on certified orders more than 30 days before the time the housing construction lumber, millwork or hardwood flooring is needed for incorporation into the prefabricated houses, panels or sections. Furthermore, a prefabricator must not place certified orders for housing construction lumber, millwork or hardwood flooring in which is specified a delivery date later than during the third calendar month after the time when his purchase order is placed.

(2) A prefabricator must use the housing construction lumber, millwork or hardwood flooring obtained on certified orders for the purposes for which priorities assistance has been granted under Direction 8 to Priorities Regulation 33.

(3) A prefabricator may not apply or extend an HH rating for housing construction lumber, millwork or hardwood flooring.

Integrated Sawmills

(j) *Sawmills that are also prefabricators, millwork or hardwood flooring manufacturers.* If a person engaged in operating a sawmill is also engaged in manufacturing prefabricated houses, panels or sections, millwork or hardwood flooring, he may transfer housing construction lumber or hardwood

flooring lumber from his sawmill to his manufacturing operation provided he is permitted to place monthly certified orders for housing construction lumber, millwork or hardwood flooring lumber. The transfer from the sawmill must be treated as delivery on a certified order and he must keep records of the transfer in his sawmill files and endorse the appropriate certificate on his records.

A person making a transfer permitted in the above paragraph must use or dispose of the housing construction lumber, millwork or hardwood flooring lumber transferred to his manufacturing operation in conformity with the applicable paragraphs above.

NEWCOMERS

(k) *Persons not established as distributors, millwork manufacturers or hardwood flooring manufacturers.* (1) Any person who was not on January 1, 1942, a lumber distributor and wants permission to place monthly certified orders for an amount of housing construction lumber in excess of two carloads of housing construction lumber in any calendar quarter at the rate of not more than one carload in any month of the quarter, may apply by letter to the Civilian Production Administration.

(2) Any person who was not, in the year 1940 a millwork or hardwood flooring manufacturer, and wants permission to place monthly certified orders may apply by letter to the Civilian Production Administration.

(3) Any person applying by letter under subparagraph (1) or (2) above should state how much housing construction lumber or hardwood flooring lumber he needs each month, proximity of his place of business to similar businesses, and any other information to help the Civilian Production Administration decide what amount of housing construction lumber or hardwood flooring lumber is needed by him to engage in business. Such application will be processed in an equitable manner.

CERTIFICATION ON ORDERS

(l) *Certification on orders.* To certify an order for housing construction lumber or hardwood flooring lumber or millwork or hardwood flooring under this direction, the following certificate must be endorsed on or attached to the purchase order, sales ticket or other delivery orders. Certificates must be signed manually or as explained in Priorities Regulation 7. However, the standard form described in that regulation may not be used in place of certificate described in this direction. The certification required by this direction may not be waived under paragraph (f) or Priorities Regulation 7. The Serial Number must be inserted by persons holding authorizations on Form CPA-4386 or Form CPA-4415 in the place provided in the certificate. Orders placed verbally must be confirmed immediately and the confirmation must bear the appropriate certificate. The certificate must be substantially as follows:

The undersigned certifies to the supplier and to the Civilian Production Administration that he is a (distributor, millwork manufacturer, hardwood flooring manufacturer, prefabricator, office wholesaler) and that the quantities of housing construction lumber or hardwood flooring lumber or millwork or hardwood flooring covered by this order (together with the quantities called for by all other certified orders placed with this or other suppliers for the particular material for delivery in the month specified in this order) do not exceed the amount permitted under Direction 1 to Priorities Regulation 33 with the provisions of which he is familiar.

Date_____ _____

Serial Number_____

MISCELLANEOUS

(m) The following provisions generally affecting sawmills, distributors, millwork manufacturers, hardwood flooring manufacturers, prefabricators, housing contractors, and office wholesalers, should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this direction shall be subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 except as modified in this direction. The order of precedence is (subject to any provision limiting the quantity of orders that need be accepted) as follows:

(i) At sawmill; (i) AAA; (ii) MM; (iii) certified; (iv) CC and HH;

(ii) At a supplier other than a sawmill; (i) AAA; (ii) MM; (iii) CC, HH, and certified orders which are of equal value.

(2) *Applicability of regulations.* Except as otherwise required by this direction, Priorities Regulations 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this direction.

(3) *Extension of preference ratings.* For the purpose of this direction the extendibility of ratings (except AAA) is governed by paragraphs (d), (e), (f), (g) and (h) which rules supersede paragraphs (d) and (d-1) of Priorities Regulation 3.

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

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency, through which the Civilian Production Administration may distribute housing construction lumber, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Directives.* The term "directive" as used in this direction means written instructions to a specific person regarding the manufacture, delivery, or use of lumber, millwork or hardwood flooring. The Civilian Production Administration may issue directives requiring sawmills, millwork manufacturers or hardwood flooring manufacturers or distributors to set aside specific quantities or percentages of production or shipments for persons placing certified or rated orders. It may also allocate production or shipments to specified persons for specified uses, and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any person of particular items of lumber, millwork or hardwood flooring. Directives supersede any preference ratings (except AAA) or certifications assigned to particular purchase orders or contracts. They may be issued for the satisfaction of Veterans' Emergency Housing Program and essential civilian requirements, and in order to carry out more fully the purposes of this direction.

(7) *Appeals.* Any appeal from the provisions of this direction should be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: Direction 1 to Priorities Regulation 33, stating the particular provision appealed from and stating fully the grounds for the appeal.

(8) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division Washington 25, D. C.

Issued this 17th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded by L-359 11-1-46

Dir. 1 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

AUG. 28, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 1, as Amended Aug. 28, 1946]

LUMBER, HARDWOOD FLOORING AND MILLWORK

The fulfilment of requirements for the defense of the United States has created a shortage in the supply of lumber and millwork for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense:

(a) *What this direction does.* Priorities Regulation 33 and Directions 8 and 13 to Priorities Regulation 33 provide for the assignment to builders, house trailer manufacturers, prefabricators and others, of priorities assistance to secure materials listed on Schedule A of Priorities Regulation 33, which are required for use in the Veterans' Emergency Housing Program. Among these items are lumber, hardwood flooring and millwork. This direction provides that sawmills shall produce a percentage of their total production of lumber in housing construction lumber and hardwood flooring lumber and hold as a reserve for certified orders from distributors, office wholesalers, millwork manufacturers, hardwood flooring manufacturers, house trailer manufacturers, and prefabricators, as well as rated orders from housing contractors and other consumers. It applies to all sawmills and to lumber distributors, office wholesalers, millwork manufacturers, hardwood flooring manufacturers, house trailer manufacturers, prefabricators and housing contractors, and other consumers who have been assigned priorities assistance. It explains how such persons may obtain lumber or lumber products for the purpose for which the priorities assistance was granted and how delivery on such orders must be made. It also provides that the Civilian Production Administration may issue directives to allocate production, direct shipments, and direct or prohibit production of particular items.

This direction does not apply to lumber other than housing construction lumber and hardwood flooring lumber, and all such lumber must be sold and delivered in accordance with Priorities Regulation 1.

DEFINITIONS

(b) *Definitions for the purpose of this direction.* (1) "Lumber" means any sawed lumber of any species, size or grade, including rough, surfaced on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except (i) shingles, slabs and round edge lumber; (ii) mine and railway cross ties nine feet or less in length; (iii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Distributor" means any person who buys and stocks lumber for resale as lumber either at wholesale or retail. The term "distributor" includes any establishment owned or operated by a sawmill where lumber is sold at either wholesale or retail. A distributor who has two or more distinct and separate yards must for the purpose of this direction, consider each yard a "distributor".

(3) "Housing construction lumber" means softwood lumber in the form of flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, shop and lath.

(4) "Millwork" means windows, sash, doors; window sash and door frames; window and door screens; cut stock for foregoing items; trim, mouldings, built-in kitchen cabinets and other built-in millwork items suitable for authorized housing construction under Priorities Regulation 33

(5) "Hardwood flooring lumber" means Grades 2 and 3a common, rough of oak, hard maple, beech and birch in 5/8, 4/4, and 5/4 thicknesses, and Grades 2 and 3 common, rough, in pecan of 5/8, 4/4 and 5/4 thicknesses.

(6) "Residential hardwood flooring" means hardwood flooring of $25/32$" thickness or less manufactured from Grades 2 and 3A Oak, Hard Maple, Beech and Birch and Grades 2 and 3 Common of Pecan.

NOTE: Subparagraphs (7) to (14), inclusive, formerly subparagraphs (6) to (13), inclusive, redesignated Aug. 28, 1946.

(7) "Sawmill" means: (i) a person operating any mill or plant, stationary or portable, that produces lumber. The term includes a person who has logs manufactured into lumber by a sawmill, except a person who has less than 5,000 feet a quarter of his own logs sawed into lumber for his own use; (ii) a person operating any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of logs and lumber which it receives, into an item which is defined as lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard even though owned by a sawmill engaged in either retail or wholesale business even though it may process, for the servicing of special orders from consumers, more than 25 percent of the lumber it receives.

(8) "Housing contractor" means a builder (applicant) who has been directly assigned an HH rating under Priorities Regulation 33. It also includes a general contractor who has been directly authorized by such a builder to use the HH rating for the whole job. It does not include a subcontractor authorized to use the HH rating for a part of the job.

(9) "Millwork manufacturer" means a person who consumes a softwood lumber in the manufacture of millwork.

(10) "Hardwood flooring manufacturer" means a person who consumes hardwood flooring lumber in the manufacture of standard hardwood flooring.

(11) "Office wholesaler" means a person who buys lumber for resale but does not stock lumber.

(12) "Certified order" is any order for the delivery of lumber bearing the certificate described in paragraph (1).

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

(14) "Prefabricator" means a person engaged in the manufacture of prefabricated houses, panels or sections who has been directly given priorities assistance on Form CPA-4415 to build prefabricated houses, panels or sections.

(15) "A cut-stock manufacturer" means a person who cuts and surfaces lumber into sizes suitable as parts for sash and doors.

SAWMILLS

(c) *Sawmill reserve production.* The following provisions will govern the amount of housing construction lumber and hardwood flooring lumber sawmills shall produce and reserve for certified and rated orders.

(1) *Softwood.* Each sawmill as described in paragraph (b) (7) above shall manufacture at least 50% of his monthly production of softwood in the form of housing construction lumber which shall be reserved for shipment only on certified or rated orders calling for delivery within such month. A sawmill may not include in his total production logs custom sawed for another person. Such other person, if a sawmill as defined in paragraph (b) (7) above is subject to this direction.

(2) *Hardwoods.* (i) Each sawmill as described in paragraph (b) (7) above shall in each month manufacture that portion of all oak and hard maple logs that will produce the standard grades of 2 and 3a common and that portion of all pecan logs that will produce the standard grades of 2 and 3 common into thicknesses of 5/8, 4/4 and 5/4 which shall be reserved for shipment only on certified orders from hardwood flooring manufacturers and AAA rated orders.

(ii) Each sawmill as described in paragraph (b) (7) shall in each month manufacture at least 25 percent of that portion of all beech and birch logs that will produce the standard grades of 2 and 3a into thicknesses of 5/8, 4/4 and 5/4 which shall be reserved for shipment only on certified orders from hardwood flooring manufacturers and rated orders.

(3) Where it is the customary practice of a sawmill to season lumber as described in paragraphs (b) (3) and (b) (5) by air drying, the lumber properly piled for seasoning and carried in inventory for this purpose will not be considered as produced until seasoned for the customary period.

(4) This direction does not prevent the free movement of softwood or hardwood lumber between sawmills. However, a sawmill that delivers all or any part of his lumber to another sawmill must still manufacture the percentage required under paragraph (c) (1) and (c) (2) above, of his softwood or hardwood production into housing construction lumber or hardwood flooring lumber. A sawmill receiving housing construction lumber or hardwood flooring lumber from another sawmill must hold such lumber for sale on certified or rated orders in addition to his own reserve production. A sawmill delivering housing construction lumber or hardwood flooring lumber to another sawmill may credit against his reserve production under paragraph (c) (1) and (c) (2) above the amount of housing construction lumber or hardwood flooring lumber so delivered.

(5) Every sawmill must hold his reserve of housing construction lumber, including therein all Western Pine and Fir shop produced until the last day of each month for delivery on certified or rated orders and must accept and ship such orders for delivery in that month in preference to all other orders to the extent that such orders do not require

more than the sawmill's monthly reserve. A sawmill's reserve production of shop grades of Western Pine and Fir must be held for shipment only on certified orders from millwork manufacturers or cut-stock manufacturers. The order of precedence for filling certified and rated orders is given in paragraph (m) (1) below. A sawmill, however, may not accept for delivery in any month orders rated MM for housing construction lumber for more than 10 percent of his reserve production of housing construction lumber for that month. When a sawmill has accepted certified or rated orders for housing construction lumber to the extent of his reserve, he need not accept additional certified or rated orders (except AAA) for housing construction lumber produced in that month. Any portion of the sawmill's reserve production of housing construction lumber for the month of September not required to fill certified or rated orders calling for delivery during the month shall be carried over as a part of his reserve for the month of October.

(6) *Certified orders.* The following types of certified orders placed with the sawmill will be accorded the treatment provided for in paragraph (c) (6) above, and shipments on such orders may be credited against the percentage the sawmill is required to produce and reserve each month: Certified orders from (i) distributors; (ii) millwork manufacturers; (iii) hardwood flooring manufacturers; (iv) office wholesalers; (v) prefabricators.

DISTRIBUTORS

(d) *Distributors.* The following provisions tell how lumber distributors may place certified orders for housing construction lumber and how lumber so obtained may be sold:

(1) Any distributor may place certified orders for delivery each month for housing construction lumber with a sawmill, a distributor who sells at wholesale or an office wholesaler for one of the following amounts whichever is greater; (i) starting with the month of June an amount of housing construction lumber not exceeding 10 percent of the amount in footage of his inventory of all softwood lumber as of January 1, 1942, or (ii) two carloads of housing construction lumber in any calendar quarter at the rate of not more than one carload in any month of the quarter.

(2) Every distributor placing certified orders based on a percent of his inventory as provided above in (d) (1) (i) must reserve indefinitely 80% of all housing construction lumber received on certified and rated orders and 75% of all housing construction lumber he imports in every month for delivery on certified or rated orders. A distributor, however, may not accept for delivery in any month orders rated MM for more than 10% of the housing construction lumber reserved in that month. In addition, he need not accept certified or rated orders (except AAA) for a quantity in excess of the reserve. Any housing construction lumber which such a distributor is not required to reserve may be delivered on uncertified or unrated orders.

(3) Every distributor placing certified orders for two cars or less of housing construction lumber a quarter, must reserve 75% of the housing construction lumber received in any month on certified orders and 75% of the housing construction lumber he imports in any month for delivery on certified or rated orders. The distributor, however, may not accept for delivery in any month orders rated MM for more than 10% of the housing construction lumber reserved in that month. In addition, he need not accept certified or rated (except AAA) orders, for a quantity in excess of the reserve. Any housing construction lumber received which a distributor is not required to reserve and any lumber in the reserve for which certified or rated orders are not received during the month, may be delivered on uncertified or unrated orders.

NOTE: Subparagraph (4), formerly subparagraph (3), redesignated Aug. 28, 1946.

(4) A distributor may not use MM, CC or HH rated orders to get housing construction lumber from a supplier to fill a rated order for housing construction lumber, and he may not use an MM, CC or HH rating to replace in inventory housing construction lumber delivered from inventory on an MM, CC or HH rated order.

OFFICE WHOLESALER

(e) *Office wholesaler.* (1) An office wholesaler receiving certified orders from a distributor, millwork manufacturer, hardwood flooring manufacturer, or prefabricator, may place certified orders with the sawmill for an amount of housing construction lumber or hardwood flooring lumber not in excess of the amount called for by the certified orders which he has received.

(2) An office wholesaler receiving AAA, MM, CC or HH rated orders for not less than carload lots of housing construction lumber or hardwood flooring lumber may extend the rating on such orders to the sawmill for direct mill shipments.

MILLWORK MANUFACTURERS

(f) *Millwork and cut-stock manufacturers.* The following provisions tell how millwork and cut-stock manufacturers may place with a sawmill, an office wholesaler or a distributor certified orders for housing construction lumber and how such lumber shall be used, and the millwork sold:

(1) Any millwork or cut-stock manufacturer may place certified orders for delivery in each month for housing construction lumber with a sawmill, an office wholesaler or a distributor or with a cut-stock manufacturer for cut-stock for an amount in footage not exceeding 8 percent of the amount in footage of softwood lumber consumed by him in the manufacture of millwork in the year 1940.

(2) A millwork manufacturer must use each month a quantity of lumber equal to all housing construction lumber received on certified orders for the manufacture of millwork. Every millwork manufacturer must reserve indefinitely 85% of the millwork so manufactured in any month for delivery only on certified or rated orders. However, he may not accept for delivery in any month orders rated MM for more than 10% of the quantity reserved in any one month. In addition, he need not accept certified or rated (except AAA) orders for a quantity in excess of the reserve. 15% of the millwork produced in any month may be delivered by the millwork manufacturer on uncertified or unrated orders.

(3) A cut-stock manufacturer must use each month a quantity of lumber equal to all housing construction lumber received on certified orders for the manufacture of cut-stock. Every cut-stock manufacturer must reserve indefinitely the cut-stock so manufactured for delivery only on AAA or certified orders from millwork manufacturers.

NOTE: Subparagraphs (4), (5) and (6), formerly subparagraphs (3), (4) and (5), redesignated Aug. 28, 1946.

(4) A millwork manufacturer placing certified orders under paragraph (f) (1) above for delivery of housing construction lumber, or cut-stock, who receives a rated order (except AAA) for millwork, may not extend the rating to a supplier to get housing construction lumber.

(5) A person not authorized as a millwork manufacturer to place certified orders under paragraph (f) (1) above, who has received rated order for millwork, may extend the rating to his supplier, except to a sawmill, to get housing construction lumber to be incorporated in the millwork which he will deliver on that order, subject to the applicable inventory regulations.

(6) A distributor who has received a rated order for millwork may extend the rating to his suppliers to get millwork which he will deliver on that order. If a distributor has made delivery of millwork on a rated order, he may extend the rating to his suppliers to replace it in his inventory subject to applicable inventory regulations.

HARDWOOD FLOORING MANUFACTURERS

(g) *Hardwood flooring manufacturers.* The following provisions tell how hardwood flooring manufacturers may place with a sawmill or office wholesaler certified orders for hardwood flooring lumber and how such lumber shall be used and the hardwood flooring sold:

(1) Hardwood flooring manufacturers may place certified orders for delivery each month with a sawmill or with an office wholesaler for hardwood flooring lumber for an amount in footage not to exceed 8 percent of the amount of footage of hardwood flooring lumber consumed in the manufacture of hardwood flooring in the year 1940.

(2) A hardwood flooring manufacturer shall use each month a quantity of hardwood flooring lumber equal to the amount he receives on certified orders for the manufacture of hardwood flooring. Every hardwood flooring manufacturer must indefinitely reserve all residential hardwood flooring for delivery on AAA, certified, MM or HH rated orders. The MM rated order to be eligible must contain a statement that the hardwood flooring is to be used for Veterans, Army or Navy hospitals.

(3) Hardwood flooring manufacturers receiving rated orders (except AAA) for hardwood flooring may not extend the ratings to a supplier to get hardwood flooring lumber.

(4) A distributor who has received a AAA, MM or HH rated order for residential hardwood flooring may extend the rating to his suppliers to get residential hardwood flooring which he will deliver on that order. If a distributor has made delivery of residential hardwood flooring on a AAA, MM or HH rated order, he may extend the rating to his supplier to replace it in his inventory subject to applicable inventory regulations.

(5) HH rated or certified orders may not be used by anybody to obtain any hardwood flooring except residential hardwood flooring.

HOUSING CONTRACTORS

(h) *Housing contractors.* The following provisions tell how a housing contractor may place with a sawmill distributor or office wholesaler HH rated orders for housing construction lumber:

(1) A housing contractor who has an HH rating may apply the HH rating on orders for housing construction lumber to a distributor, or he may place HH rated orders for delivery each month starting with the month of June, 1946, with a sawmill or with an office wholesaler for housing construction lumber for an amount in footage not in excess of the total lumber required to meet his construction schedule for housing for which he has received priorities assistance under PR–33. Rated orders may be placed with a sawmill or with an office wholesaler for housing construction lumber only to the extent that other rated orders have not been placed with distributors for authorized amounts. The housing contractor must not specify delivery dates on rated orders more than 30 days before the time that the housing construction lumber is needed for incorporation into housing. Furthermore, the housing contractor must not place rated orders for housing construction lumber in which is specified a delivery date later than during the third calendar month after the time when the purchase order was placed.

(2) The housing contractor must use the housing construction lumber obtained on rated orders in the construction of housing for which the priorities assistance was authorized.

PREFABRICATORS AND HOUSE TRAILER MANUFACTURERS

(i) *Prefabricators and house trailer manufacturers.* The following provisions tell how a prefabricator or a house trailer manufacturer may place certified orders for authorized quantities of all or some of the materials covered by this direction.

(1) A prefabricator or a house trailer manufacturer may place certified orders for house construction lumber with a sawmill, distributor or office wholesaler, and for millwork with a millwork manufacturer. A prefabricator but not a house trailer manufacturer may also place certified orders for hardwood flooring with a hardwood flooring manufacturer. Such persons may place certified orders for amounts not in excess of the amounts authorized, for their quarterly production schedules, on Form NHA–14–53 or CPA–4415 (for prefabricators) or Form NHA–14–44 (for house trailer manufacturers). A prefabricator or house trailer manufacturer must order, accept delivery of, and use the housing construction lumber, millwork and hardwood flooring in accordance with the provisions of Directions 8 and 13 of Priorities Regulation 33.

(2) A prefabricator or house trailer manufacturer may not apply or extend an HH rating for housing construction lumber, millwork or hardwood flooring.

INTEGRATED SAWMILLS

(j) *Sawmills that are also prefabricators, millwork, cut-stock or hardwood flooring manufacturers.* If a person engaged in operating a sawmill is also engaged in manufacturing prefabricated houses, panels or sections, millwork, cut-stock or hardwood flooring, he may transfer housing construction lumber or hardwood flooring lumber from his sawmill to his manufacturing operation provided he is permitted to place monthly certified orders for housing construction lumber, millwork or hardwood flooring lumber. The transfer from the sawmill must be treated as delivery on a certified order and he must keep records of the transfer in his sawmill files and endorse the appropriate certificate on his records.

A person making a transfer permitted in the above paragraph must use or dispose of the housing construction lumber, millwork or hardwood flooring lumber transferred to his manufacturing operation in conformity with the applicable paragraphs above.

NEWCOMERS

(k) *Persons not established as distributors, millwork manufacturers, cut-stock manufacturers or hardwood flooring manufacturers.* (1) Any person who was not on January 1, 1942, a lumber distributor and wants permission to place monthly certified orders for an amount of housing construction lumber in excess of two carloads of housing construction lumber in any calendar quarter at the rate of not more than one carload in any month of the quarter, may apply by letter to the Civilian Production Administration.

(2) Any person who was not, in the year 1940 a millwork, cut-stock or hardwood flooring manufacturer, and wants permission to place monthly certified orders may apply by letter to the Civilian Production Administration.

(3) Any person applying by letter under subparagraph (1) or (2) above should state how much housing construction lumber or hardwood flooring lumber he needs each month, proximity of his place of business to similar businesses, and any other information to help the Civilian Production Administration decide what amount of housing construction lumber or hardwood flooring lumber is needed by him to engage in business. Such application will be processed in an equitable manner.

CERTIFICATION ON ORDERS

(l) *Certification on orders.* To certify an order for housing construction lumber or hardwood flooring lumber or millwork or hardwood flooring under this direction, the following certificate must be endorsed on or attached to the purchase order, sales ticket or other delivery orders. Certificates must be signed manually or as explained in Priorities Regulation 7. However, the standard form described in that regulation may not be used in place of certificate described in this direction. The certification required by this direction may not be waived under paragraph (f) or Priorities Regulation 7. The Serial Number must be inserted by persons holding authorizations on Form CPA–4386 or Form CPA–4415 in the place provided in the certificate. Orders placed verbally must be confirmed immediately and the confirmation must bear the appropriate certificate. The certificate must be substantially as follows:

The undersigned certifies to the supplier and to the Civilian Production Administration that he is a (distributor, millwork manufacturer, cut-stock manufacturer, hardwood flooring manufacturer, prefabricator, office wholesaler) and that the quantities of housing construction lumber or hardwood flooring lumber or millwork or hardwood flooring covered by this order (together with the quantities called for by all other certified orders placed with this or other suppliers for the particular material for delivery in the month specified in this order) do not exceed the amount permitted under Direction 1 to Priorities Regulation 33 with the provisions of which he is familiar.

Date_____ _____

Serial Number_____

MISCELLANEOUS

(m) The following provisions generally affecting sawmills, distributors, millwork manufacturers, cut-stock manufacturers, hardwood flooring manufacturers, prefabricators, housing contractors, and office wholesalers, should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this direction shall be subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 except as modified in this direction. The order of precedence is (subject to any provision limiting the quantity of orders that need be accepted) as follows:

(i) At sawmill; (i) AAA; (ii) MM; (iii) certified; (iv) CC and HH;

(ii) At a supplier other than a sawmill; (i) AAA; (ii) MM; (iii) CC, HH, and certified orders which are of equal value.

(2) *Applicability of regulations.* Except as otherwise required by this direction, Priorities Regulations 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this direction.

(3) *Extension of preference ratings.* For the purpose of this direction the extendibility of ratings (except AAA) is governed by paragraphs (d), (e), (f), (g) and (i) which rules supersede paragraphs (d) and (d–1) of Priorities Regulation 3.

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

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency, through which the Civilian Production Administration may distribute housing construction lumber, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Directives.* The term "directive" as used in this direction means written instructions to a specific person regarding the manufacture, delivery, or use of lumber, millwork or hardwood flooring. The Civilian Production Administration may issue directives requiring sawmills, millwork manufacturers or hardwood flooring manufacturers or distributors to set aside specific quantities or percentages of production or shipments for persons placing certified or rated orders. It may also allocate production or shipments to specified persons for specified uses, and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any person of particular items of lumber, millwork or hardwood flooring. Directives supersede any preference ratings (except AAA) or certifications assigned to particular purchase orders or contracts. They may be issued for the satisfaction of Veterans' Emergency Housing Program and essential civilian requirements, and in order to carry out more fully the purposes of this direction.

(7) *Appeals.* Any appeal from the provisions of this direction should be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: Direction 1 to Priorities Regulation 33, stating the particular provision appealed from and stating fully the grounds for the appeal.

(8) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Direction 1A to PR-33, Amended 9-11-46 1/
Softwood Plywood

This Direction establishes and explains restrictions relative to deliveries, production set-asides, and extendibility of ratings for softwood plywood.

Paragraph (e) contains specific instructions for the placement of certified or HH rated orders by housing contractors, and restrictions as to use and quantities.

By this amendment of the Direction, paragraph (k) (8) provides that directives may be issued by the CPA. One of the principal reasons for including directive authority is to provide the means for giving special assistance to FPHA veterans' temporary housing projects. Only those types of plywood specified in this Direction are eligible for the HH rating. For other types, an application must be made for a CC rating.

1/ Supersedes Direction 1A to PR-33, dated 6-11-46.

Superseded 9-11-46.

Dir. 1A to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

JUNE 11, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 1A, as Amended June 11, 1946]

SOFTWOOD PLYWOOD

The fulfilment of requirements for the defense of the United States has created a shortage in the supply of softwood plywood 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:

(a) *What this direction does.* Priorities Regulation 33 and Direction 8 to Priorities Regulation 33 provide for the assignment to builders and prefabricators of priorities assistance to secure materials listed on Schedule A of PR 33 and List I of Direction 8 to PR 33 which are required for use in the Veterans' Housing Program. Among these items is softwood plywood. This direction provides that the manufacturers of softwood plywood shall produce a percentage of their total production in construction and door panel grades and reserve a percentage of those grades for certified orders from prefabricators, distributors, cabinet manufacturers, door manufacturers and housing contractors. It provides that the softwood plywood reserved and the product into which it is incorporated, may only be sold on certified orders or HH rated orders.

This direction does not apply to plywood not in construction and door panel grades and thicknesses and such plywood must be sold and delivered in accordance with the rules in Priorities Regulation 1.

(b) *Definitions for the purpose of this direction.* (1) "Softwood plywood" means laminated veneers of any species of softwood united with a bonding agent to produce board.

(2) "Construction plywood" means plywood of one or more softwood panels, 12 feet and shorter and without external sealer treatment of the following grades: Interior (moisture resistant) type as follows: ¼" sanded or 5/16" unsanded wallboard; 3/8" sanded or 7/16" unsanded wallboard; ¼" sanded or 5/16" unsanded sound one side plypanel; 3/8" sanded or 7/16" unsanded sound one side plypanel; 5/16" sheathing; 3/8" sheathing; ½" sheathing and 5/8" sheathing; and Exterior type ¼" sanded or 5/16" unsanded sound one side plypanel and 3/8" sanded or 7/16" unsanded sound one side plypanel.

(3) "Door plywood" means softwood plywood, Interior (moisture resistant) and Exterior type without external sealer treatment of ¼" sound two sides door plypanel.

(4) "Plywood manufacturer" means a person engaged in the manufacture of softwood plywood.

(5) "Prefabricator" means a person engaged in the manufacture of prefabricated houses, panels or sections who has been granted priorities assistance on Form CPA-4415 to build prefabricated houses, panels or sections.

(6) "Housing contractor" means a builder (applicant) who has been directly assigned an HH rating by CPA, FHA or NHA. It also includes a general contractor who has been directly authorized by such a builder to use the HH rating for the whole job. It does not include a subcontractor authorized to use the HH rating for a part of the job.

(7) "Distributor" means a person who buys and stocks softwood plywood for resale as plywood at wholesale or retail.

(8) "Cabinet manufacturer" means a person who produces kitchen cabinets for built-in installation in housing.

(9) "Door manufacturer" means a person who consumes softwood plywood in the manufacture of standard house doors.

(10) "Square footage" means measurement on a 3/8" rough basis.

(11) "Certified order" means any order for the delivery of softwood plywood bearing the certificate prescribed in paragraph (j).

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

Plywood Manufacturers

(c) *Plywood manufacturers reserve production.* The following conditions will govern the amount of construction plywood and door plywood, plywood manufacturers shall produce and reserve for certified orders:

(1) Each softwood plywood manufacturer shall reserve in his total over-all production of softwood plywood in square footage for the month of April, 1946, and for each calendar month thereafter, time and supplies sufficient to produce and deliver within such month; (i) at least 45% of his expected monthly production of softwood plywood in the form of construction plywood of which not more than 20% of the construction plywood may be in exterior type; (ii) at least 5% of his expected monthly production of softwood plywood in the form of door plywood, for delivery on certified orders.

The CPA may from time to time change such percentages by amendments published in the Federal Register prior to the first day of any month.

(2) Every plywood manufacturer must hold 60% of his production of construction plywood in square footage in any month for delivery on certified orders. A plywood manufacturer must accept and ship such certified orders in preference to all other orders (except AAA) to the extent that such orders do not require more than 60% of his production of construction plywood for that month. When a plywood manufacturer has accepted certified orders for construction plywood for this amount, he must not accept additional certified orders for construction plywood produced in that month. Any portion of the plywood manufacturer's reserve which is not required to fill certified orders received in the month it was produced, may be sold only on uncertified and unrated (except AAA) orders.

(3) A plywood manufacturer must reserve 40% of his total production of construction plywood in square footage beginning with the month of April, 1946, and for each calendar month thereafter for delivery only on uncertified and unrated orders from distributors.

(4) A plywood manufacturer must hold his reserve production of door plywood in any month for delivery on certified orders from door manufacturers or distributors. He must accept and ship such certified orders in preference to all other orders (except AAA) to the extent that such certified orders do not require more than the monthly reserve production of door plywood. When a plywood manufacturer has accepted certified orders for door plywood for the amount of his reserve production, he must not accept additional certified orders for door plywood produced in that month. Any portion of the plywood manufacturer's reserve of door plywood which is not required to fill certified orders received in the month in which it was produced, may be sold only on uncertified and unrated (except AAA) orders.

Prefabricators

(d) The following provisions tell how prefabricators may place with a plywood manufacturer or distributor certified orders for construction plywood:

(1) A prefabricator may place certified orders with a plywood manufacturer or a distributor for construction plywood in the amount for which he has received priorities assistance on Form CPA-4415. A prefabricator must not specify delivery dates (at his plant or warehouse) on certified orders more than 30 days before the time the construction plywood is needed for incorporation into the prefabricated houses, panels, or sections. Furthermore, a prefabricator must not place certified orders for construction plywood in which is specified a delivery date later than during the third calendar month after the time when the purchase order is placed.

(2) A prefabricator must use construction plywood obtained on certified orders in the production of prefabricated houses, panels or sections to be sold on orders rated HH.

(3) A prefabricator may not apply or extend an HH rating for construction plywood.

Housing Contractors

(e) *Housing contractors.* The following provisions tell how a housing contractor may place certified orders or HH rated orders with a plywood manufacturer or distributor for contruction plywood.

(1) A housing contractor may apply the HH rating on orders for construction plywood to a distributor, but not to a plywood manufacturer, or a housing contractor purchasing in not less than carload lots, may place certified orders for mill shipment delivery each month starting with the month of April 1946, with a plywood manufacturer or a distributor, in an amount in square footage not in excess of the total construction plywood required to meet his construction schedule for housing for which he has received priorities assistance on Form CPA-4386. A housing contractor may not place HH rated or certified orders for construction plywood except for use in kitchen cabinets and bathroom and kitchen flooring. He may not apply the HH rating or use a certificate for an amount in excess of 300 square feet per house or apartment. If kitchen cabinets are purchased as millwork the total permissible amount of construction plywood must be reduced by the amount of plywood in the cabinets.

(2) A housing contractor must not specify delivery dates (at site or warehouse) on certified orders or HH rated orders, more than 30 days from the time that the construction plywood is needed for incorporation into the housing. Furthermore, the housing contractor must not place certified orders for construction plywood in which is specified a delivery date later than the third calendar month after the time when the purchase order is placed. A housing contractor may place certified orders for construction plywood only to the extent that HH rated orders have not been placed with a distributor.

(3) A housing contractor must use the construction plywood obtained on certified orders or HH rated orders on housing construction for which the HH rating was authorized.

Cabinet Manufacturers

(f) *Cabinet manufacturers.* The following provisions tell how a cabinet manufacturer may obtain authority to place certified orders with a plywood manufacturer or a distributor for construction plywood for use in drawer bottoms of built-in kitchen cabinets and how the cabinets must be sold:

(1) A cabinet manufacturer wishing to place certified orders with a plywood manufacturer or a distributor for construction plywood to be used in the manufacture of drawer bottoms for kitchen cabinets, shall apply to the CPA for authority to place such orders. A cabinet manufacturer must apply to CPA before May 10, 1946, unless already authorized, for the months of May and June, 1946, and for calendar quarters thereafter must apply at least 20 days before the first day of the quarter, by letter stating: (i) average monthly consumption of construction plywood in drawers for built-in kitchen cabinets in year 1940 (required in first application only); (ii) average anticipated monthly production of kitchen cabinets in units to be produced in the period for which authorization is requested, and (iii) total requirements in 3/8" basis of construction plywood for drawers for built-in kitchen cabinets in item (ii) above. Such application will be processed equitably. A cabinet manufacturer must not specify delivery dates (at plant or warehouse) on certified orders more than 30 days before the time the construction plywood is needed for incorporation into the kitchen cabinet drawers. Furthermore, the cabinet manufacturer must not place certified orders for construction plywood in which is specified a delivery date later than during the third calendar month after the time the purchase order was placed.

(2) Authorizations to cabinet manufacturers will bear a serial number which must be inserted by the cabinet manufacturer in the place provided in the certificate required by paragraph (j) below.

(3) A cabinet manufacturer must use the construction plywood received on certified orders in the production of built-in kitchen cabinets suitable for housing. The cabinets manufactured from the construction plywood must be held for sale as millwork and sold in conformity with paragraph (f) (2) of Direction 1 to PR 33 providing for the sale of millwork.

Door Manufacturers

(g) *Door manufacturers.* The following provisions tell how door manufacturers may place with plywood manufacturers or distributors certified orders for door plywood for the manufacture of standard house doors and how the doors must be sold.

(1) A door manufacturer may place certified orders for door plywood for delivery in each month beginning with the month of April, 1946, with the plywood manufacturer or a distributor for an amount in square footage not in excess of 10% of the amount in square footage of door plywood consumed by him in the manufacture of standard house doors in the year 1940.

(2) A door manufacturer must use each month, all the door plywood received on certified orders in the manufacture of standard house doors. The doors so manufactured must be held for sale as millwork and sold in conformity with paragraph (f) (2) of Direction 1 to PR 33 providing for the sale of millwork.

Distributors

(h) *Distributors.* The following provisions tell how distributors may place orders for construction plywood, and how the construction plywood may be sold:

(1) A distributor may place uncertified and unrated orders for delivery each month for construction plywood with a plywood manufacturer. Every distributor must reserve 75% of the construction plywood received in any month for delivery on certified and rated orders. A distributor must accept all certified and rated orders which are received before the end of the month up to the reserve quantities regardless of whether such orders call for delivery within that month. A distributor, however, may not accept for delivery in any month orders rated MM for more construction plywood than 5% of the quantity reserved in that month. In addition, he must not accept certified or rated orders (except AAA) for construction plywood for a quantity in excess of the reserve. Any construction plywood which a distributor is not required to reserve, and any construction plywood in the reserve for which certified and rated orders are not received during the month, may be delivered by a distributor only on uncertified and unrated (except AAA) orders.

(2) A distributor who has received a certified order for construction or door plywood may place the certified order with a plywood manufacturer to get the construction or door plywood which will be delivered direct to consumer subject to the applicable inventory regulations. A distributor may not place a certified order with a producer for replacement of inventory.

(i) *Newcomers.* (1) A person who in the year 1940 was not established as a cabinet manufacturer or a door manufacturer, and who wants to place monthly certified orders for construction plywood for use in kitchen cabinets or for door plywood for use in standard house doors, may apply to CPA for authorization to place certified orders for a calendar quarter. Authorization will be issued on a quarterly basis and application by letter must be filed at least 10 days before the first day of the calendar quarter for which authorization is asked. The letter should state: (i) location of plant; (ii) amount of equipment and its production capacity to manufacture kitchen cabinets or house doors; (iii) line of kitchen cabinets to be produced; (iv) anticipated monthly production of house doors or kitchen cabinets in which plywood is required; (v) total requirements on a 3/8" basis of plywood for house doors or kitchen cabinets for the next current quarter. Such application will be processed in an equitable manner.

(2) A person receiving authorization to place a certified order under paragraph (i) (1) above, must hold kitchen cabinets or doors manufactured for sale in conformity with the provisions of paragraph (f) (3) and (g) (2) above, respectively.

Certification

(j) *Certification.* To certify an order for construction plywood or door plywood under this direction, the following certificate must be endorsed on or attached to the purchase order, or sales ticket. Certification must be signed manually or as explained in PR 7. However, the standard form described in that regulation may not be used in place of the certificate described in this direction. The certificate described in this direction may not be waived by paragraph (f) under PR 7. The serial number must be inserted by cabinet manufacturers, and persons holding authorizations on Form CPA-4386 or Form CPA-4415 in the place provided in the certificate.

Prefabricators, housing contractors, cabinet manufacturers, door manufacturers and distributors who place certified orders calling for delivery of construction plywood or door plywood, must use a certificate reading substantially as follows:

> The undersigned certifies to the supplier and to the CPA that he is a _____ (prefabricator, housing contractor, cabinet manufacturer, door manufacturer, or distributor) and that the quantities of construction plywood or door plywood covered by this order (together with all other certified orders for construction plywood or door plywood for delivery in the months specified in this order) do not exceed the amount he has been allowed under Direction 1A of PR 33 with the provisions of which he is familiar.
>
> Dated _____
> Serial number _____

Miscellaneous

(k) *Miscellaneous.* The following provisions generally affecting plywood manufacturers, prefabricators housing contractors, cabinet manufacturers, door manufacturers and distributors should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this direction are subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 as if they were rated orders. The order of precedence where orders are received by distributors, cabinet manufacturers and door manufacturers is (subject to any provision of this direction limiting the quantity of orders that need be accepted) as follows: (i) AAA; (ii) MM; (iii) CC, HH and certified orders which are of equal value.

(2) *Applicability of regulations.* Except as otherwise required by this direction Priorities Regulations 1 and 3 govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed.

(3) *Extension of rated orders.* Ratings (except AAA) may not be applied or extended to a plywood manufacturer for construction or door plywood. However, any person who has received a rated order for the delivery of construction or door plywood may extend the rating to his suppliers (except to a plywood manufacturer) to get plywood which he will deliver on that order subject to applicable inventory regulations. If a person has made delivery of construction or door plywood on a rated order, he may extend the rating to his suppliers (except to a plywood manufacturer) to replace the amount in his inventory subject to the applicable inventory regulations. A millwork manufacturer who has received a rated order (except AAA) for millwork or who has delivered millwork on a rating (except AAA), may not extend the rating (except AAA), for construction or door plywood for incorporation into millwork. These rules supersede paragraphs (d) and (d-1) of Priorities Regulation 3 on the extension of ratings.

(4) *Violations.* Any person who willfully violates any provisions of this direction, 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.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency, through which the Civilian Production Administration may distribute plywood, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Appeals.* Any appeal from the provisions of this direction shall be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division; Washington 25, D. C., Ref.: Direction A to PR 33 stating the particular provision appealed from and stating fully the grounds for the appeal.

(7) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(8) [Deleted May 1, 1946.]

Issued this 11th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 18039B—p. 2

Revoked 10-3-46

Dir. 1A to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

SEPT. 11, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 1A, as Amended September 11, 1946]

SOFTWOOD PLYWOOD

The fulfilment of requirements for the defense of the United States has created a shortage in the supply of softwood plywood 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:

(a) *What this direction does.* This direction provides that the manufacturers of softwood plywood shall produce a percentage of their total production in construction and door panel grades and reserve a percentage of those grades for certified orders from prefabricators, distributors, cabinet manufacturers, door manufacturers, house trailer manufacturers and housing contractors. It provides that the construction and door plywood delivered on certified orders and the product into which it is incorporated, may only be sold in accordance with the applicable regulations under which priorities assistance is granted.

(b) *Definitions for the purpose of this direction.* (1) "Softwood plywood" means laminated veneers of any species of softwood united with a bonding agent to produce board

(2) "Construction plywood" means plywood of one or more softwood panels, 12 feet and shorter and without external sealer treatment of the following grades: Interior (moisture resistant) type as follows: ¼" sanded or 5/16" unsanded wallboard; 3/8" sanded or 7/16" unsanded wallboard; ¼" sanded or 5/16" unsanded sound one side plypanel; 3/8" sanded or 7/16" unsanded sound one side plypanel; 5/16" sheathing; 3/8" sheathing; ½" sheathing and 5/8" sheathing: and Exterior type ¼" sanded or 5/16" unsanded sound one side plypanel and 3/8" sanded or 7/16" unsanded sound one side plypanel.

(3) "Door plywood" means softwood plywood. Interior (moisture resistant) and Exterior type without external sealer treatment of ¼" sound two sides door plypanel.

(4) "Plywood manufacturer" means a person engaged in the manufacture of softwood plywood.

(5) "Prefabricator" means a person engaged in the manufacture of prefabricated houses, panels or sections who has been granted priorities assistance on Form CPA-4415 or NHA-14-53 to build prefabricated houses, panels or sections.

(6) "Housing contractor" means a builder (applicant) who has been directly assigned an HH rating by CPA, FHA or NHA It also includes a general contractor who has been directly authorized by such a builder to use the HH rating for the whole job. It does not include a subcontractor authorized to use the HH rating for a part of the job.

(7) "Distributor" means a person who buys and stocks softwood plywood for resale as plywood at wholesale or retail.

(8) "Cabinet manufacturer" means a person who produces kitchen cabinets for built-in installation in housing.

(9) "Door manufacturer" means a person who consumes softwood plywood in the manufacture of standard house doors.

(10) "Square footage" means measurement on a 3/8" rough basis.

(11) "Certified order" means any order for the delivery of softwood plywood bearing the certificate prescribed in paragraph (j).

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

Plywood Manufacturers

(c) *Plywood manufacturers reserve production.* The following conditions will govern the amount of construction plywood and door plywood, plywood manufacturers shall produce and reserve for certified orders:

(1) Each softwood plywood manufacturer shall reserve in his total over-all production of softwood plywood in square footage for the month of April, 1946, and for each calendar month thereafter, time and supplies sufficient to produce and deliver within such month; (i) at least 45% of his expected monthly production of softwood plywood in the form of construction plywood of which not more than 20% of the construction plywood may be in exterior type; (ii) at least 5% of his expected monthly production of softwood plywood in the form of door plywood, for delivery on certified orders.

The CPA may from time to time change such percentages by amendments published in the FEDERAL REGISTER prior to the first day of any month.

(2) Every plywood manufacturer must hold 60% of his production of construction plywood in square footage in any month for delivery on certified orders. A plywood manufacturer must accept and ship such certified orders in preference to all other orders (except AAA) to the extent that such orders do not require more than 60% of his production of construction plywood for that month. When a plywood manufacturer has accepted certified orders for construction plywood for this amount, he must not accept additional certified orders for construction plywood produced in that month. Any portion of the plywood manufacturer's reserve which is not required to fill certified orders received in the month it was produced, may be sold only on uncertified and unrated (except AAA) orders.

(3) A plywood manufacturer must reserve 40% of his total production of construction plywood in square footage beginning with the month of April, 1946, and for each calendar month thereafter for delivery only on uncertified and unrated orders from distributors.

(4) A plywood manufacturer must hold his reserve production of door plywood in any month for delivery on certified orders from door manufacturers or distributors. He must accept and ship such certified orders in preference to all other orders (except AAA) to the extent that such certified orders do not require more than the monthly reserve production of door plywood. When a plywood manufacturer has accepted certified orders for door plywood for the amount of his reserve production, he must not accept additional certified orders for door plywood produced in that month. Any portion of the plywood manufacturer's reserve of door plywood which is not required to fill certified orders received in the month in which it was produced, may be sold only on uncertified and unrated (except AAA) orders.

Prefabricators and House Trailer Manufacturers

(d) The following provisions tell how prefabricators or house trailer manufacturers may place with a plywood manufacturer or distributor certified orders for construction plywood:

(1) A prefabricator or a house trailer manufacturer may place certified orders with a plywood manufacturer or a distributor for construction plywood in the amount for which he has received priorities assistance on Form CPA-4415, NHA-14-53 or on Form NHA-14-44. A prefabricator or house trailer manufacturer must order, accept delivery and use construction plywood in accordance with the provisions of Direction 8 or Direction 13 to Priorities Regulation 33.

(2) A prefabricator or house trailer manufacturer may not apply or extend an HH rating for construction plywood.

Housing Contractors

(e) *Housing contractors.* The following provisions tell how a housing contractor may place certified orders or HH rated orders with a plywood manufacturer or distributor for contruction plywood.

(1) A housing contractor may apply the HH rating on orders for construction plywood to a distributor, but not to a plywood manufacturer, or a housing contractor purchasing in not less than carload lots, may place certified orders for mill shipment delivery each month starting with the month of April 1946, with a plywood manufacturer or a distributor, in an amount in square footage not in excess of the total construction plywood required to meet his construction schedule for housing for which he has received priorities assistance on Form CPA-4386. A housing contractor may not place HH rated or certified orders for construction plywood except for use in kitchen cabinets and bathroom and kitchen flooring. He may not apply the HH rating or use a certificate for an amount in excess of 300 square feet per house or apartment. If kitchen cabinets are purchased as millwork the total permissible amount of construction plywood must be reduced by the amount of plywood in the cabinets.

(2) A housing contractor must not specify delivery dates (at site or warehouse) on certified orders or HH rated orders, more than 30 days from the time that the construction plywood is needed for incorporation into the housing. Furthermore, the housing contractor must not place certified orders for construction plywood in which is specified a delivery date later than the third calendar month after the time when the purchase order is placed. A housing contractor may place certified orders for construction plywood only to the extent that HH rated orders have not been placed with a distributor.

(3) A housing contractor must use the construction plywood obtained on certified orders or HH rated orders on housing construction for which the HH rating was authorized.

Cabinet Manufacturers

(f) *Cabinet manufacturers.* The following provisions tell how a cabinet manufacturer may obtain authority to place certified orders with a plywood manufacturer or a distributor for construction plywood for use in drawer bottoms of built-in kitchen cabinets and how the cabinets must be sold:

(1) A cabinet manufacturer wishing to place certified orders with a plywood manufacturer or a distributor for construction plywood to be used in the manufacture of drawer bottoms for kitchen cabinets, shall apply to the CPA for authority to place such orders. A cabinet manufacturer must apply

to CPA before May 10, 1946, unless already authorized, for the months of May and June, 1946, and for calendar quarters thereafter must apply at least 20 days before the first day of the quarter, by letter stating: (i) average monthly consumption of construction plywood in drawers for built-in kitchen cabinets in year 1940 (required in first application only); (ii) average anticipated monthly production of kitchen cabinets in units to be produced in the period for which authorization is requested, and (iii) total requirements in 3/8" basis of construction plywood for drawers for built-in kitchen cabinets in item (ii) above. Such application will be processed equitably. A cabinet manufacturer must not specify delivery dates (at plant or warehouse) on certified orders more than 30 days before the time the construction plywood is needed for incorporation into the kitchen cabinet drawers. Furthermore, the cabinet manufacturer must not place certified orders for construction plywood in which is specified a delivery date later than during the third calendar month after the time the purchase order was placed.

(2) Authorizations to cabinet manufacturers will bear a serial number which must be inserted by the cabinet manufacturer in the place provided in the certificate required by paragraph (j) below.

(3) A cabinet manufacturer must use the construction plywood received on certified orders in the production of built-in kitchen cabinets suitable for housing. The cabinets manufactured from the construction plywood must be held for sale as millwork and sold in conformity with paragraph (f) (2) of Direction 1 to PR 33 providing for the sale of millwork.

Door Manufacturers

(g) *Door manufacturers* The following provisions tell how door manufacturers may place with plywood manufacturers or distributors certified orders for door plywood for the manufacture of standard house doors and how the doors must be sold.

(1) A door manufacturer may place certified orders for door plywood for delivery in each month beginning with the month of April, 1946, with the plywood manufacturer or a distributor for an amount in square footage not in excess of 10% of the amount in square footage of door plywood consumed by him in the manufacture of standard house doors in the year 1940

(2) A door manufacturer must use each month, all the door plywood received on certified orders in the manufacture of standard house doors. The doors so manufactured must be held for sale as millwork and sold in conformity with paragraph (f) (2) of Direction 1 to PR 33 providing for the sale of millwork.

Distributors

(h) *Distributors.* The following provisions tell how distributors may place orders for construction plywood, and how the construction plywood may be sold:

(1) A distributor may place uncertified and unrated orders for delivery each month for construction plywood with a plywood manufacturer. Every distributor must reserve 75% of the construction plywood received in any month for delivery on certified and rated orders. A distributor must accept all certified and rated orders which are received before the end of the month up to the reserve quantities regardless of whether such orders call for delivery within that month. A distributor, however, may not accept for delivery in any month orders rated MM for more construction plywood than 5% of the quantity reserved in that month. In addition, he must not accept certified or rated orders (except AAA) for construction plywood for a quantity in excess of the reserve. Any construction plywood which a distributor is not required to reserve, and any construction plywood in the reserve for which certified and rated orders are not received during the month, may be delivered by a distributor only on uncertified and unrated (except AAA) orders.

(2) A distributor who has received a certified order for construction or door plywood may place the certified order with a plywood manufacturer to get the construction or door plywood which will be delivered direct to consumer subject to the applicable inventory regulations. A distributor may not place a certified order with a producer for replacement of inventory

(i) *Newcomers.* (1) A person who in the year 1940 was not established as a cabinet manufacturer or a door manufacturer, and who wants to place monthly certified orders for construction plywood for use in kitchen cabinets or for door plywood for use in standard house doors, may apply to CPA for authorization to place certified orders for a calendar quarter. Authorization will be issued on a quarterly basis and application by letter must be filed at least 10 days before the first day of the calendar quarter for which authorization is asked. The letter should state: (i) location of plant; (ii) amount of equipment and its production capacity to manufacture kitchen cabinets or house doors; (iii) line of kitchen cabinets to be produced; (iv) anticipated monthly production of house doors or kitchen cabinets in which plywood is required; (v) total requirements on a 3/8" basis of plywood for house doors or kitchen cabinets for the next current quarter. Such application will be processed in an equitable manner.

(2) A person receiving authorization to place a certified order under paragraph (i) (1) above, must hold kitchen cabinets or doors manufactured for sale in conformity with the provisions of paragraph (f) (3) and (g) (2) above, respectively.

Certification

(j) *General provisions.* An order for construction plywood may only be certified by endorsing or attaching one of the following forms of certificate on the purchase order, sales ticket or other order calling for the delivery of construction plywood. Certificates must be signed manually or as explained in PR 7. However, the standard form described in that regulation cannot be used in place of the certificates described in this direction. The certification required by this direction cannot be waived under paragraph (f) of PR 7. The Serial Number must be inserted by all persons permitted to place certified orders except door manufacturers in the place provided in the certificate. An order bearing a certification without a Serial Number where required must be treated as an uncertified and unrated order.

Manufacturers and distributors who place certified orders calling for delivery of construction plywood or door plywood must use the certificate reading substantially as follows:

"The undersigned certifies to the supplier and to the CPA that he is a _____ (prefabricator, house trailer manufacturer, housing contractor, cabinet manufacturer, door manufacturer or distributor) and that the quantities of construction plywood or door plywood covered by this order (together with all other certified orders placed with this or other suppliers for construction plywood or door plywood for delivery in the months specified in this order) do not exceed the amount he has been allowed under Direction 1A of PR 33 with the provisions of which he is familiar.

Dated_____

Serial Number_____ _____

Signature

Miscellaneous

(k) *Miscellaneous.* The following provisions generally affecting plywood manufacturers, prefabricators housing contractors, cabinet manufacturers, door manufacturers, house trailer manufacturers and distributors should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this direction are subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 as if they were rated orders. The order of precedence where orders are received by distributors, cabinet manufacturers and door manufacturers is (subject to any provision of this direction limiting the quantity of orders that need be accepted) as follows: (i) AAA; (ii) MM; (iii) CC, HH and certified orders which are of equal value.

(2) *Applicability of regulations.* Except as otherwise required by this direction Priorities Regulations 1 and 3 govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed.

(3) *Extension of rated orders.* Ratings (except AAA) may not be applied or extended to a plywood manufacturer for construction or door plywood. However, any person who has received a rated order for the delivery of construction or door plywood may extend the rating to his suppliers (except to a plywood manufacturer) to get plywood which he will deliver on that order subject to applicable inventory regulations. If a person has made delivery of construction or door plywood on a rated order, he may extend the rating to his suppliers (except to a plywood manufacturer) to replace the amount in his inventory subject to the applicable inventory regulations. A millwork manufacturer who has received a rated order (except AAA) for millwork or who has delivered millwork on a rating (except AAA), may not extend the rating (except AAA), for construction or door plywood for incorporation into millwork. These rules supersede paragraphs (d) and (d-1) of Priorities Regulation 3 on the extension of ratings.

(4) *Violations.* Any person who willfully violates any provisions of this direction, 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.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency, through which the Civilian Production Administration may distribute plywood, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Appeals.* Any appeal from the provisions of this direction shall be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: Direction A to PR 33 stating the particular provision appealed from and stating fully the grounds for the appeal.

(7) *Communications.* All communications unless otherwise directed must be ad-

dressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(8) *Directives.* The Civilian Production Administration may issue directives to plywood manufacturers, cabinet manufacturers, door manufacturers or distributors to set aside specific quantities or percentages of production or shipments for persons placing certified or rated orders. CPA may also allocate the production or shipments to specified persons for specified uses and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any person of particular items of softwood plywood, cabinets, or doors. Directives according to their terms supersede any preference rating or certification assigned to particular purchase orders or contracts. They may be issued for the satisfaction of Veterans' Emergency Housing Programs and essential civilian requirements, including Temporary Re-use Housing under Direction 11 to PR 33, and in order to carry out more fully the purpose of this direction.

Issued this 11th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revoked 9-1-46.

Dir. 2 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

JULY 8, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 2, as Amended July 8, 1946]

USE OF HH RATINGS FOR PLUMBING FIXTURES IN THE VETERANS' EMERGENCY HOUSING PROGRAM

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of building materials and building supplies 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.

(a) *Purpose of this direction.* Priorities Regulation 33 provides for the assignment to builders of preference ratings to secure materials, listed on Schedule A of that regulation, which are required for use in the Veterans' Emergency Housing Program. Among these items are plumbing fixtures. This direction explains under what circumstances orders bearing HH ratings for plumbing fixtures must be accepted and also what the restrictions are in connection with the sale of plumbing fixtures by producers, distributors and jobbers.

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

(1) "Producer" means a person owning or operating facilities in which plumbing fixtures are manufactured.

(2) "Distributor or jobber" means a person who buys plumbing fixtures from a producer for resale. If a producer owns and operates factory branch sales offices other than his central factory sales office, such offices shall be considered to be distributors.

(3) "Plumbing fixtures" means, unless otherwise specified, plumbing fixtures of the following types, in residential-design models only: bathtubs, lavatories, kitchen sinks (including sink-and-tray combinations), and water closets (1-piece combinations, bowls, tanks).

(c) *Prohibition on extension of HH ratings by distributors.* A distributor or jobber who receives an HH rated order for plumbing fixtures shall not extend the rating.

(d) *Use of HH rating by plumbing contractor and dealer.* A plumbing contractor, plumbing dealer or other person who has been authorized to use an HH rating in accordance with paragraph (d) of Priorities Regulation 33, may use the rating to get plumbing fixtures, subject to the provisions of that regulation.

(e) *Handling of HH rated orders by producers.* A producer who sells plumbing fixtures only to distributors, jobbers or manufacturers of pre-fabricated housing need not accept an HH rated order for plumbing fixtures. This is the general rule. But a producer who sells any portion of his production to persons other than distributors, jobbers or manufacturers of pre-fabricated housing must sell that portion according to the following rule: Commencing July 1, 1946, at least 60% of the quantity of each type of plumbing fixture sold or delivered by the producer, during any month, to persons other than distributors, jobbers or manufacturers of pre-fabricated housing must be sold or delivered on HH rated orders.

(f) *Set-asides by jobbers or distributors.* (1) An adequate reserve stock of plumbing fixtures must be maintained by distributors and jobbers to fill orders bearing HH ratings. Consequently, a distributor or jobber must set aside and reserve for a period of twenty-one days, to fill orders bearing HH ratings, not less than 60% of each type of plumbing fixture in each shipment received by him from the producer.. Direct shipments from a producer to a customer of a distributor or jobber for the account of the latter shall be considered as shipments to, and deliveries by, the distributor or jobber. Until the end of each such twenty-one day period, referred to above, a distributor or jobber must accept all HH rated orders up to the reserved quantity regardless of whether such orders call for delivery within the twenty-one day period, but he need not accept HH rated orders for plumbing fixtures in excess of the reserved quantity.

(2) Any plumbing fixtures which the distributor or jobber is not required to set aside, and any plumbing fixtures in the set-aside for which HH ratings are not received in the set-aside period, may be disposed of without regard to HH ratings. Orders rated AAA, MM or CC must be filled from this balance in that order of preference in accordance with Priorities Regulation 1. A distributor or jobber may not refuse to accept an HH rated order on the ground that he has no plumbing fixtures in stock, but he must accept the order for delivery out of the 60% set-aside of a later shipment from the producer.

(g) *Calculation basis.* Quantities of plumbing fixtures shall be figured in numbers of units, with separate computation for each general type of plumbing fixture (i. e., bathtubs, lavatories, kitchen sinks (all kinds), water closets (all kinds).

NOTE: Paragraph (h), formerly (g), redesignated July 8, 1946.

(h) *This direction not applicable to AAA ratings.* Nothing in this direction affects AAA rated orders.

Issued this 8th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary

Revoked 9-1-46

Dir. 3 to PR 33

JUNE 5, 1946

[As amended]

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 33, Direction 3 as Amended June 5, 1946]

USE OF HH RATINGS FOR RADIATION FOR USE IN THE VETERANS' EMERGENCY HOUSING PROGRAM

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of building materials and building supplies 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.

(a) *Purpose of this direction.* Priorities Regulation 33 provides for the assignment to builders of preference ratings to secure materials, listed on Schedule A of that regulation, which are required for use in the Veterans' Emergency Housing Program. Among these items is radiation. This direction explains under what circumstances orders bearing HH ratings for radiation must be accepted and also what the restrictions are in connection with the sale of radiation by producers, distributors and jobbers.

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

(1) "Producer" means a person owning or operating facilities in which radiation is manufactured.

(2) "Distributor" or "jobber" means a person who buys radiation from a producer for resale. If a producer owns and operates factory branch sales offices other than his central factory sales office, such offices shall be considered to be distributors.

(3) "Radiation" means, unless otherwise specified, cast iron radiation (tubular and convector types) and extended surface convector radiation (consisting of a heating element of tube and fin construction). Any accompanying metal enclosures and grilles are included.

(c) *Prohibition on extension of HH ratings by distributors.* A distributor or jobber who receives an HH rated order for radiation shall not extend the rating.

(d) *Use of HH rating by heating contractor and dealer.* A heating contractor, heating dealer or other person who has been authorized to use an HH rating in accordance with paragraph (d) of Priorities Regulation 33, may use the rating to get radiation, subject to the provisions of that regulation.

(e) *Handling of HH rated orders by producers.* A producer who sells radiation only to distributors, jobbers or manufacturers of pre-fabricated housing need not accept an HH rated order for radiation. This is the general rule. But a producer who sells any portion of his production to persons other than distributors, jobbers or manufacturers of pre-fabricated housing must sell that portion according to the following rule: After February 1, 1946, for cast iron radiation and after June 9, 1946, for extended surface convector rad ation, at least 70% of all radiation sold or delivered by the producer to persons other than distributors, jobbers or manufacturers of pre-fabricated housing must be sold or delivered on HH rated orders.

(f) *Set-asides by jobbers or distributors.* (1) An adequate reserve stock of radiation must be maintained by distributors and jobbers to fill orders bearing HH ratings. Consequently, a distributor or jobber must set aside and reserve for a period of twenty-one days, to fill orders bearing HH ratings, not less than 70% of the radiation in each shipment received by him from the producer. Direct shipments from a producer to a customer of a distributor or jobber for the account of the latter shall be considered as shipments to, and deliveries by, the distributor or jobber. Until the end of each such twenty-one day period, referred to above, he must accept all HH rated orders up to the reserved quantity regardless of whether such orders call for delivery within the twenty-one day period, but he need not accept HH rated orders for radiation in excess of the reserved quantity.

(2) Any radiation which the distributor or jobber is not required to set aside, and any radiation in the set-aside for which HH ratings are not received in the set-aside period, may be disposed of without regard to HH ratings. Orders rated AAA, MM, or CC must be filled from this balance in that order of preference in accordance with Priorities Regulation 1. A distributor or jobber may not refuse to accept an HH rated order on the ground that he has no radiation in stock, but he must accept the order for delivery out of the 70% set-aside of a later shipment from the producer.

(g) *Calculation basis.* Calculations of quantities of radiation required by this direction shall ordinarily be on the basis of square feet of heating surface (as rated by the producer). However, where a producer delivers, or a distributor or jobber receives, extended surface convector heating elements without enclosures, the calculations as to these elements shall be on the basis of the producer's billing price to distributors or jobbers.

(h) *This direction not applicable to AAA ratings.* Nothing in this direction affects AAA rated orders.

Issued this 5th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revoked 9-1-46

Dir. 4 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

JAN. 18, 1946

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

[Priorities Reg. 33, Direction 4]

USE OF HH RATINGS FOR CAST IRON SOIL PIPE FOR USE IN THE RECONVERSION HOUSING PROGRAM

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of building materials and building supplies 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.

(a) *Purpose of this direction.* Priorities Regulation 33 provides for the assignment to builders of preference ratings to secure materials, listed on Schedule A of that regulation, which are required for use in the Reconversion Housing Program. Among these items is cast iron soil pipe. This direction explains under what circumstances orders bearing HH ratings for cast iron soil pipe must be accepted and also what the restrictions are in connection with the sale of cast iron soil pipe by producers, distributors and jobbers.

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

(1) "Producer" means a person owning or operating facilities in which cast iron soil pipe is manufactured.

(2) "Soil pipe" means cast iron soil pipe and fittings.

(3) "Distributor or jobber" means a person who buys cast iron soil pipe from a producer for resale. If a producer owns and operates factory branch sales offices other than his central factory sales office, such offices shall be considered to be distributors.

(c) *Prohibition on extension of HH ratings by distributors.* A distributor or jobber who receives an HH rated order for cast iron soil pipe shall not extend the rating.

(d) *Use of HH rating by plumbing contractor and dealer.* A plumbing contractor, plumbing dealer or other person who has been authorized to use an HH rating in accordance with paragraph (d) of Priorities Regulation 33, may use the rating to get soil pipe, subject to the provisions of that regulation.

(e) *Handling of HH rated orders by producers.* A producer who sells soil pipe only to distributors, jobbers or manufacturers of pre-fabricated housing need not accept an HH rated order for soil pipe. This is the general rule. But a producer who sells any portion of his production to persons other than distributors, jobbers or manufacturers of pre-fabricated housing must sell that portion according to the following rule: Commencing February 1, 1946, at least 60% of all soil pipe sold or delivered by the producer to persons other than distributors, jobbers or manufacturers of pre-fabricated housing must be sold or delivered on HH rated orders. Thus, a producer shall not sell or deliver more soil pipe to such persons on other than HH rated orders than two-thirds of the quantity of soil pipe he has sold or delivered on HH rated orders since February 1, 1946.

(f) *Set-asides by jobbers or distributors.* An adequate reserve stock of soil pipe must be maintained by distributors and jobbers to fill orders bearing HH ratings. Consequently, on February 1, 1946, a distributor or jobber must set aside and reserve for a period of twenty-one days, to fill orders bearing HH ratings, not less than 60% of his soil pipe inventory on that date. After February 1, 1946, a distributor or jobber must further set aside and reserve for a period of twenty-one days, to fill orders bearing HH ratings, not less than 60% of the soil pipe in each shipment received by him from the producer. Until the end of each such twenty-one day period, referred to above, he must accept all HH rated orders up to the reserved quantity regardless of whether such orders call for delivery within the twenty-one day period, but he need not accept HH rated orders for soil pipe in excess of the reserved quantity.

Any soil pipe which the distributor or jobber is not required to set aside, and any soil pipe in the set-aside for which HH ratings are not received in the set-aside period, may be disposed of without regard to HH ratings. Orders rated AAA, MM, or CC must be filled from this balance in that order of preference in accordance with Priorities Regulation 1. A distributor or jobber may not refuse to accept an HH rated order on the ground that he has no soil pipe in stock, but he must accept the order for delivery out of the 60% set-aside of a later shipment from the producer.

(g) *Calculations on basis of producer's billing price.* Calculations of quantities of soil pipe shall be made on the basis of the producer's billing price to distributors or jobbers.

(h) *This Direction not applicale to AAA ratings.* Nothing in this Direction affects AAA rated orders.

Issued this 18th day of January 1946.

CIVILIAN PRODUCTION AMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 8-28-46

Dir. 5 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

APR. 29, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 5, as Amended Apr. 29, 1946]

GYPSUM BOARD AND GYPSUM LATH

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

(a) *Purpose of this direction.* Priorities Regulation 33 provides for the assignment to builders of HH preference ratings to secure materials, listed on Schedule A of that regulation, which are required for use in the Veterans' Emergency Housing Program. Among these are gypsum board and gypsum lath. This direction explains the use of HH rating and also what the restrictions are in connection with the sale of gypsum board and gypsum lath by producers and dealers.

In order to meet the Veterans' Emergency Housing Program and the needs of other essential construction it is necessary to increase the production of many building materials including gypsum board and gypsum lath, and to do this increased tonnage of gypsum liner must be made available to producers of gypsum board and lath. This direction makes provision for directives to be issued by the Civilian Production Administration from time to time for the purpose of securing the production and delivery of gypsum liner for the manufacture of gypsum board and gypsum lath.

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

(1) "Gypsum board" means only those products made from gypsum and commonly referred to in the building trade as wall board, long board, wide board, laminated board or sheathing. The term does not include precast reinforced gypsum roof plank.

(2) "Gypsum lath" means the gypsum product made especially for use as a plaster base.

(3) "Producer" means a person owning or operating facilities in which gypsum board or gypsum lath are manufactured.

(4) "Dealer" means a person who buys gypsum board or gypsum lath from a producer or other person for resale as such.

(c) *HH ratings are not extendible.* A dealer who receives an HH rated order for gypsum board or gypsum lath shall not extend the rating.

(d) *Handling of HH rated orders by producers.* A producer need not accept any HH rated orders for gypsum board or gypsum lath. This is the general rule. But a producer who sells any portion of his production directly to persons other than dealers or manufacturers of pre-fabricated housing must sell that portion according to the following rule: Beginning February 1, 1946, at least two-thirds of all gypsum board and gypsum lath (calculated on a combined square footage basis) sold by the producer to persons other than dealers or manufacturers of pre-fabricated housing, must be sold on HH or AAA rated orders. Thus a producer shall not sell or deliver more gypsum board or gypsum lath to such persons on other than HH rated orders than one-half of the quantity he has sold or delivered on HH or AAA rated orders since February 1, 1946.

(e) *Maximum amounts dealers need to sell on HH rated orders.* Dealers must accept and fill rated orders (AAA, MM, CC, and HH) for gypsum board or gypsum lath in accordance with the provisions of Priorities Regulation 1, except that no dealer is required to accept HH rated orders for more than two-thirds of all gypsum board and gypsum lath (calculated on a combined square footage basis) sold or delivered by him since February 1, 1946. Direct shipments from a producer to a user for a dealer's account shall be considered as deliveries by the dealer. Sales or deliveries by dealers to other dealers shall not be considered as sales or deliveries for the purposes of this paragraph. A dealer may not reject an HH rated order which he is not required to fill under the above rule, but must promptly notify his customer approximately when he expects to fill the order out of later shipments.

(f) *Directives for gypsum liner.* The Civilian Production Administration, in order to increase the production of gypsum board and gypsum lath, may issue directives from time to time to the manufacturers of boxboard, requiring them to produce specified quantities of gypsum liner and to make delivery to producers of gypsum board and gypsum lath. The production of gypsum liner covered by the directives will be distributed among the boxboard mills in as equitable a manner as is possible taking into account the following:

(1) The facilities of all mills in the boxboard field which can produce either creamfaced, greyback or lath board and which have suitable machines and roll equipment for the production of liner of the basic weight required.

(2) From the total tonnage of gypsum liner needed to produce the required tonnage of gypsum board and lath for housing and other essential construction, including maintenance and repair, there will be deducted the tonnage of gypsum liner being produced by the regular suppliers for the gypsum board and lath producers. The additional tonnage of gypsum liner necessary to meet the requirements for gypsum board and gypsum lath will be spread through the means of directives among the boxboard mills on an approximate percentage basis of their production, calculated on the boxboard and miscellaneous board produced by them during the first three months of 1946.

(g) *Appeals.* (1) Any appeal from the provisions of this direction should be made by mailing a letter in triplicate to the Civilian Production Administration, Washington 25, D. C., Ref: PR-33, Direction 5, stating the particular provision appealed from and stating fully the grounds for the appeal.

(2) If an appeal from a directive issued under paragraph (f) is to be made on the ground that compliance with the action will result in production at a loss, an application for price relief on that ground must first be filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy filed with the appeal. If the Civilian Production Administration appeal is granted, the directive for increases above current production will be suspended until the decision of the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

Issued this 29th day of April 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 17949C—p. 1

SUBJECT: Direction 5 to PR-33, Amended 8-28-46 1/
Gypsum Board and Gypsum Lath

The issuance of Schedule B to PR-33, which established an 85% set-aside for gypsum board and lath, takes the place of previous provisions in Direction 5, necessitating this amendment thereto.

This Direction, which does not affect FPHA priorities operations, makes provisions for directives to be issued by CPA for the purpose of securing the production and delivery of gypsum liner for the manufacture of gypsum board and gypsum lath.

1/ Supersedes Direction 5 to PR-33, dated 4-29-46.

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

[Priorities Reg. 33, Direction 5, as Amended Aug. 28, 1946]

GYPSUM BOARD AND GYPSUM LATH

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

NOTE: The first subparagraph of paragraph (a) deleted Aug. 28, 1946.

(a) *Purpose of this direction.* In order to meet the Veterans' Emergency Housing Program and the needs of other essential construction it is necessary to increase the production of many building materials including gypsum board and gypsum lath, and to do this increased tonnage of gypsum liner must be made available to producers of gypsum board and lath. This direction makes provision for directives to be issued by the Civilian Production Administration from time to time for the purpose of securing the production and delivery of gypsum liner for the manufacture of gypsum board and gypsum lath.

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

(1 "Gypsum board" means only those products made from gypsum and commonly referred to in the building trade as wall board, long board, wide board, laminated board or sheathing. The term does not include precast reinforced gypsum roof plank.

(2) "Gypsum lath" means the gypsum product made especially for use as a plaster base.

(3) "Producer" means a person owning or operating facilities in which gypsum board or gypsum lath are manufactured.

(4) [Deleted Aug. 28, 1946.]

NOTE: Former paragraphs (c), (d) and (e) deleted and former paragraphs (f) and (g) redesignated (c) and (d) on Aug. 28, 1946.

(c) *Directives for gypsum liner.* The Civilian Production Administration, in order to increase the production of gypsum board and gypsum lath, may issue directives from time to time to the manufacturers of boxboard, requiring them to produce specified quantities of gypsum liner and to make delivery to producers of gypsum board and gypsum lath. The production of gypsum liner covered by the directives will be distributed among the boxboard mills in as equitable a manner as is possible taking into account the following:

(1) The facilities of all mills in the boxboard field which can produce either creamfaced, greyback or lath board and which have suitable machines and roll equipment for the production of liner of the basic weight required.

(2) From the total tonnage of gypsum liner needed to produce the required tonnage of gypsum board and lath for housing and other essential construction, including maintenance and repair, there will be deducted the tonnage of gypsum liner being produced by the regular suppliers for the gypsum board and lath producers. The additional tonnage of gypsum liner necessary to meet the requirements for gypsum board and gypsum lath will be spread through the means of directives among the boxboard mills on an approximate percentage basis of their production, calculated on the boxboard and miscellaneous board produced by them during the first three months of 1946.

(d) *Appeals.* (1) Any appeal from the provisions of this direction should be made by mailing a letter in triplicate to the Civilian Production Administration, Washington 25, D. C., Ref: PR–33, Direction 5, stating the particular provision appealed from and stating fully the grounds for the appeal.

(2) If an appeal from a directive issued under paragraph (c) is to be made on the ground that compliance with the action will result in production at a loss, an application for price relief on that ground must first be filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy filed with the appeal. If the Civilian Production Administration appeal is granted, the directive for increases above current production will be suspended until the decision of the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revoked 9-1-46

Dir. 6 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

JUNE 26, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 6, as Amended June 26, 1946]

USE OF HH RATINGS FOR COMMON AND FACE BRICK AND COMMON AND FACE STRUCTURAL TILE IN THE VETERANS' EMERGENCY HOUSING PROGRAM

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

(a) *Purpose of this direction.* Priorities Regulation 33 provides for the assignment to builders of HH preference ratings to secure materials listed on Schedule A of that regulation, which are required for use in the Veterans' Emergency Housing Program. Among these are common and face brick and common and face structural tile. This direction explains the use of the HH rating and also what the restrictions are in connection with the shipment of brick and tile by producers and dealers.

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

(1) "Brick" means common and face clay brick of any size or type. Refractory brick is not included.

(2) "Tile" means common and face structural tile.

(3) "Producer" means a person owning or operating facilities in which brick or tile are manufactured.

(4) "Dealer" means a person who buys brick or tile for resale as such.

(c) *Extendibility of HH ratings.* A person, other than a producer, who receives an HH rated order for brick or tile may extend the rating to get the brick or tile which he will deliver on that order. A producer who receives an HH rated order for brick or tile may not extend the rating.

(d) *Producers to ship 60% of production against HH orders.* (1) A producer must accept and fill rated orders (AAA, MM, CC and HH) for brick and tile in accordance with the provisions of Priorities Regulation 1, subject to the following rule: A producer must accept during any calendar month, in preference to all other rated orders, except AAA, all HH rated orders which he receives before the 20th day of the month calling for shipment during that month up to 60% of his scheduled production of brick and 60% of his scheduled production of tile for that month. No producer, however, is required to accept HH rated orders for more than this percentage of his production of brick or tile in any month. This Direction does not require any set-aside of brick or tile by a producer.

(2) If an HH rated order is received after the 20th day of the month in which shipment is required, or if at least 60% of that month's scheduled production has been shipped or is scheduled for shipment on HH orders, then the producer need not accept the HH order. But he must promptly notify his customer telling him approximately when he could make the shipment, based on the requirement of paragraph (d) (1) above.

(e) *Producers and dealers may refuse HH orders from purchasers outside their areas.* A producer or dealer may refuse to accept an order for brick or tile bearing an HH rating offered to him for use on Veterans' Emergency Housing projects in any area to which he has not delivered brick or tile in the five years preceding receipt of that order. A new producer or dealer may not apply this basis for refusal to accept HH rated orders for use in his local trading area.

(f) *Dealers' handling of HH rated orders.* A dealer must accept and fill rated orders (AAA, MM, CC and HH) for brick and tile in accordance with Priorities Regulation 1. However, if he receives a supply of brick or tile for which he did not extend ratings and if he places that supply in his yard inventory, he need not use more than 20% of that supply to fill HH rated orders. HH ratings on orders filled from that supply must not be extended by the dealer to get replacements.

(g) *Exclusive sales arrangements.* A producer who has an arrangement, made before June 26, 1946, for the sale of all, or substantially all, of his production of brick or tile to a single dealer, may sell pursuant to that arrangement and without regard to paragraph (d) of this direction. However, in such a case, the dealer becomes subject to the producers' provisions in this direction, just as if he were a producer.

(h) *Calculations of quantities.* Quantities of brick should be figured in thousands. Quantities of tile should be figured in short tons.

Issued this 26th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revised 9-1-46

Dir. 7 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

JUNE 26, 1946
[As Amended]
Corrected Copy

Corrected Copy

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

[Priorities Reg. 33, Direction 7, as Amended June 26, 1946]

USE OF HH RATINGS FOR CONCRETE BLOCKS IN THE VETERANS' EMERGENCY HOUSING PROGRAM

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of building materials and building supplies for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense.

(a) *Purpose of this direction.* Priorities Regulation 33 provides for the assignment to builders of HH preference ratings to secure materials listed on Schedule A of that regulation, which are required for use in the Veterans' Emergency Housing Program. Among these are concrete blocks. This direction explains the use of the HH rating and also what the restrictions are in connection with the shipment of concrete blocks by producers and dealers.

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

(1) "Producer" means a person owning or operating facilities in which concrete blocks are manufactured.

(2) "Dealer" means a person who buys concrete blocks for resale as such

NOTE: Subparagraph (3) formerly subparagraph (2) redesignated June 26, 1946.

(3) "Concrete blocks" means light weight and heavy weight aggregate concrete blocks. Light weight aggregate includes such materials as cinders, burned clay or shale, and blast furnace slag. Heavy weight aggregate includes such materials as sand, gravel, and crushed stone.

(c) *Extendibility of HH ratings.* A person, other than a producer, who receives an HH rated order for concrete blocks may extend the rating to get the concrete blocks which he will deliver on that order. A producer who receives an HH rated order for concrete blocks may not extend the rating.

(d) *Producers to ship 60% of production against HH orders.* (1) A producer must accept and fill rated orders (AAA, MM, CC and HH) for concrete blocks in accordance with the provisions of Priorities Regulation 1, subject to the following rule: A producer must accept during any calendar month, in preference to all other rated orders, except AAA, all HH rated orders which he receives before the 20th day of the month calling for shipment during that month up to 60% of his scheduled production of concrete blocks for that month. No producer, however, is required to accept HH rated orders for more than this percentage of his production of concrete blocks in any month. This direction does not require any set-aside of concrete blocks by a producer.

(2) If an HH rated order is received after the 20th day of the month in which shipment is required, or if at least 60% of that month's scheduled production has been shipped or is scheduled for shipment on HH orders, then the producer need not accept the HH order. But he must promptly notify his customer telling him approximately when he could make the shipment, based on the requirement of paragraph (d) (1) above.

(e) *Producers and dealers may refuse HH orders from purchasers outside their areas.* A producer or dealer may refuse to accept an order for concrete blocks bearing an HH rating offered to him for use on Veterans' Emergency Housing projects in any area to which he has not delivered concrete blocks in the five years preceding receipt of that order. A new producer or dealer may not apply this basis for refusal to accept HH rated orders for use in his local trading area.

(f) *Dealers' handling of HH rated orders.* A dealer must accept and fill rated orders (AAA, MM, CC and HH) for concrete blocks in accordance with Priorities Regulation 1. However, if he receives a supply of concrete blocks for which he did not extend ratings and if he places that supply in his yard inventory, he need not use more than 20% of that supply to fill HH rated orders. HH ratings on orders filled from that supply must not be extended by the dealer to get replacements.

(g) *Exclusive sales arrangements.* A producer who has an arrangement, made before June 26, 1946, for the sale of all, or substantially all, of his production of concrete blocks to a single dealer, may sell pursuant to that arrangement and without regard to paragraph (d) of this direction. However, in such a case, the dealer becomes subject to the producers' provisions in this direction, just as if he were a producer.

(h) *Calculations of quantities.* Quantities of concrete blocks should be figured in thousands (8 x 8 x 16 equivalent).

Issued this 26th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 8-27-46

Dir. 8 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

MAY 8, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 8, as Amended May 8, 1946]

PREFABRICATED HOUSING UNDER THE VETERANS' EMERGENCY HOUSING PROGRAM

(a) *What this direction does.* This direction explains how manufacturers of prefabricated houses, sections or panels, called prefabricators in this direction, may get HH ratings for certain materials to be used in the manufacture and erection of prefabricated housing under the Veterans' Emergency Housing Program.

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

(1) "Prefabricated house" means a house which is manufactured in a factory, is transported without being taken apart, and will be ready for occupancy when placed on a foundation and connected with required utility services. The term "prefabricated house" does not include house trailers.

(2) "Prefabricated section" means a section of a house which is manufactured in a factory, is transported without being taken apart, and will be ready for use when attached to another section or other sections of a house, or used in combination with prefabricated panels or conventionally constructed elements or both, placed on a foundation and connected with public utility services.

(3) "Prefabricated panel" means any floor wall, partition, ceiling, roof or truss panel which is manufactured in a factory in such a fashion that it may be erected, in combination with other prefabricated panels or sections of a house, or in combination with conventionally constructed elements to produce housing accommodations. Prefabricated panels may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(4) The terms "prefabricated panel" and "prefabricated section" do not include: (i) fabricated structural steel such as columns, beams, or trusses, (ii) millwork as defined in Direction 1 to Priorities Regulation 33, (iii) items of furniture and equipment not to be permanently attached to and made a part of a house or, (iv) building materials cut to size and shape for assembly at the site (unless delivered by the prefabricator as part of the prefabricated-unit package he supplies. See paragraph (f) (1) below for restrictions on materials for packages.)

(c) *Prefabricators' application for priorities assistance*—(1) *General.* A prefabricator may apply on Form CPA-4415 for priorities assistance in getting materials on List 1 to this direction for use in manufacturing prefabricated houses, sections, and panels, or for inclusion in prefabricated-unit packages (to the extent permitted by paragraph (f) (1) below). Priorities assistance will be in the form of authority to use an HH rating or to place certified orders for these materials. Such assistance will be granted, on these applications, only for quantities of materials which are likely to be fully used in prefabricated housing authorized under the Veterans' Emergency Housing Program. Authorizations are given on this form for materials for a particular quarter together with an advance authorization for a percentage of requirements for the next quarter. The advance authorization will enable the prefabricator to place purchase orders for that next quarter before the receipt of his authorization for that quarter, subject to the provisions of paragraph (d) (5) below.

(2) *Third-quarter applications.* Third-quarter applications must be filed with the National Housing Agency, Washington 25, D. C., by May 24, 1946. The applications are to be made on the form CPA-4415 printed for that quarter, which may be obtained from the National Housing Agency.

(3) *Second-quarter applications.* Second-quarter interim applications should be filed with the Civilian Production Administration, Washington 25, D. C. Unless otherwise provided, third-quarter advance authorizations issued by the Civilian Production Administration in connection with approved second-quarter applications will continue effective until superseded by authorizations issued on applications filed under paragraph (c) (2) above.

(d) *Use of HH ratings and certified orders by prefabricators.* (1) A prefabricator must not extend an HH rating which he receives from his customers.

(2) A prefabricator to whom an HH rating is assigned on Form CPA-4415 under this direction may use it only to get the quantities of the materials approved on the application (except that the HH rating may not be used to get materials covered by paragraph (4) below). The HH rating may be applied to a purchase order only by placing on the order the following certificate (the certificates set forth in Priorities Regulations 3 and 7 may not be substituted for this certificate).

Veterans' Emergency Housing Program
Prefabricated Housing
Serial #------

Rating: HH

I certify to the Civilian Production Administration that the materials covered by this order will be used only in prefabricated units being manufactured under the Veterans' Emergency Housing Program and that I will sell the completed units only on orders rated HH under Priorities Regulation 33.

Manufacturer

(3) A prefabricator who has been granted priorities assistance on Form CPA-4415 may use an HH rating to get his approved quantity of List 1 materials (except lumber, millwork, hardwood flooring and construction plywood, all of which are covered by paragraph (4) below) from distributors, jobbers, or dealers under applicable directions to Priorities Regulation 33 covering the particular materials. A prefabricator, however, shall not use an HH rating to get any of these materials directly from producers unless the direction applicable to that material expressly states that he may do so.

(4) A prefabricator whose application on Form CPA-4415 is approved may place certified orders for the approved quantities of lumber, millwork, hardwood flooring and construction plywood in accordance with Direction 1 and Direction 1A to Priorities Regulation 33.

(5) The prefabricator must not specify delivery dates (delivery at his plant or warehouse) on HH rated or certified purchase orders for materials more than 30 days before the time they are to be incorporated in the prefabricated house, section or panel. Furthermore, the prefabricator must not place HH rated or certified purchase orders for materials in which delivery is specified later than during the third calendar month after the time when the purchase order is placed.

(e) *Extendability of HH ratings by dealers.* A person (other than a prefabricator) who receives an HH rated order for a prefabricated house, section or panel, may extend the HH rating to a prefabricator to get the prefabricated house, section or panel which he will deliver on the HH order.

(f) *Sales by prefabricators and use of materials.* (1) *Use of materials.* In accordance with Priorities Regulation 1, materials obtained by a prefabricator with the use of an HH rating or a certified order must, if possible, be used by him for the following purposes only: for incorporation into prefabricated houses, sections, or panels; or (with the exception of construction plywood and gypsum lath) for shipment as a minor part of a prefabricated-unit package, if needed for assembly of the rest of the package.

(2) *Sales.* A prefabricator must not sell any prefabricated house, section, panel, or package, in which materials obtained with an HH rating or by means of a certified order under Direction 1 or Direction 1A to Priorities Regulation 33 have been incorporated, except on an order rated HH.

(g) *Application by builders under Priorities Regulation 33.* A veteran of World War II or other builder who wishes to erect a prefabricated house, section or panel (including a prefabricator who erects the building himself) to produce housing accommodations may apply for an HH rating under Priorities Regulation 33 and his application will be processed in the usual fashion. If approved, the builder will be subject to all the requirements of Priorities Regulation 33 including the restrictions on sales price, rents and preference to veterans. When the application is approved, the builder will be assigned an HH rating which he may use to get the prefabricated house, section or panel and other items from the prefabricator. This rating may be applied in accordance with, and subject to the limitations of Priorities Regulation 33. The builder may also use the HH rating to get the necessary quantities of any other items on Schedule A of Priorities Regulation 33 from a supplier.

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

(i) *Appeals.* Any appeal from the provisions of this direction should be made by letter in triplicate, stating the particular provision appealed from and stating fully the grounds for the appeal. Appeals from the provisions of paragraph (c), or from actions taken under that paragraph by the National Housing Agency, and from the provisions of paragraph (f) (2) should be mailed to the National Housing Agency, Washington 25, D. C., Ref: Direction 8 to PR 33. All other appeals should be mailed to the Civilian Production Administration, Washington 25, D. C., Ref: Direction 8 to PR 33.

Issued this 8th day of May 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 10-30-46

SUBJECT: Direction 8 to PR-33, Amended 8-22-46 1/
Prefabricated Housing Under the VEHP

This Direction explains the availability of priorities assistance for prefabricated housing. It affects principally the manufacturers and dealers of such housing.

The provisions in paragraph (n) apply to priorities assistance for any public organization or educational institutions whose applications are processed by the FPHA and which involve the use of prefabricated housing, sections or panels.

1/ Supersedes Direction 8 to PR-33, dated 5-8-46.

Superseded 12-16-46

SUBJECT: Direction 8 to PR-33, Amended 10-16-46 1/
Prefabricated Housing Under the VEHP

This Direction explains how prefabricators may get priorities assistance for certain materials to be used in the production of prefabricated houses, sections, panels, or packages. It also explains restrictions on prefabricators' and dealers' sales of such items.

This amendment provides that millwork, as such, cannot be considered as a prefabricated item. The regulation now contains references to the new Order L-358, applicable to softwood plywood, and to HEPR-5. The prohibition against a prefabricator placing an HH-rated order with a producer has been revoked.

The procedure to be followed in obtaining authorization to erect a prefabricated dwelling is further clarifed. The provisions in paragraph (n) are applicable to priorities assistance for any public organization or educational institutions whose applications are processed by the FPHA and which involve the use of prefabricated housing.

1/ Supersedes Direction 8 to PR-33, dated 8-22-46

SUBJECT: Direction 8 to PR-33, Amended 11-19-46 1/
Prefabricated Housing

This Direction explains the rules for and restrictions on the sale of prefabricated houses, sections, panels, or packages. A new regulation, HEPR-6, contains the conditions under which producers can obtain priorities assistance and the right to place certified orders.

Whereas this Direction covers the procurement of prefabricated houses, sections, panels and packages the same as any other items on Schedule A to PR-33 with the HH rating, it further provides that erection of these items, whether by a prefabricator or other builder who thus acquires them is subject to the restrictions of Order VHP-1, and authorization to construct thereunder must be secured by application on form NHA-14-56, which also provides HH priority assistance where eligible.

However paragraph (h) provides that a prefabricator must not extend an HH rating which he receives from a customer, thus he cannot re-use such ratings to apply to purchase orders for production materials.

1/ Supersedes Direction 8 to PR-33, dated 10-16-46.

Superseded 1-20-47

SUBJECT: Direction 8 to PR-33, Amended 12-10-46 1/
Prefabricated Housing

This Direction explains the rules for and restrictions on the sale of prefabricated houses, sections, panels, or packages. A new regulation, HHPR-6, contains the conditions under which producers can obtain priorities assistance and the right to place certified orders.

This revision of Direction 8 amends only paragraph (d), which applies to prefabricators and their use of priorities assistance.

Whereas this Direction covers the procurement of prefabricated houses, sections, panels and packages the same as any other items on Schedule A to PR-33 with the HH rating, it further provides that erection of these items, whether by a prefabricator or other builder who thus acquires them is subject to the restrictions of Order VHP-1, and authorization to construct thereunder must be secured by application on Form NHA-14-56, which also provides HH priority assistance where eligible.

Paragraph (h) provides that a prefabricator must not extend an HH rating which he receives from a customer, thus he cannot re-use such ratings to apply to purchase orders for production materials.

1/ Supersedes Direction 8 to PR-33, dated 11-19-46.

Revoked 2-5-47

SUBJECT: Direction 8 to PR-33, Amended 12-31-46 1/
Prefabricated Housing

This Direction, which is related to HEPR-6, explains the rules for and restrictions on the sale of prefabricated houses, sections, panels, or packages. The sales restrictions apply to all such items, whether manufactured with or without priorities assistance.

It further provides that erection of prefabricated housing is subject to the restrictions of Order VHP-1; and, if authorization is required for the erection, an application is to be submitted under the provisions of the Housing Permit Regulation.

This amendment of Direction 8 records the joint administrative decision of CPA and the Housing Expediter to issue no new HH ratings for materials to be used in the manufacture of prefabricated housing units. In addition, the sales restrictions were changed by eliminating the set-aside requirements.

1/ Supersedes Direction 8 to PR-33, dated 12-10-46.

Superseded 10-16-46

Dir. 8 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

AUG. 22, 1946
[As Amended]

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

[Priorities Regulation 33, Direction 8, as Amended Aug. 22, 1946]

PREFABRICATED HOUSING UNDER THE VETERANS' EMERGENCY HOUSING PROGRAM

Priorities Regulation 33, Direction 8 is amended to read as follows:

(a) *What this direction does.* This direction explains how prefabricators may get priorites assistance (HH ratings and the right to place certified orders) for certain materials to be used in the production of prefabricated houses, sections, panels or packages under the Veterans' Emergency Housing Program. It also explains restrictions on prefabricators' and dealers' sales of such items.

Definitions

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

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, or panels.

(2) "Prefabricated house" means a house of which all, or substantially all, the walls and partitions are assembled from prefabricated sections or panels as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which is manufactured in a factory, is transported without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof, or truss panel which is manufactured in a factory and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations. Prefabricated panels may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) "Prefabricated package" means the aggregation of prefabricated sections or panels and building materials and equipment shipped, in a lot, by a prefabricator. (See paragraph (i) below for restrictions on materials for packages.)

(6) The terms "prefabricated panel" and "prefabricated section" do not include: (i) fabricated structural steel such as columns or beams, (ii) millwork as defined in Direction 1 to Priorities Regulation 33, (iii) items of furniture and equipment not to be permanently attached to and made a part of a house, or (iv) building materials cut to size and shape for assembly at the building site (unless shipped by the prefabricator as part of the prefabricated package he supplies—see paragraph (i) below for restrictions on materials for packages).

(7) "Authorized materials" means the materials now or hereafter listed in Schedule A to Priorities Regulation 33 (limited, in the case of softwood plywood, to construction grades only). These are the materials for which priorities assistance may be given under this direction to prefabricators.

Prefabricators' Applications for Priorities Assistance

(c) *Filing of applications.* A prefabricator may make quarterly applications for priorities assistance in getting "authorized materials" for his approved production requirements. Applications are to be made on Form CPA–4415 for the third quarter of 1946 and on Form NHA 14–53 for subsequent quarters. Such applications should be filed with the National Housing Agency, Washington 25, D. C., at least 45 days before the beginning of the quarter for which they are filed. Copies of the application form may be obtained from the National Housing Agency. Additional requirements arising after an application for a particular quarter has been approved may be applied for on a supplementary ("interim") application. Interim applications are to be made on Form CPA–4415 for the third quarter of 1946 and on Form NHA 14–53 for subsequent quarters. Such an application should be clearly marked as an "Interim Application" for the quarter.

(d) *NHA consideration of applications.* Applications will be considered for approval by the National Housing Agency on the basis of the following standards:

(1) *VEHP use.* Priorities assistance will be given only for quantities of "authorized materials" which are likely to be used fully in prefabricated housing authorized under the Veterans' Emergency Housing Program.

(2) *Technical standards.* Priorities assistance will be given only for the following purposes: (i) The manufacture of prefabricated houses or sections found by the National Housing Agency to be designed to meet standards of space, arrangement, and construction known as "HH Minimum Property Requirements," (ii) the manufacture of prefabricated panels designed to be incorporated in such houses, or (iii) the making up of prefabricated packages containing such sections or panels. The finding by the National Housing Agency will be based upon information submitted by the prefabricator on Form NHA 14–54 or in such other manner as may be required by the National Housing Agency. Copies of the HH Minimum Property Requirements are available at the National Housing Agency, Washington 25, D. C., and at all State and District Offices of the Federal Housing Administration.

(3) *Production standards.* Priorities assistance will be given only after the National Housing Agency has taken into consideration the following factors: the prefabricator's use of scarce materials; the suitability of his product for low and moderate cost housing under the Veterans' Emergency Housing Program; and the prefabricator's apparent ability to produce, based upon plant facilities, general experience, financial status, distribution facilities, and other relevant considerations.

(e) *Granting of authorizations.* Priorities assistance will be in the form of authority to place HH-rated or certified orders for approved quantities of "authorized materials" (see paragraph (b) (7) above). The authorization will cover quantities to be so ordered for a particular quarter. It may also include an advance authorization enabling the prefabricator to place such orders for a percentage of his requirements for the next quarter, pending receipt of his regular authorization for that quarter, subject to the inventory restrictions of paragraph (h) below.

(1) *Authorizations on Form NHA 14–53.* Authorizations on Form NHA 14–53 will be for numerically expressed quantities of some "authorized materials" and for the minimum quantities of the other "authorized materials" needed to meet the prefabricator's approved production requirements.

(2) *Authorizations on Form CPA–4415.* Form CPA–4415 authorizations issued before August 22, 1946 related to the materials on the now obsolete List 1 to this Direction and covered specific quantities of those materials. Those authorizations shall be considered automatically amended on August 22, 1946 to the following extent:

(i) A prefabricator who has received an authorization on Form CPA–4415 may, without further application, use it to get permitted quantities of "authorized materials" for the remainder of his approved third-quarter requirements and for his advance fourth-quarter requirements. "Authorized materials" as defined in paragraph (b) (7) above include a number of materials which were not included on List 1 to this Direction.

(ii) For the following materials, the permitted quantities are the quantities numerically expressed in the authorization: lumber, millwork, hardwood flooring, construction grades of softwood plywood.

(iii) For the other "authorized materials" (lumber, millwork, hardwood flooring, and softwood plywood not included), the permitted quantities are the minimum quantities needed for approved production requirements. This applies even where the Form CPA–4415 authorization specified numerically expressed quantities of any of these materials. "Approved production requirements" means requirements based on the number of units produced with the materials to which numerically expressed limits apply (see paragraph (e) (2) (ii) above).

(iv) Any limitations formerly imposed by this direction on third-quarter authorizations, or on the use of materials obtained under it, are to be considered amended to conform with the limitations of this direction as now amended.

Prefabricators' Use of Priorities Assistance

(f) *Extending customers' HH ratings.* A prefabricator must not extend an HH rating which he receives from a customer.

(g) *Placing orders.* A prefabricator who has been granted priorities assistance on Form CPA–4415 or Form NHA 14–53 may place orders for the approved quantities of "authorized materials" as follows:

(1) *Certified orders for some "authorized materials".* For lumber, millwork, hardwood flooring, and softwood plywood (construction grades only), he may place certified orders as explained in the applicable direction (1 or 1A) to PR 33 covering the particular material.

(2) *HH rated orders for other "authorized materials".* For the other "authorized materials" (lumber, millwork, hardwood flooring, and softwood plywood not included), he may use an HH rating on his purchase orders. The HH rating may be applied to a purchase order only by placing on the order the following certificate (the certificates in Priorities Regulations 3 and 7 may not be substituted for this certificate):

Veterans' Emergency Housing Program
Prefabricated Housing
Serial # _____
Ratings: HH

I certify to the Civilian Production Administration and the National Housing Agency that the materials covered by this order will be used only in accordance with applicable regulations of those agencies, including Direction 8 to PR 33.

_____
Prefabricator

A prefabricator may not place any such HH rated order with a producer unless that is specifically provided for in an applicable PR 33 direction or otherwise.

Where HH rated orders have already been placed with the certificate specified in Direction 8 to PR 33, as amended May 8, 1946, the certificate need not be changed to correspond with the certificate set out above. In addition, even though the former certificate stated that completed units made from the materials ordered would be sold only on orders rated HH, the prefabricator may sell them in accordance with paragraphs (k) and (n) below.

(h) *Delivery-date restrictions.* In placing an HH-rated or certified purchase order under this direction, a prefabricator must not specify a delivery date which is (1) more than 30 days before the time the materials are to be used by him or (2) later than the end of the third calendar month after the month in which the order is placed. "Delivery date" means the date of delivery at the prefabricator's plant or warehouse.

(i) *Use of materials.* In accordance with Priorities Regulation 1, materials obtained by a prefabricator under this direction may be used by him for the following purposes only: (1) for incorporation at the factory into prefabricated houses, sections, or panels conforming with the technical standards of paragraph (d) (2) above, or (2) for shipment as a minor part of a prefabricated package, if needed for installation at the building site or for assembly of the rest of the package at the building site.

(j) *Disposal of materials.* If a prefabricator is unable to use materials obtained under this direction for the purposes for which they were authorized, he may use or dispose of them only as follows:

(1) By such other use as may be authorized in writing by the National Housing Agency; or

(2) By "special sale" under Priorities Regulation 13, if he is not regularly engaged in the business of selling such materials; or

(3) By sale as authorized by the National Housing Agency if, in addition to being a prefabricator, he is also regularly engaged in the business of selling such materials.

Sales and purchase restrictions

(k) *Prefabricators' sales.* A prefabricator may not sell a prefabricated house, section, panel or package containing materials obtained under this direction except on an order bearing either an HH rating or a dealer's certification as set out in paragraph (l) below. This does not apply to a prefabricator's sale of a prefabricated house, section, or panel erected by him, as a builder, under PR 33 authorization (see paragraph (n) below).

(l) *Dealers' purchases.* A wholesale or retail dealer may get a prefabricated house, section, panel, or package either by extending an HH rating served on him or by placing a purchase order bearing the following certification:

> I certify to the Civilian Production Administration and the National Housing Agency that the prefabricated houses, sections, panels, and packages covered by this order will be sold by me only in accordance with applicable regulations of those agencies, including Direction 8 to PR 33.
>
> ----------
>
> Dealer

(m) *Dealers' sales.* A wholesale or retail dealer may not sell a prefabricated house, section, panel, or package obtained under paragraph (1) above except on an order bearing either an HH rating or a dealer's certification as set out in paragraph (1) above. This does not apply to the sale of a prefabricated house, section, or panel erected by him, as a builder, under PR 33 authorization (see paragraph (n) below).

(n) *Application by builder under PR 33.* A veteran of World War II or other builder who wishes to erect a prefabricated house, section, or panel may apply for an authorization to construct and an HH rating under Priorities Regulation 33, and his application will be processed in the usual fashion. If his application is approved, the builder will be subject to all the requirements of PR 33, including the restrictions on sales price, rents, and preference to veterans. When the application is approved, the builder will be assigned an HH rating which he may use to get a prefabricated house, section, panel, or package and the necessary quantities of any other item on Schedule A to Priorities Regulation 33. This rating may be applied in accordance with, and subject to, the limitations of PR 33. A prefabricator or a dealer may also apply under PR 33, if he wishes to erect a prefabricated house, section, or panel manufactured or obtained by him under this direction. A prefabricator acting as an erector will be subject to all the requirements of PR 33.

Miscellaneous

(o) *Communications and appeals.* Communications regarding the provisions of this direction, and appeals from these provisions, should be sent to the National Housing Agency, Washington 25, D. C., Ref: Dir. 8 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

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

(q) *Reporting requirements approved.* The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 11-19-46

Dir. 8 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

OCT. 16, 1946
[As Amended]

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

[Priorities Regulation 33, Direction 8, as Amended Oct. 16, 1946]

PREFABRICATED HOUSING UNDER THE VETERANS' EMERGENCY HOUSING PROGRAM

(a) *What this direction does.* This direction explains how prefabricators may get priorites assistance (HH ratings and the right to place certified orders) for certain materials to be used in the production of prefabricated houses, sections, panels or packages under the Veterans' Emergency Housing Program. It also explains restrictions on prefabricators' and dealers' sales of such items.

Definitions

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

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, or panels.

(2) "Prefabricated house" means a house of which all, or substantially all, the walls and partitions are assembled from prefabricated sections or panels as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which is manufactured in a factory, is transported without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof, or truss panel which is manufactured in a factory and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations. Prefabricated panels may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) "Prefabricated package" means the aggregation of prefabricated sections or panels and building materials and equipment shipped, in a lot, by a prefabricator. (See paragraph (i) below for restrictions on materials for packages.)

(6) The terms "prefabricated panel" and "prefabricated section" do not include: (i) fabricated structural steel such as columns or beams, (ii) millwork as defined in applicable regulations (currently, Direction 1 to Priorities Regulation 33) (iii) items of furniture and equipment not to be permanently attached to and made a part of a house, or (iv) building materials cut to size and shape for assembly at the building site (unless shipped by the prefabricator as part of the prefabricated package he supplies—see paragraph (i) below for restrictions on materials for packages).

(7) "Authorized materials" means the materials now or hereafter listed in Schedule A to Priorities Regulation 33 (limited, in the case of softwood plywood, to construction grades only). These are the materials for which priorities assistance may be given under this direction to prefabricators.

Prefabricators' Applications for Priorities Assistance

(c) *Filing of applications.* A prefabricator may make quarterly applications for priorities assistance in getting "authorized materials" for his approved production requirements. Applications are to be made on Form CPA-4415 for the third quarter of 1946 and on Form NHA 14-53 for subsequent quarters. Such applications should be filed with the National Housing Agency, Washington 25, D. C., at least 45 days before the beginning of the quarter for which they are filed. Copies of the application form may be obtained from the National Housing Agency. Additional requirements arising after an application for a particular quarter has been approved may be applied for on a supplementary ("interim") application. Interim applications are to be made on Form CPA-4415 for the third quarter of 1946 and on Form NHA 14-53 for subsequent quarters. Such an application should be clearly marked as an "Interim Application" for the quarter.

(d) *NHA consideration of applications.* Applications will be considered for approval by the National Housing Agency on the basis of the following standards:

(1) *VEHP use.* Priorities assistance will be given only for quantities of "authorized materials" which are likely to be used fully in prefabricated housing authorized under the Veterans' Emergency Housing Program.

(2) *Technical standards.* Priorities assistance will be given only for the following purposes: (i) The manufacture of prefabricated houses or sections found by the National Housing Agency to be designed to meet standards of space, arrangement, and construction known as "HH Minimum Property Requirements," (ii) the manufacture of prefabricated panels designed to be incorporated in such houses, or (iii) the making up of prefabricated packages containing such sections or panels. The finding by the National Housing Agency will be based upon information submitted by the prefabricator on Form NHA 14-54 or in such other manner as may be required by the National Housing Agency. Copies of the HH Minimum Property Requirements are available at the National Housing Agency, Washington 25, D. C., and at all State and District Offices of the Federal Housing Administration.

(3) *Production standards.* Priorities assistance will be given only after the National Housing Agency has taken into consideration the following factors: the prefabricator's use of scarce materials; the suitability of his product for low and moderate cost housing under the Veterans' Emergency Housing Program; and the prefabricator's apparent ability to produce, based upon plant facilities, general experience, financial status, distribution facilities, and other relevant considerations.

(e) *Granting of authorizations.* Priorities assistance will be in the form of authority to place HH-rated or certified orders for approved quantities of "authorized materials" (see paragraph (b) (7) above). The authorization will cover quantities to be so ordered for a particular quarter. It may also include an advance authorization enabling the prefabricator to place such orders for a percentage of his requirements for the next quarter, pending receipt of his regular authorization for that quarter, subject to the inventory restrictions of paragraph (h) below.

(1) *Authorizations on Form NHA 14-53.* Authorizations on Form NHA 14-53 will be for numerically expressed quantities of some "authorized materials" and for the minimum quantities of the other "authorized materials" needed to meet the prefabricator's approved production requirements.

(2) *Authorizations on Form CPA-4415.* Form CPA-4415 authorizations issued before August 22, 1946 related to the materials on the now obsolete List 1 to this Direction and covered specific quantities of those materials. Those authorizations shall be considered automatically amended on August 22, 1946 to the following extent:

(i) A prefabricator who has received an authorization on Form CPA-4415 may, without further application, use it to get permitted quantities of "authorized materials" for the remainder of his approved third-quarter requirements and for his advance fourth-quarter requirements. "Authorized materials" as defined in paragraph (b) (7) above include a number of materials which were not included on List 1 to this Direction.

(ii) For the following materials, the permitted quantities are the quantities numerically expressed in the authorization: lumber, millwork, hardwood flooring, construction grades of softwood plywood.

(iii) For the other "authorized materials" (lumber, millwork, hardwood flooring, and softwood plywood not included), the permitted quantities are the minimum quantities needed for approved production requirements. This applies even where the Form CPA-4415 authorization specified numerically expressed quantities of any of these materials. "Approved production requirements" means requirements based on the number of units produced with the materials to which numerically expressed limits apply (see paragraph (e) (2) (ii) above).

(iv) Any limitations formerly imposed by this direction on third-quarter authorizations, or on the use of materials obtained under it, are to be considered amended to conform with the limitations of this direction as now amended.

Prefabricators' Use of Priorities Assistance

(f) *Extending customers' HH ratings.* A prefabricator must not extend an HH rating which he receives from a customer.

(g) *Placing orders.* A prefabricator who has been granted priorities assistance on Form CPA-4415 or Form NHA 14-53 may place orders for the approved quantities of "authorized materials" as follows:

(1) *Certified orders for some "authorized materials".* For lumber, millwork, hardwood flooring, and softwood plywood (construction grades only), he may place certified orders as explained in applicable regulations (currently, Direction 1 to Priorities Regulation 33 and Order L-358) covering the particular material.

(2) *HH rated orders for other "authorized materials".* For the other "authorized materials" (lumber, millwork, hardwood flooring, and softwood plywood not included), he may use an HH rating on his purchase orders. The HH rating may be applied to a purchase order only by placing on the order the following certificate (the certificates in Priorities Regulations 3 and 7 may not be substituted for this certificate):

> Veterans' Emergency Housing Program
> Prefabricated Housing
> Serial # ———
> Ratings: HH
> I certify to the Civilian Production Administration and the National Housing Agency that the materials covered by this order will be used only in accordance with applicable regulations of those agencies, including Direction 8 to PR 33.
>
> ———————————
> Prefabricator

The previous prohibition against a prefabricator's placing an HH rated order with a producer is revoked. Instead, the placing and filling of such orders are now controlled

by the rules of Priorities Regulation 1 and of Schedule B to Priorities Regulation 33.

Where HH rated orders have already been placed with the certificate specified in Direction 8 to PR 33, as amended May 8, 1946, the certificate need not be changed to correspond with the certificate set out above. In addition, even though the former certificate stated that completed units made from the materials ordered would be sold only on orders rated HH, the prefabricator may sell them in accordance with paragraphs (k) and (n) below.

(h) *Delivery-date restrictions.* In placing an HH-rated or certified purchase order under this direction, a prefabricator must not specify a delivery date which is (1) more than 30 days before the time the materials are to be used by him or (2) later than the end of the third calendar month after the month in which the order is placed. "Delivery date" means the date of delivery at the prefabricator's plant or warehouse.

(i) *Use of materials.* In accordance with Priorities Regulation 1, materials obtained by a prefabricator under this direction may be used by him for the following purposes only: (1) for incorporation at the factory into prefabricated houses, sections, or panels conforming with the technical standards of paragraph (d) (2) above, or (2) for shipment as a minor part of a prefabricated package, if needed for installation at the building site or for assembly of the rest of the package at the building site.

(j) *Disposal of materials.* If a prefabricator is unable to use materials obtained under this direction for the purposes for which they were authorized, he may use or dispose of them only as follows:

(1) By such other use as may be authorized in writing by the National Housing Agency; or

(2) By "special sale" under Priorities Regulation 13, if he is not regularly engaged in the business of selling such materials; or

(3) By sale as authorized by the National Housing Agency if, in addition to being a prefabricator, he is also regularly engaged in the business of selling such materials.

Sales and purchase restrictions

(k) *Prefabricators' sales.* A prefabricator may not sell a prefabricated house, section, panel or package containing materials obtained under this direction except on an order bearing either an HH rating or a dealer's certification as set out in paragraph (l) below. This does not apply to a prefabricator's sale of a prefabricated house, section, or panel erected by him, as a builder, under PR 33 (or HEPR 5) authorization (see paragraph (n) below).

(l) *Dealers' purchases.* A wholesale or retail dealer may get a prefabricated house, section, panel, or package produced under this direction either by extending an HH rating served on him or by placing a purchase order bearing the following certification:

> I certify to the Civilian Production Administration and the National Housing Agency that the prefabricated houses, sections, panels, and packages covered by this order will be sold by me only in accordance with applicable regulations of those agencies, including Direction 8 to PR 33.
>
> ----------
> Dealer

(m) *Dealers' sales.* A wholesale or retail dealer may not sell a prefabricated house, section, panel, or package obtained under paragraph (l) above except on an order bearing either an HH rating or a dealer's certification as set out in paragraph (l) above. This does not apply to the sale of a prefabricated house, section, or panel erected by him, as a builder, under PR 33 (or HEPR 5) authorization (see paragraph (n) below).

(n) *Application by builder under PR 33 (or HEPR 5).* A veteran of World War II or other builder who wishes to erect a prefabricated house, section, or panel may apply for an authorization to construct and an HH rating, and his application will be processed in the usual fashion. Previously, such applications were to be made under PR 33. They are now to be made under HEPR 5. If his application is approved, the builder will be subject to all the requirements of the priorities regulation under which his application was approved, including the restrictions on sales price, rents, and preference to veterans. When the application is approved, the builder will be assigned an HH rating which he may use to get a prefabricated house, section, panel, or package and the necessary quantities of any other item on Schedule A of Priorities Regulation 33. This rating may be applied in accordance with, and subject to, the limitations of that Schedule and of applicable regulations. A prefabricator or a dealer may also apply in the same way as a builder, if he wishes to erect a prefabricated house, section, or panel manufactured or obtained by him under this direction. A prefabricator acting as an erector will be subject to the same requirements as a builder.

Miscellaneous

(o) *Communications and appeals.* Communications regarding the provisions of this direction, and appeals from these provisions, should be sent to the National Housing Agency, Washington 25, D. C., Ref: Dir. 8 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

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

(q) *Reporting requirements approved.* The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 12-10-46

Dir. 8 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

NOV. 19, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 8, as Amended Nov. 19, 1946]

PREFABRICATED HOUSING UNDER THE VEHP

Priorities Regulation 33, Direction 8, is amended to read as follows:

(a) *What this regulation does.* This direction explains restrictions on prefabricators' and dealers' sales of prefabricated houses, sections, panels, and packages produced under this direction. Previously, it also explained how prefabricators could get priorities assistance for certain materials (those listed in Schedule A to PR 33) for use in producing those prefabricated items. The procedure for such priorities assistance is now explained in Housing Expediter Priorities Regulation 6 (HEPR 6), issued November 19, 1946.

Definitions

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

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, or panels.

(2) "Prefabricated house" means a house of which all, or substantially all, the walls and partitions are assembled from prefabricated sections or panels as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which is manufactured in a factory, is transported without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof, or truss panel which is manufactured in a factory and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations. Prefabricated panels may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) "Prefabricated package" means the aggregation of prefabricated sections or panels and building materials and equipment shipped, in a lot, by a prefabricator.

(6) The terms "prefabricated panel" and "prefabricated section" do not include: (i) fabricated structural steel such as columns or beams, (ii) millwork as defined in Order L–359, (iii) items of furniture and equipment not to be permanently attached to and made a part of a house, or (iv) building materials cut to size and shape for assembly at the building site (unless shipped by the prefabricator as part of the prefabricated package he supplies).

(7) Any prefabricated house, section, panel, or package containing materials obtained with priorities assistance given under this direction or under HEPR 6 is "produced" or "manufactured" under this direction.

Priorities Assistance for Prefabricators

(c) *Prefabricators' applications for priorities assistance.* Under certain conditions, prefabricators may apply to the National Housing Agency for priorities assistance in the manufacture of certain types of prefabricated houses, sections, panels, or packages, as provided for in HEPR 6. If approved, the priorities assistance will be in the form of authority to use HH ratings or certified orders for certain quantities of the building materials listed on Schedule A to Priorities Regulation 33.

(d) *Prefabricators' use of priorities assistance.* Prefabricators to whom priorities assistance is given may use that assistance, and material obtained with the assistance, only in accordance with applicable Civilian Production Administration regulations (including Orders L–358 and L–359 and the provisions of paragraph (c) of Schedule A to PR 33). The certificate to be used by a prefabricator in placing an HH-rated order is as follows (the certificates in PRs 3 and 7 may not be substituted for this certificate):

Veterans' Emergency Housing Program
Prefabricated Housing
Serial No.------
Ratings: HH.

I certify to the Civilian Production Administration and the National Housing Agency that the materials covered by this order will be used only in accordance with applicable regulations of those agencies, including Direction 8 to PR 33.

Prefabricator

Sales and Purchase Restrictions

(e) *Prefabricators' and dealers' sales.* A prefabricator or a dealer (wholesale or retail (may sell a prefabricated house, section, panel, or package produced under this direction only as follows:

(1) On an order bearing an HH rating; or

~~(2) on an order bearing~~ a dealers' certification, as set out in paragraph (f) below; or

(3) in accordance with HEPR 5 or PR 33 (whichever is applicable), if sold erected by the prefabricator or dealer.

(f) *Dealers' purchases.* A dealer may order a prefabricated house, section, panel, or package produced under this direction either by extending an HH rating served on him or by placing the following certification on his purchase order:

I certify to the Civilian Production Administration and the National Housing Agency that the prefabricated houses, sections, panels, and packages covered by this order will be sold by me only in accordance with applicable regulations of those agencies, including Direction 8 to Priorities Regulation 33.

Dealer

(g) *Applicability of VHP 1.* Erection of a prefabricated house, section, panel, or package is "construction" under Order VHP 1. Consequently, such construction must be authorized unless any of the exemptions in VHP 1 are applicable. A person wishing to erect, for his own use or for sale, may apply for authorization under HEPR 5.

(h) *Extending customers' HH ratings.* A prefabricator must not extend an HH rating which he receives from a customer.

Disposal of Materials

(i) *Disposal of materials.* In accordance with Priorities Regulation 1, materials obtained by a prefabricator with priorities assistance under this direction or HEPR 6 may be used by him only for the purposes for which the assistance was given. If he is unable to use the materials for those purposes, he may use or dispose of them only as follows:

(1) By "special sale" under Priorities Regulation 13; or

(2) By such other use as may be authorized in writing by the National Housing Agency.

Miscellaneous Provisions

(j) *Technical provision.* A reference to Direction 8 to PR 33 in any CPA regulation or order shall, where appropriate, be deemed a reference to HEPR 6 also.

(k) *Communications and appeals.* Communications regarding the provisions of this direction, and appeals from these provisions, should be sent to the National Housing Agency, Washington 25, D. C., Ref: Dir. 8 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

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

(m) *Reporting requirements approved.* The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 12-31-46

Dir. 8 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

DEC. 10, 1946
[As Amended]

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

[Priorities Reg. 33,[1] Direction 8, as Amended Dec. 10, 1946]

PREFABRICATED HOUSING UNDER THE VEHP

(a) *What this regulation does.* This direction explains restrictions on prefabricators' and dealers' sales of prefabricated houses, sections, panels, and packages produced under this direction. Previously, it also explained how prefabricators could get priorities assistance for certain materials (those listed in Schedule A to PR 33) for use in producing those prefabricated items. The procedure for such priorities assistance is now explained in Housing Expediter Priorities Regulation 6 (HEPR 6), issued November 19, 1946.

Definitions

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

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, or panels.

(2) "Prefabricated house" means a house of which all, or substantially all, the walls and partitions are assembled from prefabricated sections or panels as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which is manufactured in a factory, is transported without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof, or truss panel which is manufactured in a factory and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations. Prefabricated panels may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) "Prefabricated package" means the aggregation of prefabricated sections or panels and building materials and equipment shipped, in a lot, by a prefabricator.

(6) The terms "prefabricated panel" and "prefabricated section" do not include: (i) fabricated structural steel such as columns or beams, (ii) millwork as defined in Order L–359, (iii) items of furniture and equipment not to be permanently attached to and made a part of a house, or (iv) building materials cut to size and shape for assembly at the building site (unless shipped by the prefabricator as part of the prefabricated package he supplies).

(7) Any prefabricated house, section, panel, or package containing materials obtained with priorities assistance given under this direction or under HEPR 6 is "produced" or "manufactured" under this direction.

Priorities Assistance for Prefabricators

(c) *Prefabricators' applications for priorities assistance.* Under certain conditions, prefabricators may apply to the National Housing Agency for priorities assistance in the manufacture of certain types of prefabricated houses, sections, panels, or packages, as provided for in HEPR 6. If approved, the priorities assistance will be in the form of authority to use HH ratings or certified orders for certain quantities of the building materials listed on Schedule A to Priorities Regulation 33.

(d) *Prefabricators' use of priorities assistance.* Prefabricators to whom priorities assistance is given may use that assistance, and material obtained with the assistance, only in accordance with applicable Civilian Production Administration regulations (including Orders L–358 and L–359 and the provisions of paragraph (c) of Schedule A to PR 33).

(e) *Prefabricators' and dealers' sales.* A prefabricator or a dealer (wholesale or retail) may sell a prefabricated house, section, panel, or package produced under this direction only as follows:

(1) On an order bearing an HH rating; or

(2) on an order bearing a dealers' certification, as set out in paragraph (f) below; or

(3) in accordance with HEPR 5 or PR 33 (whichever is applicable), if sold erected by the prefabricator or dealer.

(f) *Dealers' purchases.* A dealer may order a prefabricated house, section, panel, or package produced under this direction either by extending an HH rating served on him or by placing the following certification on his purchase order:

> I certify to the Civilian Production Administration and the National Housing Agency that the prefabricated houses, sections, panels, and packages covered by this order will be sold by me only in accordance with applicable regulations of those agencies, including Direction 8 to Priorities Regulation 33.
>
> ---
> Dealer

(g) *Applicability of VHP 1.* Erection of a prefabricated house, section, panel, or package is "construction" under Order VHP 1. Consequently, such construction must be authorized unless any of the exemptions in VHP 1 are applicable. A person wishing to erect, for his own use or for sale, may apply for authorization under HEPR 5.

(h) *Extending customers' HH ratings.* A prefabricator must not extend an HH rating which he receives from a customer.

Disposal of Materials

(i) *Disposal of materials.* In accordance with Priorities Regulation 1, materials obtained by a prefabricator with priorities assistance under this direction or HEPR 6 may be used by him only for the purposes for which the assistance was given. If he is unable to use the materials for those purposes, he may use or dispose of them only as follows:

(1) By "special sale" under Priorities Regulation 13; or

(2) By such other use as may be authorized in writing by the National Housing Agency.

Miscellaneous Provisions

(j) *Technical provision.* A reference to Direction 8 to PR 33 in any CPA regulation or order shall, where appropriate, be deemed a reference to HEPR 6 also.

(k) *Communications and appeals.* Communications regarding the provisions of this direction, and appeals from these provisions, should be sent to the National Housing Agency, Washington 25, D. C., Ref: Dir. 8 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

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

(m) *Reporting requirements approved.* The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[1] F. R. 6598, 8583, 9515.

Removed 2-5-47.

Dir. 8 to PR 33

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

DEC. 31, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 8, as Amended Dec. 31, 1946]

PREFABRICATED HOUSING UNDER THE VEHP

(a) *What this regulation does.* This direction explains the new restrictions on prefabricators' and dealers' (wholesale and retail) sales of prefabricated houses, sections, panels, or packages. The sales restrictions in this direction used to apply only to items produced with priorities assistance under this direction. Restrictions on the sale of items not produced under this direction used to be in Schedule B to PR 33. The present sales restrictions of this direction now apply to all such items (as defined below) regardless of whether or not they were produced with priorities assistance under this direction.

Definitions

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

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, or panels.

(2) "Prefabricated house" means a house of which at least the exterior walls are formed by the assembly of prefabricated sections or panels as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which is manufactured in a factory, is transported without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof, or truss panel which is manufactured in a factory and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations. Prefabricated panels may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) "Prefabricated package" means the aggregation of prefabricated sections or panels and building materials and equipment shipped, in a lot, by a prefabricator.

(6) The terms "prefabricated panel" and "prefabricated section" do not include: (i) fabricated structural steel such as columns or beams, (ii) millwork as defined in Order L–359, (iii) items of furniture and equipment not to be permanently attached to and made a part of a house, or (iv) building materials cut to size and shape for assembly at the building site (unless shipped by the prefabricator as part of the prefabricated package he supplies).

(7) Any prefabricated house, section, panel, or package containing materials obtained with priorities assistance given, on Forms CPA–4415 or NHA–14–53, under this direction or under HEPR 6 is "produced" or "manufactured" under this direction.

Priorities Assistance for Prefabricators

(c) *Prefabricators' applications for priorities assistance.* After December 24, 1946, no priorities assistance will be given to prefabricators, under this direction (or under HEPR 6), for the manufacture of prefabricated houses, sections, panels, and packages. However, authorizations given before that date remain valid for the periods covered by them.

(d) *Prefabricators' use of priorities assistance.* Prefabricators to whom priorities assistance has been given may use that assistance and material obtained with the assistance, only in accordance with applicable Civilian Production Administration regulations (including Orders L–358 and L–359 and the provisions of paragraph (c) of Schedule A to PR 33). In addition, any conditions and limitations placed under HEPR 6 must be complied with.

Sales Provisions

(e) *Unerected sales.* In selling unerected prefabricated houses, sections, panels, or packages, a prefabricator or a dealer must accept and fill rated orders in preference to unrated orders in accordance with the rules of PR 1. This applies regardless of whether or not the items were produced under this direction.

(f) *Erected sales.* In selling erected prefabricated houses, sections, panels, or packages, a prefabricator or dealer must comply with the rules of PR 33, HEPR 5 or the Housing Permit Regulation (whichever is applicable). This applies regardless of whether or not the items were produced under this direction.

(g) *Applicability of VHP 1.* Erection of a prefabricated house, section, panel, or package is "construction" under Order VHP 1. Consequently, such construction must be authorized unless any of the exemptions in VHP 1 are applicable. A person wishing to erect, for his own use or for sale, may apply under the Housing Permit Regulation for authorization by the Federal Housing Administration (or, in appropriate cases, by the Federal Public Housing Authority).

(h) *Extending customers' HH ratings*—(1) *Extension by prefabricators prohibited.* A prefabricator must not extend an HH rating which he receives from a customer.

(2) *Extension by dealers permitted.* A dealer who receives an HH or HHH rated order from a customer for a prefabricated house, section, panel, or package may extend the rating to get the item for sale to that customer or to replace an item sold out of inventory to that customer on the rated order.

Disposal of Materials

(i) *Disposal of materials.* In accordance with Priorities Regulation 1, materials obtained by a prefabricator with priorities assistance under this direction or HEPR 6 may be used by him only for the purposes for which the assistance was given. If he is unable to use the materials for those purposes, he may use or dispose of them only as follows:

(1) By "special sale" under Priorities Regulation 13; or

(2) By such other use as may be authorized in writing by the National Housing Agency.

Miscellaneous Provisions

(j) *Technical provision.* A reference to Direction 8 to PR 33 in any CPA regulation or order shall, where appropriate, be deemed a reference to HEPR 6 also.

(k) *Communications and appeals.* Communications regarding the provisions of this direction, and appeals from these provisions, should be sent to the National Housing Agency, Washington 25, D. C., Ref: Dir. 8 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

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

(m) [Deleted Dec. 31, 1946.]

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: List 1 to Direction 8, PR-33 Amended 8-7-46 1/
Materials for Prefabricators

1. Substance. This List specifies the types of materials for which prefabricators may request and use on HH rating.

2. Explanation. This list is included in the Bulletin for information only, for possible reference in contacts with prefabricators and to provide a complete set of PR-33 regulations, which describe the various forms of priorities assistance available to implement the Veterans Housing Program.

1/ Supersedes List 1 to Direction 8, PR-33, dated 5-7-46.

Superseded 8-7-46

Dir. 8 to PR 33

LIST 1

MAY 7, 1946

[As Amended]

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 33, List 1 to Direction 8, as Amended May 7, 1946]

The priorities assistance given under Direction 8 to Priorities Regulation 33 to prefabricators may be used only to get the following materials (additions to and deletions from this list may be made from time to time):

	Direction to Priorities Regulation 33 applying to the material
Lumber	Direction 1
Hardwood flooring	Direction 1
Millwork (including doors and built-in kitchen cabinets)	Direction 1
Construction plywood, interior and exterior types	Direction 1A
Bathtubs	Direction 2
Cast iron soil pipe and fittings	Direction 4
Gypsum Lath	Direction 5
Gypsum Board	Direction 5
Prefabricated sections	Direction 8
Prefabricated panels	Direction 8
Building board (except hardboard)	Direction 10

Definitions of the above items may be found in the appropriate directions.

NOTE: The items "Structural insulation board" and "clay sewer pipe" were deleted from List 1, May 7, 1946.

Issued this 7th day of May 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revoked 8/23/46

Dir. 8 to PR 33

LIST 1
AUG. 7, 1946
[As Amended]
Corrected Copy

CIVILIAN PRODUCTION ADMINISTRATION

Corrected Copy

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

[Priorities Reg. 33, List 1 to Direction 8, as Amended Aug. 7, 1946]

The priorities assistance given under Direction 8 to Priorities Regulation 33 to prefabricators may be used only to get the following materials (additions to and deletions from this list may be made from time to time):

	Direction to Priorities Regulation 33 applying to the material
Lumber	Direction 1
Hardwood flooring	Direction 1
Millwork (including doors and built-in kitchen cabinets)	Direction 1
Construction plywood, interior and exterior types	Direction 1A
Bathtubs	Direction 2
Cast iron soil pipe and fittings	Direction 4
Gypsum Lath	Direction 5
Gypsum Board	Direction 5
Prefabricated sections	Direction 8
Prefabricated panels	Direction 8
Building board (except hardboard)	Direction 10
*Nails	

*A prefabricator may use an HH rating to get the minimum quantities of nails he needs to complete his third-quarter production as approved on Form CPA–4415, regardless of whether his Form CPA–4415 specifically lists nails.

Definitions of the above items may be found in the appropriate directions.

Issued this 7th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

★GPO—CPA 18243—p. 1

Revoked 9-1-46.

Dir. 9 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

APR. 10, 1946

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

[Priorities Reg. 33, Direction 9]

USE OF HH RATINGS FOR WARM-AIR FURNACES FOR USE IN THE RECONVERSION HOUSING PROGRAM

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

(a) *Purpose of this direction.* Priorities Regulation 33 provides for the assignment to builders of HH preference ratings to secure materials, listed in Schedule A of that regulation, which are required for use in the Reconversion Housing Program. Among these items are warm-air furnaces. This direction explains under what circumstances orders bearing HH ratings for warm-air furnaces must be accepted and also what the restrictions are in connection with the sale of such furnaces by producers, distributors, jobbers, and dealers.

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

(1) "Warm-air furnace" means any direct-fired air heating unit which is designed for the purpose of heating the interior of a building, including but not limited to, any heating device commonly known as a gravity or forced warm-air furnace for use with or without air distribution pipes. But, warm-air furnace does not mean a domestic heating stove or a floor or wall furnace.

(2) "Producer" means a person owning or operating facilities in which warm-air furnaces are manufactured, fabricated or assembled.

(3) "Distributor, jobber, or dealer" means a person who buys warm-air furnaces from a producer for resale. If a producer owns and operates factory branch sales offices other than his central factory sales office, such offices shall be considered to be distributors, jobbers, or dealers.

(c) *Prohibition on extension of HH ratings by distributors.* A distributor, jobber, or dealer who receives an HH rated order for warm-air furnaces shall not extend the rating.

(d) *Use of HH rating.* Any person who has been authorized to use an HH rating under Priorities Regulation 33 may use the rating to get warm-air furnaces, subject to the provisions of that regulation.

(e) *Handling of HH rated orders by producers.* A producer who sells warm-air furnaces only to distributors, jobbers, or dealers need not accept HH rated orders for such furnaces. This is the general rule. But, a producer who sells any portion of his production to persons other than distributors, jobbers, or dealers, must sell that portion according to the following rule: Beginning April 15, 1946, at least seventy per cent (70%) of all warm-air furnaces sold or delivered by the producer to persons other than distributors, jobbers, or dealers must be sold or delivered on HH rated orders.

(f) *Set-asides by distributors, jobbers, or dealers.* An adequate reserve stock of warm-air furnaces must be maintained by distributors, jobbers, and dealers to fill orders bearing HH ratings. Consequently, on April 15, 1946, a distributor, jobber, or dealer must set aside and reserve for a period of twenty-one days, to fill orders bearing HH ratings, not less than 70% of his warm-air furnace inventory on that date. After April 15, 1946, a distributor, jobber, or dealer, must further set aside and reserve for a period of twenty-one days, to fill orders bearing HH ratings, not less than 70% of the warm-air furnaces in each shipment received by him from the producer. Until the end of each such twenty-one day period, referred to above, he must accept all HH rated orders up to the reserved quantity regardless of whether such orders call for delivery within the twenty-one day period, but he need not accept HH rated orders for warm-air furnaces in excess of the reserved quantity.

Any warm-air furnaces which the distributor, jobber, or dealer is not required to set aside, and any warm-air furnaces in the set-aside for which HH ratings are not received in the set-aside period, may be disposed of without regard to HH ratings. Orders rated AAA, MM or CC must be filled from this balance in that order of preference in accordance with Priorities Regulation 1. A distributor, jobber, or dealer may not refuse to accept an HH rated order on the ground that he has no warm-air furnaces in stock, but he must accept the order for delivery out of the 70% set-aside of a later shipment from the producer.

(g) *Calculations on basis of producer's billing price.* Calculations of quantities shall be made on the basis of the producer's billing price to distributors, jobbers, or dealers.

(h) *This direction not applicable to AAA ratings.* Nothing in this direction affects AAA rated orders.

Issued this 10th day of April 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revoked 9-1-46

Dir. 10 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

MAY 7, 1946

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

[Priorities Reg. 33, Direction 10]

USE OF HH RATINGS FOR BUILDING BOARD IN THE VETERANS' EMERGENCY HOUSING PROGRAM

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

(a) *Purpose of this direction.* Priorities Regulation 33 and Direction 8 to Priorities Regulation 33 provide for assignment of HH ratings to secure materials, listed on Schedule A to PR 33 and on List 1 to Direction 8 to PR 33, which are required for use in the Veterans' Emergency Housing Program. Among these is building board. This direction explains the use of the HH rating and also what the restrictions are in connection with the sale of building board by producers and dealers.

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

(1) "Building Board" means board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction and commonly referred to in the building trade as structural insulation board, sheathing, lath, tile board, plank, thin board, roof insulation, laminated fibre wall board, and laminated fibre tile board. The term does not include the product known as hardboard.

(2) "Producer" means a person owning or operating facilities in which building board is manufactured.

(3) "Dealer" means a person who buys building board from a producer or other person for resale as such.

(c) *Handling of HH rated orders by producers.* Producers must accept and fill rated orders (AAA, MM, CC and HH) for building board, including HH rated orders from manufacturers of prefabricated houses, in accordance with the provisions of Priorities Regulation 1, except that no producer is required to accept HH rated orders for more than 15% of all building board (calculated on a combined square footage basis) sold or delivered by him since May 10, 1946. A producer may not reject an HH rated order which he is not required to fill under the above rule, but must promptly notify his customer approximately when he expects to fill the order out of later production.

(d) *HH ratings are not extendible.* A dealer who receives an HH rated order for building board shall not extend the rating.

(e) *Maximum amounts dealers need to sell on HH-rated orders.* Dealers must accept and fill rated orders (AAA, MM, CC and HH) for building board in accordance with the provisions of Priorities Regulation 1, except that no dealer is required to accept HH-rated orders for more than 50% of all building board (calculated on a combined square footage basis) sold or delivered by him since May 10, 1946. Direct shipments from a producer to a user for a dealer's account shall be considered as deliveries by the dealer. Sales or deliveries by dealers to other dealers shall not be considered as sales or deliveries for the purpose of this paragraph. A dealer may not reject an HH-rated order which he is not required to fill under the above rule, but must promptly notify his customer approximately when he expects to fill the order out of later shipments.

Issued this 7th day of May 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 8-7-46

CIVILIAN PRODUCTION ADMINISTRATION

PR 33
DIRECTION 11
JULY 24, 1946

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

[Priorities Reg. 33, Direction 11]

VETERANS' EMERGENCY HOUSING PROGRAM; FPHA TEMPORARY RE-USE HOUSING PROJECTS

(a) *What this direction does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act of 1946, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending completion of permanent housing units under the Veterans' Emergency Housing Program. Many of these temporary units are being erected for municipalities, to meet existing housing emergencies, and must be completed as soon as possible. Others are being erected at universities and colleges and must be ready for use during the coming scholastic year. Some of the building materials required for these units are in extremely short supply, and unless special assistance is given, local suppliers will not be able to meet those needs. This direction provides for special assistance to FPHA contractors in some instances. The special assistance includes several types of "super-priority" procedures which may be authorized for many of the building materials on Schedule A to Priorities Regulation 33, if efforts to get them on time through the use of HH ratings are unsuccessful. In addition, as explained in this direction, special assistance for other materials may be available under other CPA orders.

Special Assistance Available

(b) *When contractors may apply for special assistance.* It is expected that a contractor will ordinarily get most of his building materials for an FPHA temporary re-use housing project without any priorities assistance except the HH ratings assigned under Priorities Regulation 33 for the particular materials listed on Schedule A to PR 33. However, a contractor may apply to the FPHA (see paragraph (v) below) for special assistance under certain circumstances. Unless otherwise specified below, he may apply only in cases where he has served purchase orders (with an HH rating, if authorized) for any building material on three or more sources of supply and received notice of their inability to deliver by the date required. The type of special assistance available and the method of applying depend on the particular material involved, as explained below.

(c) *Types of special assistance.* The various types of special assistance available are tabulated as follows and explained below:

Material for which special assistance is required	Type of special assistance available for particular material
1. Any material listed in paragraph (d) below (certain types of building board, cast iron soil pipe).	"Certified–HH" rating—superior to uncertified HH and CC ratings and extendible to producers.
2. Any material listed in paragraph (j) below (hardwood flooring, lumber, millwork, softwood plywood).	"Individual directive" or other action—requiring preferential treatment by a producer or supplier for a specific contractor's order.
3. Any material listed in paragraph (m) below (certain of the materials listed in Schedule A to PR 33 but not otherwise provided for in this direction).	HHH rating—superior to HH and CC ratings but otherwise identical with HH rating.
4. Any material listed in paragraph (p) below (certain types of heating and plumbing fixtures made for FPHA projects).	"Authorized order"—directed at "earmarked products" made specifically for FPHA projects.
5. Any other material (see paragraph (s) below)	CC rating under Priorities Regulation 28.

"Certified–HH" Rating Procedure

(d) *Material for which certified–HH ratings may be authorized.* Special assistance for the following materials may be given in the form of authority to use a "certified–HH" rated order:

Material
Cast iron soil pipe (including fittings)
Gypsum board; and building board (as defined in Direction 10 to PR 33).

A "certified–HH" rated order is an HH rated order to which the endorsement described in paragraph (f) below has been added by an authorized FPHA representative. A certified–HH rating has a higher priority than an uncertified HH rating or a CC rating and is extendible by suppliers. Its priority, however, is lower than ratings of AAA or MM.

(e) *Authorization for certified–HH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply for certified–HH rating assistance by presenting his proposed purchase order to the FPHA. If the FPHA decides that special assistance is needed, the authorized FPHA representative may endorse the following certificate on the contractor's purchase order:

> Certified–HH rated order authorized, under Direction 11 to PR 33, for materials to be used in FPHA tempotary reuse housing projects.
>
> ---
> Signature and title of authorized FPHA representative.

This certificate makes the purchase order a "certified–HH" rated order, entitled to the preferential treatment explained in paragraphs (f) and (g) below. The order will then be returned to the contractor, to be placed by him with his source of supply.

(f) *Suppliers' handling of certified–HH rated orders.* A distributor, jobber, dealer, or other supplier must not fill certified–HH rated orders out of inventory on hand or with material previously ordered. Instead, he must get the material by extending the certified–HH rating to his source of supply. Upon receiving material so ordered, he must deliver it on the order bearing the rating which was extended. Ratings are to be extended as explained in Priorities Regulation 3 except that the following statement is to be added to the certificate required by PR 3:

> The items ordered herewith are for certified–HH rated orders authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary reuse housing projects.

(g) *Producers' handling of certified–HH rated orders.* Producers must accept and fill certified–HH rated orders in accordance with the rules of Priorities Regulation 1 for rated orders, subject to the following special rules:

(1) *Priority for certified–HH rating.* A certified–HH rating is of higher priority than an uncertified HH or a CC rating but of lower priority than an AAA or MM rating. Subject to the "ceiling" provision of paragraph (g) (2) below, a producer receiving a certified–HH order for any material listed in paragraph (d) above must fill it in preference to any uncertified HH or CC rated orders.

(2) *"Ceiling" on accepting certified-HH orders.* The maximum amount of certified-HH orders which a producer need accept for delivery of any material in any month is 20% of his production during that month. A producer may accept more than this amount, but is not required to do so. The FPHA requirements for the materials listed in paragraph (d) above are so large that it is essential that they be spread evenly among all producers. If any single producer devoted a major part of his production to FPHA requirements, the resulting dislocation in his normal distribution might seriously interfere with the other phases of the Veterans' Emergency Housing Program.

(h) *Producer's equitable distribution of remainder of production.* After providing, each month, for certified-HH rated orders for a particular material, a producer should distribute the remainder of the month's production of that material among his customers in each area in a fair and equitable manner, without regard to the certified-HH orders which any such customer may have served on him. In determining the amount of material to be shipped into each area, a producer should give due regard to the requirements of the Veterans' Emergency Housing Program.

(i) *Applicability of PR 33 directions.* The ceiling and set-aside requirements of Priorities Regulation 33 directions covering materials listed in paragraph (d) above do not apply to quantities delivered or received in connection with certified-HH ratings. In addition, such quantities are to be excluded by producers and suppliers in all their ceiling and set-aside calculations.

"Individual Directive" or Other Assistance Procedure for Certain Lumber Products

(j) *Materials for which special assistance may be issued.* Special assistance for the following materials may be given by the Civilian Production Administration, in the form of an individual directive or other arrangement under which a producer or supplier will provide preferential treatment for a particular purchase order:

Material (defined in PR 33 directions)	Applicable PR 33 direction
Hardwood flooring	Direction 1.
Lumber	Do.
Millwork	Do.
Plywood (softwood)	Direction 1A.

(k) *Procedure for getting special assistance.* Under the conditions stated in paragraph (b) above, a contractor may apply for this special assistance by filing a Form CPA–4473 application with the FPHA. If the FPHA believes that special assistance is needed, it will forward the application to the appropriate Civilian Production Administration office (Portland, Oregon, or Washington, D. C.). The Civilian Production Administration office will review the request and, if approved, will take appropriate assistance action, notifying the contractor and other interested persons.

(l) *Applicability of PR 33 directions.* An order for which special assistance is given will be handled in accordance with the applicable direction (1 or 1A) to PR 33, unless otherwise specified in the CPA action.

HHH-Rating Procedure

(m) *Materials for which HHH ratings may be authorized.* Special assistance for a material listed below may be given in the form of authority to use an HHH rating. An HHH rating has a higher priority than a rating of

HH or CC but a lower priority than ratings of AAA or MM. The materials for which this assistance may be given are as follows:

Material
Plumbing fixtures, of the following types in residential design models only:
Lavatories.
Kitchen sinks (including sink-and-tray combinations).
Water closets (1-piece combination, bowls, tanks).
Common and face brick.
Concrete blocks.
Clay sewer pipe.

(n) *Authorization for HHH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply to the FPHA for authorization to use an HHH rating. Application is to be made in the manner required by the FPHA. If the FPHA decides that the special assistance is needed, it may authorize the contractor to use an HHH rating. The method for using the HHH rating is the same as for the HH rating.

(o) *Suppliers' and producers' handling of HHH ratings.* A supplier or producer must accept and fill an HHH rated order in accordance with the rules of Priorities Regulation 1, subject to the special rules mentioned in this paragraph. He must fill an HHH rated order in preference to an HH or CC rated order. In all other respects, however, an HHH rated order is to be treated exactly as if it were an HH rated order. This includes handling under any applicable direction to Priorities Regulation 33. If the applicable PR 33 direction permits suppliers to extend an HH rating for a particular material, they may also extend an HHH rating for that material. If, however, the applicable PR 33 direction does not permit extension of an HH rating, an HHH rating is likewise not extendible. If the applicable PR 33 direction requires that certain quantities be set aside for or delivered on HH rated orders, or prohibits delivery of certain quantities except on HH rated orders, these quantities are available for HHH rated orders, if received, as well as HH rated orders. Quantities delivered on HHH rated orders shall be included with quantities delivered on HH orders in making ceiling and set aside calculations.

"Authorized Order" Procedure for "Earmarked Products"

(p) *Materials made specially for FPHA projects ("earmarked products").* Under Directions 12 and 13 to Order M-21, the CPA is giving special assistance for steel and iron castings to certain producers for the manufacture of specific quantities of the following kinds of plumbing and heating equipment:

Material
Cooking ranges (21" gas, up to 36" oil).
Ice Refrigerators (5 cu. ft.).
Shower stalls.
Space heaters (gas, oil).
Water heaters (20-gal. gas, 30-gal. oil).

Under Order L-357, the quantities so manufactured are called "earmarked products" and may be sold only on "authorized orders" for FPHA temporary re-use housing projects.

(q) *Authorization for "authorized orders".* In general, where a contractor needs materials of the kinds listed in paragraph (p) above, he will ordinarily be supplied, on "authorized orders", from the production earmarked for FPHA projects. To get any such earmarked products, a contractor should present one or more proposed purchase orders to the FPHA. The authorized FPHA representative may then place the following endorsement on each purchase order:

> Authorized order, under Direction 11 to PR 33 and Order L-357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
>
> Signature and title of authorized FPHA representative

This endorsement makes an order an "authorized order". An "authorized order" is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which "earmarked products" under Order L-357 may be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPHA arrangements with the producers may provide for direct sale of this item by producers to FPHA contractors, on authorized orders.

(r) *Handling of authorized orders.* Order L-357 explains how suppliers and producers are to handle authorized orders.

CC Rating Procedure

(s) *Materials for which CC rating may be authorized.* Under Priorities Regulation 28, the Civilian Production Administration may assign a CC rating, if certain conditions exist, for construction materials which are not listed on Schedule A to Priorities Regulation 33.

(t) *Procedure for getting CC rating authorization.* Under the conditions specified in Priorities Regulation 28, a contractor may present, to the FPHA, a Form CPA-541A application for a CC rating. If the FPHA believes that such assistance is needed, it will forward the application to the Civilian Production Administration, Washington 25, D. C., Ref: PR 28. The application will be reviewed by the CPA in accordance with PR 28. If approved, the contractor may use the CC rating as authorized.

(u) *Handling of CC rated orders.* Suppliers and producers must accept and fill CC rated orders in accordance with the rules of Priorities Regulation 1.

Miscellaneous

(v) *Addressing communications and applications.*—(1) *By contractors.* Contractors should address all communications concerning this direction, and make all applications under this direction, to the FPHA project engineer or to such other FPHA official as may be designated by that agency.

(2) *By other persons.* Communications by producers and suppliers concerning the operation of the various priorities provisions of this direction and obligations under them should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Dir. 11 to PR 33. All other communications should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A).

(w) *Definitions.* For the purposes of this direction:

(1) "Contractor" means a contractor or subcontractor engaged to do construction work on an FPHA temporary re-use housing project.

(2) "Producer" means a person owning or operating facilities in which a building material affected by this direction is produced.

(3) "Supplier" means a person who is in the business of buying a building material, from a producer or from any other person, for resale as such. This includes distributors, jobbers, office wholesalers, brokers, and dealers of all types.

(x) *Expiration date.* This direction will expire at 12 p. m. (e. s. t.), December 31, 1946.

Issued this 24th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPHA regional or field office concerning this direction should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address
Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, 24 School Street, Boston 8, Mass.
Region II—Delaware, Maryland,[1] New Jersey, New York, Pennsylvania, 270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, 201 North Wells Street, Chicago 6, Ill.
Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia,[1] Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.
Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, 1411 Electric Building, Fort Worth 2, Tex.
Region VI—Arizona, California, Nevada, Utah, Hawaii, 760 Market Street, San Francisco 2, Calif.
Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska, Skinner Building, 5th Avenue and Union Street, Seattle, Wash.
Region VIII—Kentucky, Ohio, Michigan, West Virginia, 2073 East Ninth Street, Cleveland 15, Ohio.
Metropolitan District of Columbia, etc.—District of Columbia, Virginia,[1] Maryland,[1] Puerto Rico, Virgin Islands, Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

[1] The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

Superseded 10-30-46

SUBJECT: Direction 11 to PR-33, Amended 8-7-46 1/
Special Assistance for FPHA Contractors

1. Substance. This Direction provides four types of special assistance available for specific materials, which are to be used in promoting the FPHA program of providing veterans' temporary housing. This special assistance comprises: certified-HH and HHH ratings, special directives for forest products, and authorized orders for equipment made specifically for FPHA projects.

2. Explanation. These forms of assistance are restricted to projects which are "within quota" under the Mead-Lanham Veterans' Program, and are not available to any project other than the type of conversion in which FPHA is the principal and Federal funds are used for the work. These types of special assistance cover many of the materials listed in Schedule A to PR-33, and, as stated in the Direction, it is expected that the contractor will obtain the materials without priorities assistance except the HH ratings assigned. Paragraph (b) specifies that the contractor may apply for the special assistance only in cases where he has served HH rated purchase orders on at least three suppliers unsuccessfully.

1/ This supersedes Direction 11 to PR-33, dated 7-24-46.

Superseded 12-20-46

SUBJECT: Direction 11 to PR-33, Amended 10-15-46 1/
Special Assistance for FPHA Contractors

This Direction provides four types of special assistance available for specific materials and equipment, which are to be used in promoting the FPHA program of providing veterans' temporary housing. This special assistance comprises: (1) Certified-HH ratings, (2) HHH ratings, (3) special directives for forest products, and (4) authorized orders for equipment made specifically for FPHA projects.

These forms of assistance are restricted to projects which are "within-quota" under the Mead-Lanham Veterans' Program, and are not available to any project other than the type of conversion in which FPHA is the principal and Federal funds are used for the work.

These types of special assistance collectively cover all of the materials listed in Schedule A to PR-33. As revised, Direction 11 provides HHH ratings for all items, except: (1) earmarked products, (2) those eligible for certified-HH ratings, or (3) forest products under directive assistance.

As stated in the Direction, it is expected that the contractor will obtain the materials without any priorities assistance except the HH ratings assigned. Paragraph (b) specifies that the contractor may apply for the special assistance only in cases where he has served HH-rated orders, on at least three suppliers, unsuccessfully.

1/ Supersedes Direction 11 to PR-33, dated 8-7-46

Superseded 2-5-47

OBSOLETE

SUBJECT: Direction 11 to PR-33, Amended 12-10-46 1/
Special Assistance for FPHA Contractors

This Direction provides four types of special assistance available for specific materials and equipment, which are to be used in promoting the FPHA program of providing veterans' temporary housing. This special assistance comprises: (1) Certified-HH ratings, (2) HHH ratings, (3) special directives for forest products, and (4) authorized orders for equipment made specifically for FPHA projects.

The above forms of special assistance to FPHA projects would have expired December 31, 1946. This revision extends the Certified-HH and HHH super-priorities by the provisions in paragraph (x), which permit Certified-HH and HHH rated orders to be placed through January 31, 1947, provided that the requested delivery date is not later than March 31, 1947. Although not stated in this Direction, orders for lumber products on which the need for special directive assistance is anticipated shall also be placed prior to January 31, 1947.

These forms of assistance are restricted to projects which are "within-quota" under the Mead-Lanham Veterans' Program, and are not available to any project other than the type of conversion in which FPHA is the principal and Federal funds are used for the work.

These types of special assistance collectively cover all of the materials listed in Schedule A to PR-33, providing HHH ratings for all items except: (1) earmarked products, (2) those eligible for certified-HH ratings, or (3) forest products under directive assistance.

1/ Supersedes Direction 11 to PR-33, dated 10-15-46.

SUBJECT: Direction 11 to PR-33, Amended 1-17-47 1/
Special Assistance for Re-Use Housing Projects

This Direction explains the four types of special assistance which have been available exclusively to FPHA for completing its veterans re-use housing program: (1) Certified-HH ratings, (2) HHH ratings, (3) special directives for forest products, and (4) authorized orders for equipment made specifically for FPHA projects.

Cut-off dates were previously established restricting the further use of Certified-HH and HHH ratings, and paragraph (x) provides that such ratings cannot be placed on any purchase orders after January 31, 1947

The only revision introduced in this amendment is contained in paragraph (s), which reflects the recent amendment of PR-28 and its drastically restricted access to CC ratings.

1/ Supersedes Direction 11 to PR-33, dated 12-10-46.

Superseded 10-15-46

Dir. 11 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

AUG. 7, 1946
[As Amended]
Corrected Copy

Corrected Copy

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

[Priorities Reg. 33, Direction 11 as Amended Aug. 7, 1946]

VETERANS' EMERGENCY HOUSING PROGRAM; FPHA TEMPORARY RE-USE HOUSING PROJECTS

(a) *What this direction does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act of 1946, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending completion of permanent housing units under the Veterans' Emergency Housing Program. Many of these temporary units are being erected for municipalities, to meet existing housing emergencies, and must be completed as soon as possible. Others are being erected at universities and colleges and must be ready for use during the coming scholastic year. Some of the building materials required for these units are in extremely short supply, and unless special assistance is given, local suppliers will not be able to meet those needs. This direction provides for special assistance to FPHA contractors in some instances. The special assistance includes several types of "super-priority" procedures which may be authorized for many of the building materials on Schedule A to Priorities Regulation 33, if efforts to get them on time through the use of HH ratings are unsuccessful. In addition, as explained in this direction, special assistance for other materials may be available under other CPA orders.

Special Assistance Available

(b) *When contractors may apply for special assistance.* It is expected that a contractor will ordinarily get most of his building materials for an FPHA temporary re-use housing project without any priorities assistance except the HH ratings assigned under Priorities Regulation 33 for the particular materials listed on Schedule A to PR 33. However, a contractor may apply to the FPHA (see paragraph (v) below) for special assistance under certain circumstances. Unless otherwise specified below, he may apply only in cases where he has served purchase orders (with an HH rating, if authorized) for any building material on three or more sources of supply and received notice of their inability to deliver by the date required. The type of special assistance available and the method of applying depend on the particular material involved, as explained below.

(c) *Types of special assistance.* The various types of special assistance available are tabulated as follows and explained below:

Material for which special assistance is required	Type of special assistance available for particular material
1. Any material listed in paragraph (d) below (certain types of building board, cast iron soil pipe).	"Certified-HH" rating—superior to uncertified HH and CC ratings and extendible to producers.
2. Any material listed in paragraph (j) below (hardwood flooring, lumber, millwork, softwood plywood).	"Individual directive" or other action—requiring preferential treatment by a producer or supplier for a specific contractor's order.
3. Any material listed in paragraph (m) below (certain of the materials listed in Schedule A to PR 33 but not otherwise provided for in this direction).	HHH rating—superior to HH and CC ratings but otherwise identical with HH rating.
4. Any material listed in paragraph (p) below (certain types of heating and plumbing fixtures made for FPHA projects).	"Authorized order"—directed at "earmarked products" made specifically for FPHA projects.
5. Any other material (see paragraph (s) below)	CC rating under Priorities Regulation 28.

"Certified-HH" Rating Procedure

(d) *Material for which certified-HH ratings may be authorized.* Special assistance for the following materials may be given in the form of authority to use a "certified-HH" rated order:

Material
Cast iron soil pipe (including fittings).
Gypsum board.
Building board (as defined in Direction 10 to PR 33).

A "certified-HH" rated order is an HH rated order to which the endorsement described in paragraph (f) below has been added by an authorized FPHA representative. A certified-HH rating has a higher priority than an uncertified HH rating or a CC rating and is extendible by suppliers. Its priority, however, is lower than ratings of AAA or MM.

(e) *Authorization for certified-HH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply for certified-HH rating assistance by presenting his proposed purchase order to the FPHA. If the FPHA decides that special assistance is needed, the authorized FPHA representative may endorse the following certificate on the contractor's purchase order:

> Certified-HH rated order authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.
>
> ---
>
> Signature and title of authorized FPHA representative.

This certificate makes the purchase order a "certified-HH" rated order, entitled to the preferential treatment explained in paragraphs (f) and (g) below. The order will then be returned to the contractor, to be placed by him with his source of supply.

(f) *Suppliers' handling of certified-HH rated orders.* A distributor, jobber, dealer, or other supplier must not fill certified-HH rated orders out of inventory on hand or with material previously ordered. Instead, he must get the material by extending the certified-HH rating to his source of supply. Upon receiving material so ordered, he must deliver it on the order bearing the rating which was extended. Ratings are to be extended as explained in Priorities Regulation 3 except that the following statement is to be added to the certificate required by PR 3:

> The items ordered herewith are for certified-HH rated orders authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

(g) *Producers' handling of certified-HH and other rated orders.* Producers must accept and fill certified-HH rated orders in accordance with the rules of Priorities Regulation 1, for rated orders, subject to the following special rules:

(1) *Priority for certified-HH rating.* A certified-HH rating is of higher priority than an uncertified HH or a CC rating but of lower priority than an AAA or MM rating. Subject to the "ceiling" provision of paragraph (g) (2) below, a producer receiving a certified-HH order for any material listed in paragraph (d) above must fill it in preference to any uncertified HH or CC rated orders.

(2) *"Ceiling" on accepting certified-HH and AAA rated orders.* The maximum combined amount of certified-HH and AAA rated orders which a producer need accept for delivery of any material listed in paragraph (d) above in any month is 20% of his production of that material during that month. A producer may accept more than this amount, but is not required to do so. The FPHA requirements for the materials listed in paragraph (d) above are so large that it is essential that they be spread evenly among all producers. If any single producer devoted a major part of his production to FPHA requirements, the resulting dislocation in his normal distribution might seriously interfere with the other phases of the Veterans' Emergency Housing Program.

(h) *Producer's equitable distribution of remainder of production.* After providing, each month, for certified-HH and AAA rated orders for a particular material listed in paragraph (d) above, a producer should distribute the remainder of the month's production of that material among his customers in each area in a fair and equitable manner, without regard to the certified-HH and AAA rated orders which any such customer may have served on him. In determining the amount of material to be shipped into each area, a producer should give due regard to the requirements of the Veterans' Emergency Housing Program.

(i) *Applicability of PR 33 directions.* The ceiling and set-aside requirements of Priorities Regulation 33 directions covering materials listed in paragraph (d) above do not apply to quantities delivered or received in connection with certified-HH and AAA ratings. In addition, such quantities are to be excluded by producers and suppliers in all their ceiling and set-aside calculations.

"Individual Directive" or Other Assistance Procedure for Certain Lumber Products

(j) *Materials for which special assistance may be issued.* Special assistance for the following materials may be given by the Civilian Production Administration, in the form of an individual directive or other arrangement under which a producer or supplier will provide preferential treatment for a particular purchase order:

Material (defined in PR 33 directions)	Applicable PR 33 direction
Hardwood flooring	Direction 1
Lumber	Do.
Millwork	Do.
Plywood (softwood)	Direction 1A

(k) *Procedure for getting special assistance.* Under the conditions stated in paragraph (b) above, a contractor may apply for this special

assistance by filing a Form CPA–4473 application with the FPHA. If the FPHA believes that special assistance is needed, it will forward the application to the appropriate Civilian Production Administration office (Portland, Oregon, or Washington, D. C.). The Civilian Production Administration office will review the request and, if approved, will take appropriate assistance action, notifying the contractor and other interested persons.

(l) *Applicability of PR 33 directions.* An order for which special assistance is given will be handled in accordance with the applicable direction (1 or 1A) to PR 33, unless otherwise specified in the CPA action.

HHH-Rating Procedure

(m) *Materials for which HHH ratings may be authorized.* Special assistance for a material listed below may be given in the form of authority to use an HHH rating. An HHH rating has a higher priority than a rating of HH or CC but a lower priority than ratings of AAA or MM. The materials for which this assistance may be given are as follows:

Material
Plumbing fixtures, of the following types in residential design models only:
Lavatories.
Kitchen sinks (including sink-and-tray combinations).
Water closets (1-piece combination, bowls, tanks).
Common and face brick.
Concrete blocks.
Clay sewer pipe.
Nails.
Builders hardware—as listed in Schedule A to PR 33.
Wiring devices (electrical)— as listed in Schedule A to PR 33.

(n) *Authorization for HHH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply to the FPHA for authorization to use an HHH rating. Application is to be made in the manner required by the FPHA. If the FPHA decides that the special assistance is needed, it may authorize the contractor to use an HHH rating. The method for using the HHH rating is the same as for the HH rating.

(o) *Suppliers' and producers' handling of HHH ratings.* A supplier or producer must accept and fill an HHH rated order in accordance with the rules of Priorities Regulation 1, subject to the special rules mentioned in this paragraph. He must fill an HHH rated order in preference to an HH or CC rated order. In all other respects, however, an HHH rated order is to be treated exactly as if it were an HH rated order. This includes handling under any applicable direction to Priorities Regulation 33. If the applicable PR 33 direction permits suppliers to extend an HH rating for a particular material, they may also extend an HHH rating for that material. If, however, the applicable PR 33 direction does not permit extension of an HH rating, an HHH rating is likewise not extendible. If the applicable PR 33 direction requires that certain quantities be set aside for or delivered on HH rated orders, or prohibits delivery of certain quantities except on HH rated orders, these quantities are available for HHH rated orders, if received, as well as HH rated orders. Quantities delivered on HHH rated orders shall be included with quantities delivered on HH orders in making ceiling and set aside calculations.

"Authorized Order" Procedure for "Earmarked Products"

(p) *Materials made specially for FPHA projects ("earmarked products").* Under Directions 12 and 13 to Order M–21, the CPA is giving special assistance for steel and iron castings to certain producers for the manufacture of specific quantities of the following kinds of plumbing and heating equipment:

Material
Cooking ranges (21" gas, up to 36" oil).
Ice refrigerators.
Shower stalls.
Space heaters (gas, oil).
Water heaters (20-gal. gas, 30-gal. oil).

Under Order L–357, the quantities so manufactured are called "earmarked products" and may be sold only on "authorized orders" for FPHA temporary re-use housing projects.

(q) *Authorization for "authorized orders".* In general, where a contractor needs materials of the kinds listed in paragraph (p) above, he will ordinarily be supplied, on "authorized orders", from the production earmarked for FPHA projects. To get any such earmarked products, a contractor should present one or more proposed purchase orders to the FPHA. The authorized FPHA representative may then place the following endorsement on each purchase order:

> Authorized order, under Direction 11 to PR 33 and Order L–357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
>
> Signature and title of authorized FPHA representative

This endorsement makes an order an "authorized order". An "authorized order" is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which "earmarked products" under Order L–357 may be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPHA arrangements with the producers may provide for direct sale of this item by producers to FPHA contractors, on authorized orders.

(r) *Handling of authorized orders.* Order L–357 explains how suppliers and producers are to handle authorized orders.

CC Rating Procedure

(s) *Materials for which CC rating may be authorized.* Under Priorities Regulation 28, the Civilian Production Administration may assign a CC rating, if certain conditions exist, for construction materials which are not listed on Schedule A to Priorities Regulation 33.

(t) *Procedure for getting CC rating authorization.* Under the conditions specified in Priorities Regulation 28, a contractor may present, to the FPHA, a Form CPA–541A application for a CC rating. If the FPHA believes that such assistance is needed, it will forward the application to the Civilian Production Administration, Washington 25, D. C., Ref: PR 28. The application will be reviewed by the CPA in accordance with PR 28. If approved, the contractor may use the CC rating as authorized.

(u) *Handling of CC rated orders.* Suppliers and producers must accept and fill CC rated orders in accordance with the rules of Priorities Regulation 1.

Communications and Applications

(v) *Addressing communications and applications*—(1) *By contractors.* Contractors should address all communications concerning this direction, and make all applications under this direction, to the FPHA project engineer or to such other FPHA official as may be designated by that agency.

(2) *By other persons.* Communications by producers and suppliers concerning the operation of the various priorities provisions of this direction and obligations under them should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Dir. 11 to PR 33. All other communications should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A).

Definitions

(w) *Definitions.* For the purposes of this direction:

(1) "Contractor" means a contractor or subcontractor engaged to do construction work on an FPHA temporary re-use housing project.

(2) "Producer" means a person owning or operating facilities in which a building material affected by this direction is produced.

(3) "Supplier" means a person who is in the business of buying a building material, from a producer or from any other person, for resale as such. This includes distributors, jobbers, office wholesalers, brokers, and dealers of all types.

Expiration Date

(x) *Expiration date.* This direction will expire at 12 p. m. (e. s. t.), December 31, 1946.

Issued this 7th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPHA regional or field office concerning this direction should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address
Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.
Region II—Delaware, Maryland,[1] New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.
Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia[1]—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.
Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.
Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.
Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Street, Seattle, Wash.
Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.
Metropolitan District of Columbia, etc.—District of Columbia, Virginia,[1] Maryland,[1] Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

[1] The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

Superseded 12-10-46

Dir. 11 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

OCT. 15, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 11 as Amended Oct. 15, 1946]

VETERANS' EMERGENCY HOUSING PROGRAM; FPHA TEMPORARY RE-USE HOUSING PROJECTS

(a) *What this direction does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act of 1946, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending completion of permanent housing units under the Veterans' Emergency Housing Program. Many of these temporary units are being erected for municipalities, to meet existing housing emergencies, and must be completed as soon as possible. Others are being erected at universities and colleges and must be ready for use during the coming scholastic year. Some of the building materials required for these units are in extremely short supply, and unless special assistance is given, local suppliers will not be able to meet those needs. This direction provides for special assistance to FPHA contractors in some instances. The special assistance includes several types of "super-priority" procedures which may be authorized for many of the building materials on Schedule A to Priorities Regulation 33, if efforts to get them on time through the use of HH ratings are unsuccessful. In addition, as explained in this direction, special assistance for other materials may be available under other CPA orders.

NOTE: Table Amended Oct. 15, 1946.

Special Assistance Available

(b) *When contractors may apply for special assistance.* It is expected that a contractor will ordinarily get most of his building materials for an FPHA temporary re-use housing project without any priorities assistance except the HH ratings assigned for the particular materials listed on Schedule A to PR 33. However, a contractor may apply to the FPHA (see paragraph (v) below for special assistance under certain circumstances. Unless otherwise specified below, he may apply only in cases where he has served purchase orders (with an HH rating, if authorized) for any building material on three or more sources of supply and received notice of their inability to deliver by the date required. The type of special assistance available and the method of applying depend on the particular material involved, as explained below.

(c) *Types of special assistance.* The various types of special assistance available are tabulated as follows and explained below:

Material for which special assistance is required	Type of special assistance available for particular material
1. Any material listed in paragraph (d) below (certain types of building board, cast iron soil pipe).	"Certified-HH" rating—superior to uncertified HH and CC ratings and extendible to producers.
2. Any material listed in paragraph (j) below (hardwood flooring, lumber, millwork, softwood plywood).	"Individual directive" or other action—requiring preferential treatment by a producer or supplier for a specific contractor's order.
3. Any material covered by paragraph (m) below (any material on Schedule A to PR 33 except those covered by #1 and #2 above).	HHH rating—superior to HH and CC ratings but otherwise identical with HH rating.
4. Any material listed in paragraph (p) below (certain types of heating and plumbing fixtures made for FPHA projects).	"Authorized order"—directed at "earmarked products" made specifically for FPHA projects.
5. Any other material (see paragraph (s) below)----------	CC rating under Priorities Regulation 28.

"Certified-HH" Rating Procedure

(d) *Material for which certified-HH ratings may be authorized.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given in the form of authority to use a "certified HH" rated order:

NOTE: Table Amended Oct. 15, 1946.

Material
Cast iron soil pipe (including fittings).
Gypsum board.
Building board.

A "certified-HH" rated order is an HH rated order to which the endorsement described in paragraph (f) below has been added by an authorized FPHA representative. A certified-HH rating has a higher priority than an uncertified HH rating or a CC rating and is extendible by suppliers (but not by producers) to get the material to be delivered on the "certified-HH" order involved. Its priority, however, is lower than ratings of AAA or MM.

(e) *Authorization for certified-HH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply for certified-HH rating assistance by presenting his proposed purchase order to the FPHA. If the FPHA decides that special assistance is needed, the authorized FPHA representative may endorse the following certificate on the contractor's purchase order:

> Certified-HH rated order authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.
>
> ----------
> Signature and title of authorized FPHA representative.

This certificate makes the purchase order a "certified-HH" rated order, entitled to the preferential treatment explained in paragraphs (f) and (g) below. The order will then be returned to the contractor, to be placed by him with his source of supply.

(f) *Suppliers' handling of certified-HH rated orders.* A distributor, jobber, dealer, or other supplier must not fill certified-HH rated orders out of inventory on hand or with material previously ordered. Instead, he must get the material by extending the certified-HH rating to his source of supply. Upon receiving material so ordered, he must deliver it on the order bearing the rating which was extended. Ratings are to be extended as explained in Priorities Regulation 3 except that the following statement is to be added to the certificate required by PR 3:

> The items ordered herewith are for certified-HH rated orders authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

(g) *Producers' handling of certified-HH and other rated orders.* Producers must accept and fill certified-HH rated orders in accordance with the rules of Priorities Regulation 1, for rated orders, subject to the following special rules:

(1) *Priority for certified-HH rating.* A certified-HH rating is of higher priority than an uncertified HH or a CC rating but of lower priority than an AAA or MM rating. Subject to the "ceiling" provision of paragraph (g) (2) below, a producer receiving a certified-HH order for any material listed in paragraph (d) above must fill it in preference to any uncertified HH or CC rated orders.

(2) *"Ceiling" on accepting certified-HH and AAA rated orders.* The maximum amount of certified-HH rated orders which a producer need accept for delivery of any material listed in paragraph (d) above in any month is 20% of his production of that material during that month. (AAA rated orders accepted by a producer before October 15, 1946, for any such material may be charged to the 20% ceiling for the month of delivery.) A producer may accept more than this amount of certified-HH orders but is not required to do so. The FPHA requirements for the materials listed in paragraph (d) above are so large that it is essential that they be spread evenly among all producers. If any single producer devoted a major part of his production to FPHA requirements, the resulting dislocation in his normal distribution might seriously interfere with the other phases of the Veterans' Emergency Housing Program.

(h) *Producer's equitable distribution of remainder of production.* After providing, each month, for certified-HH and AAA rated orders for a particular material listed in paragraph (d) above, a producer should distribute the remainder of the month's production of that material among his customers in each area in a fair and equitable manner, without regard to the certified-HH and AAA rated orders which any such customer may have served on him. In determining the amount of material to be shipped into each area, a producer should give due regard to the requirements of the Veterans' Emergency Housing Program.

(i) *Applicability of Schedule B to PR 33.* Quantities received by a distributor for delivery on certified-HH orders shall be excluded by him in all his ceiling and set aside calculations under Schedule B to PR 33. Quantities received by a distributor for delivery on any AAA rated order for an FPHA project shall also be so excluded, if the producer involved accepted the order, as placed with him, before October 15, 1946.

"Individual Directive" or Other Assistance Procedure for Certain Lumber Products

(j) *Materials for which special assistance may be issued.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given by the Civilian

Production Administration, in the form of an individual directive or other arrangement under which a producer or supplier will provide preferential treatment for a particular purchase order:

Material
Flooring, hardwood, residential.
Lumber, housing construction.
Millwork.
Plywood, construction (softwood).

(k) *Procedure for getting special assistance.* Under the conditions stated in paragraph (b) above, a contractor may apply for this special assistance by filing a Form CPA–4473 application with the FPHA. If the FPHA believes that special assistance is needed, it will forward the application to the appropriate Civilian Production Administration office (Portland, Oregon, or Washington, D. C.). The Civilian Production Administration office will review the request and, if approved, will take appropriate assistance action, notifying the contractor and other interested persons.

(l) *Applicability of other regulations.* An order for which special assistance is given will be handled in accordance with applicable regulations (currently, Direction 1 to PR 33 and Order L–358), unless otherwise specified in the CPA action.

HHH-Rating Procedure

(m) *Materials for which HHH ratings may be authorized.* For any material listed on Schedule A to PR 33 except those listed in paragraphs (d) and (j) above ("certified-HH" and "individual directive" procedures), special assistance may be given in the form of authority to use an HHH rating. An HHH rating has a higher priority than a rating of HH or CC but a lower priority than a rating of AAA or MM.

(n) *Authorization for HHH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply to the FPHA for authorization to use an HHH rating. Application is to be made in the manner required by the FPHA. If the FPHA decides that the special assistance is needed, it may authorize the contractor to use an HHH rating. The method for using the HHH rating is the same as for the HH rating.

(o) *Suppliers' and producers' handling of HHH ratings.* A supplier or producer must accept and fill an HHH rated order in accordance with the rules of Priorities Regulation 1, subject to the special rules mentioned in this paragraph. He must fill an HHH rated order in preference to an HH or CC rated order. As explained in Schedule B, HHH ratings for any material are extendible under the same conditions as HH ratings for that material and are subject to any rules for HH rated orders in Schedules A and B to PR 33 and in any other applicable regulations.

"Authorized Order" Procedure for "Earmarked Products"

(p) *Materials made specially for FPHA projects ("earmarked products").* The CPA has been giving certain types of special assistance for steel and iron castings to certain producers for the manufacture of specific quantities of the following kinds of plumbing and heating equipment:

Material
Cooking ranges (21" gas, up to 36" oil).
Ice refrigerators.
Shower stalls.
Space heaters (gas, oil).
Water heaters (20-gal. gas, 30-gal. oil).

Under Order L–357, the quantities so manufactured are called "earmarked products" and may be sold only on "authorized orders" for FPHA temporary re-use housing projects.

(q) *Authorization for "authorized orders".* In general, where a contractor needs materials of the kinds listed in paragraph (p) above, he will ordinarily be supplied, on "authorized orders", from the production earmarked for FPHA projects. To get any such earmarked products, a contractor should present one or more proposed purchase orders to the FPHA. The authorized FPHA representative may then place the following endorsement on each purchase order:

> Authorized order, under Direction 11 to PR 33 and Order L–357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
>
> Signature and title of authorized FPHA representative

This endorsement makes an order an "authorized order". An "authorized order" is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which "earmarked products" under Order L–357 may be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPHA arrangements with the producers may provide for direct sale of this item by producers to FPHA contractors, on authorized orders.

(r) *Handling of authorized orders.* Order L–357 explains how suppliers and producers are to handle authorized orders.

CC Rating Procedure

(s) *Materials for which CC rating may be authorized.* Under Priorities Regulation 28, the Civilian Production Administration may assign a CC rating, if certain conditions exist, for construction materials which are not listed on Schedule A to Priorities Regulation 33.

(t) *Procedure for getting CC rating authorization.* Under the conditions specified in Priorities Regulation 28, a contractor may present, to the FPHA, a Form CPA–541A application for a CC rating. If the FPHA believes that such assistance is needed, it will forward the application to the Civilian Production Administration, Washington 25, D. C., Ref: PR 28. The application will be reviewed by the CPA in accordance with PR 28. If approved, the contractor may use the CC rating as authorized.

(u) *Handling of CC rated orders.* Suppliers and producers must accept and fill CC rated orders in accordance with the rules of Priorities Regulation 1 and Schedule B to Priorities Regulation 33, where applicable.

Communications and Applications

(v) *Addressing communications and applications*—(1) *By contractors.* Contractors should address all communications concerning this direction, and make all applications under this direction, to the FPHA project engineer or to such other FPHA official as may be designated by that agency.

(2) *By other persons.* Communications by producers and suppliers concerning the operation of the various priorities provisions of this direction and obligations under them should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Dir. 11 to PR 33. All other communications should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A).

Definitions

(w) *Definitions.* For the purposes of this direction:

(1) "Contractor" means a contractor or subcontractor engaged to do construction work on an FPHA temporary re-use housing project.

(2) "Producer" means a person owning or operating facilities in which a building material affected by this direction is produced.

(3) "Supplier" means a person who is in the business of buying a building material, from a producer or from any other person, for resale as such. This includes distributors, jobbers, office wholesalers, brokers, and dealers of all types.

Expiration Date

(x) *Expiration date.* This direction will expire at 12 p. m. (e. s. t.), December 31, 1946.

Issued this 15th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPHA regional or field office concerning this direction should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address
Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.
Region II—Delaware, Maryland,[1] New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.
Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia[1]—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.
Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.
Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.
Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Street, Seattle, Wash.
Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.
Metropolitan District of Columbia, etc.—District of Columbia, Virginia,[1] Maryland,[1] Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

[1] The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

Superseded 1-17-47

OBSOLETE

Dir. 11 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

DEC. 10, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 11 as Amended Dec. 10, 1946]

VETERANS' EMERGENCY HOUSING PROGRAM; FPHA TEMPORARY RE-USE HOUSING PROJECTS

(a) *What this direction does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act of 1946, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending completion of permanent housing units under the Veterans' Emergency Housing Program. Many of these temporary units are being erected for municipalities, to meet existing housing emergencies, and must be completed as soon as possible. Others are being erected at universities and colleges and must be ready for use during the coming scholastic year. Some of the building materials required for these units are in extremely short supply, and unless special assistance is given, local suppliers will not be able to meet those needs. This direction provides for special assistance to FPHA contractors in some instances. The special assistance includes several types of "super-priority" procedures which may be authorized for many of the building materials on Schedule A to Priorities Regulation 33, if efforts to get them on time through the use of HH ratings are unsuccessful. In addition, as explained in this direction, special assistance for other materials may be available under other CPA orders.

Special Assistance Available

(b) *When contractors may apply for special assistance.* It is expected that a contractor will ordinarily get most of his building materials for an FPHA temporary re-use housing project without any priorities assistance except the HH ratings assigned for the particular materials listed on Schedule A to PR 33. However, a contractor may apply to the FPHA (see paragraph (v) below for special assistance under certain circumstances. Unless otherwise specified below, he may apply only in cases where he has served purchase orders (with an HH rating, if authorized) for any building material on three or more sources of supply and received notice of their inability to deliver by the date required. The type of special assistance available and the method of applying depend on the particular material involved, as explained below.

(c) *Types of special assistance.* The various types of special assistance available are tabulated as follows and explained below:

Material for which special assistance is required	Type of special assistance available for particular material
1. Any material listed in paragraph (d) below (certain types of building board, cast iron soil pipe).	"Certified–HH" rating—superior to uncertified HH and CC ratings and extendible to producers.
2. Any material listed in paragraph (j) below (hardwood flooring, lumber, millwork, softwood plywood)	"Individual directive" or other action—requiring preferential treatment by a producer or supplier for a specific contractor's order.
3. Any material covered by paragraph (m) below (any material on Schedule A to PR 33 except those covered by #1 and #2 above).	HHH rating—superior to HH and CC ratings but otherwise identical with HH rating.
4. Any material listed in paragraph (p) below (certain types of heating and plumbing fixtures made for FPHA projects).	"Authorized order"—directed at "earmarked products" made specifically for FPHA projects.
5. Any other material (see paragraph (s) below)----------	CC rating under Priorities Regulation 28.

"Certified–HH" Rating Procedure

(d) *Material for which certified–HH ratings may be authorized.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given in the form of authority to use a "certified HH" rated order:

Material
Cast iron soil pipe (including fittings).
Gypsum board.
Building board.

A "certified–HH" rated order is an HH rated order to which the endorsement described in paragraph (f) below has been added by an authorized FPHA representative. A certified–HH rating has a higher priority than an uncertified HH rating or a CC rating and is extendible by suppliers (but not by producers) to get the material to be delivered on the "certified-HH" order involved. Its priority, however, is lower than ratings of AAA or MM.

(e) *Authorization for certified–HH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply for certified–HH rating assistance by presenting his proposed purchase order to the FPHA. If the FPHA decides that special assistance is needed, the authorized FPHA representative may endorse the following certificate on the contractor's purchase order:

> Certified–HH rated order authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.
>
> ----------
>
> Signature and title of authorized FPHA representative.

This certificate makes the purchase order a "certified–HH" rated order, entitled to the preferential treatment explained in paragraphs (f) and (g) below. The order will then be returned to the contractor, to be placed by him with his source of supply.

(f) *Suppliers' handling of certified–HH rated orders.* A distributor, jobber, dealer, or other supplier must not fill certified–HH rated orders out of inventory on hand or with material previously ordered. Instead, he must get the material by extending the certified–HH rating to his source of supply. Upon receiving material so ordered, he must deliver it on the order bearing the rating which was extended. Ratings are to be extended as explained in Priorities Regulation 3 except that the following statement is to be added to the certificate required by PR 3:

> The items ordered herewith are for certified–HH rated orders authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

(g) *Producers' handling of certified–HH and other rated orders.* Producers must accept and fill certified–HH rated orders in accordance with the rules of Priorities Regulation 1, for rated orders, subject to the following special rules:

(1) *Priority for certified–HH rating.* A certified–HH rating is of higher priority than an uncertified HH or a CC rating but of lower priority than an AAA or MM rating. Subject to the "ceiling" provision of paragraph (g) (2) below, a producer receiving a certified–HH order for any material listed in paragraph (d) above must fill it in preference to any uncertified HH or CC rated orders.

(2) *"Ceiling" on accepting certified-HH and AAA rated orders.* The maximum amount of certified-HH rated orders which a producer need accept for delivery of any material listed in paragraph (d) above in any month is 20% of his production of that material during that month. (AAA rated orders accepted by a producer before October 15, 1946, for any such material may be charged to the 20% ceiling for the month of delivery.) A producer may accept more than this amount of certified-HH orders but is not required to do so. The FPHA requirements for the materials listed in paragraph (d) above are so large that it is essential that they be spread evenly among all producers. If any single producer devoted a major part of his production to FPHA requirements, the resulting dislocation in his normal distribution might seriously interfere with the other phases of the Veterans' Emergency Housing Program.

(h) *Producer's equitable distribution of remainder of production.* After providing, each month, for certified-HH and AAA rated orders for a particular material listed in paragraph (d) above, a producer should distribute the remainder of the month's production of that material among his customers in each area in a fair and equitable manner, without regard to the certified-HH and AAA rated orders which any such customer may have served on him. In determining the amount of material to be shipped into each area, a producer should give due regard to the requirements of the Veterans' Emergency Housing Program.

(i) *Applicability of Schedule B to PR 33.* Quantities received by a distributor for delivery on certified-HH orders shall be excluded by him in all his ceiling and set aside calculations under Schedule B to PR 33. Quantities received by a distributor for delivery on any AAA rated order for an FPHA project shall also be so excluded, if the producer involved accepted the order, as placed with him, before October 15, 1946.

"Individual Directive" or Other Assistance Procedure for Certain Lumber Products

(j) *Materials for which special assistance may be issued.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given by the Civilian Production Administration, in the form of an individual directive or other arrangement under which a producer or supplier will provide preferential treatment for a particular purchase order:

Material
Flooring, hardwood, residential.
Lumber, housing construction.
Millwork.
Plywood, construction (softwood).

(k) *Procedure for getting special assistance.* Under the conditions stated in paragraph (b) above, a contractor may apply for this special assistance by filing a Form CPA–4473 application with the FPHA. If the FPHA believes that special assistance is needed, it will forward the application to the appropriate Civilian Production Administration office (Portland, Oregon, or Washington, D. C.). The Civilian Production Administration office will review the request and, if approved, will take appropriate assistance action, notifying the contractor and other interested persons.

(l) *Applicability of other regulations.* An order for which special assistance is given will be handled in accordance with applicable regulations (Orders L–358 and L–359), unless otherwise specified in the CPA action.

HHH-Rating Procedure

(m) *Materials for which HHH ratings may be authorized.* For any material listed on Schedule A to PR 33 except those listed in paragraphs (d) and (j) above ("certified-HH" and "individual directive" procedures), special assistance may be given in the form of authority to use an HHH rating. An HHH rating has a higher priority than a rating of HH or CC but a lower priority than a rating of AAA or MM.

(n) *Authorization for HHH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply to the FPHA for authorization to use an HHH rating. Application is to be made in the manner required by the FPHA. If the FPHA decides that the special assistance is needed, it may authorize the contractor to use an HHH rating. The method for using the HHH rating is the same as for the HH rating.

(o) *Suppliers' and producers' handling of HHH ratings.* A supplier or producer must accept and fill an HHH rated order in accordance with the rules of Priorities Regulation 1, subject to the special rules mentioned in this paragraph. He must fill an HHH rated order in preference to an HH or CC rated order. As explained in Schedule B, HHH ratings for any material are extendible under the same conditions as HH ratings for that material and are subject to any rules for HH rated orders in Schedules A and B to PR 33 and in any other applicable regulations.

"Authorized Order" Procedure for "Earmarked Products"

(p) *Materials made specially for FPHA projects ("earmarked products").* The CPA has been giving certain types of special assistance for steel and iron castings to certain producers for the manufacture of specific quantities of the following kinds of plumbing and heating equipment:

Material
Cooking ranges (21" gas, up to 36" oil).
Ice refrigerators.
Shower stalls.
Space heaters (gas, oil).
Water heaters (20-gal. gas, 30-gal. oil).

Under Order L–357, the quantities so manufactured are called "earmarked products" and may be sold only as permitted by that order. Usually, sale is permitted only on "authorized orders" for FPHA temporary re-use housing projects.

(q) *Authorization for "authorized orders".* In general, where a contractor needs materials of the kinds listed in paragraph (p) above, he will ordinarily be supplied, on "authorized orders", from the production earmarked for FPHA projects. To get any such earmarked products, a contractor should present one or more proposed purchase orders to the FPHA. The authorized FPHA representative may then place the following endorsement on each purchase order:

> Authorized order, under Direction 11 to PR 33 and Order L–357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
>
> Signature and title of authorized FPHA representative

This endorsement makes an order an "authorized order". An "authorized order" is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which "earmarked products" under Order L–357 may usually be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPHA arrangements with the producers may provide for direct sale of this item by producers to FPHA contractors, on authorized orders.

(r) *Handling of authorized orders.* Order L–357 explains how suppliers and producers are to handle authorized orders.

CC Rating Procedure

(s) *Materials for which CC rating may be authorized.* Under Priorities Regulation 28, the Civilian Production Administration may assign a CC rating, if certain conditions exist, for construction materials which are not listed on Schedule A to Priorities Regulation 33.

(t) *Procedure for getting CC rating authorization.* Under the conditions specified in Priorities Regulation 28, a contractor may present, to the FPHA, a Form CPA–541A application for a CC rating. If the FPHA believes that such assistance is needed, it will forward the application to the Civilian Production Administration, Washington 25, D. C., Ref: PR 28. The application will be reviewed by the CPA in accordance with PR 28. If approved, the contractor may use the CC rating as authorized.

(u) *Handling of CC rated orders.* Suppliers and producers must accept and fill CC rated orders in accordance with the rules of Priorities Regulation 1 and Schedule B to Priorities Regulation 33, where applicable.

Communications and Applications

(v) *Addressing communications and applications*—(1) *By contractors.* Contractors should address all communications concerning this direction, and make all applications under this direction, to the FPHA project engineer or to such other FPHA official as may be designated by that agency.

(2) *By other persons.* Communications by producers and suppliers concerning the operation of the various priorities provisions of this direction and obligations under them should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Dir. 11 to PR 33. All other communications should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A).

Definitions

(w) *Definitions.* For the purposes of this direction:

(1) "Contractor" means a contractor or subcontractor engaged to do construction work on an FPHA temporary re-use housing project.

(2) "Producer" means a person owning or operating facilities in which a building material affected by this direction is produced.

(3) "Supplier" means a person who is in the business of buying a building material, from a producer or from any other person, for resale as such. This includes distributors, jobbers, office wholesalers, brokers, and dealers of all types.

Cut-Off Dates

(x) *Cut-off dates.* No order bearing a certified-HH or HHH rating assigned under this direction may be placed by an FPHA contractor after January 31, 1947. No order bearing such a rating may specify a delivery date later than March 31, 1947. A certified-HH or HHH rated order which conforms with the specifications of this paragraph remains valid until filled.

Issued this 10th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPHA regional or field office concerning this direction should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address
Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.
Region II—Delaware, Maryland,[1] New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.
Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia [1]—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.
Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.
Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.
Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Street, Seattle, Wash.
Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.
Metropolitan District of Columbia, etc.—District of Columbia, Virginia,[1] Maryland,[1] Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

[1] The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

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

[Priorities Reg. 33, Direction 11 as Amended Jan. 17, 1947]

VETERANS' EMERGENCY HOUSING PROGRAM; FPHA TEMPORARY RE-USE HOUSING PROJECTS

(a) *What this direction does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act of 1946, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending completion of permanent housing units under the Veterans' Emergency Housing Program. Many of these temporary units are being erected for municipalities, to meet existing housing emergencies, and must be completed as soon as possible. Others are being erected at universities and colleges and must be ready for use during the coming scholastic year. Some of the building materials required for these units are in extremely short supply, and unless special assistance is given, local suppliers will not be able to meet those needs. This direction provides for special assistance to FPHA contractors in some instances. The special assistance includes several types of "super-priority" procedures which may be authorized for many of the building materials on Schedule A to Priorities Regulation 33, if efforts to get them on time through the use of HH ratings are unsuccessful. In addition, as explained in this direction, special assistance for other materials may be available under other CPA orders.

NOTE: Table amended Jan. 17, 1947.

Material for which special assistance is required	Type of special assistance available for particular material
1. Any material listed in paragraph (d) below (certain types of building board, cast iron soil pipe).	"Certified-HH" rating—superior to uncertified HH and CC ratings and extendible to producers.
2. Any material listed in paragraph (j) below (hardwood flooring, lumber, millwork, softwood plywood)	"Individual directive" or other action—requiring preferential treatment by a producer or supplier for a specific contractor's order.
3. Any material covered by paragraph (m) below (any material on Schedule A to PR 33 except those covered by #1 and #2 above).	HHH rating—superior to HH and CC ratings but otherwise identical with HH rating.
4. Any material listed in paragraph (p) below (certain types of heating and plumbing fixtures made for FPHA projects).	"Authorized order"—directed at "earmarked products" made specifically for FPHA projects.
5. Limited types of items, under very limited conditions (see paragraph (s) below)	CC rating under Priorities Regulation 28.

Special Assistance Available

(b) *When contractors may apply for special assistance.* It is expected that a contractor will ordinarily get most of his building materials for an FPHA temporary re-use housing project without any priorities assistance except the HH ratings assigned for the particular materials listed on Schedule A to PR 33. However, a contractor may apply to the FPHA (see paragraph (v) below for special assistance under certain circumstances. Unless otherwise specified below, he may apply only in cases where he has served purchase orders (with an HH rating, if authorized) for any building material on three or more sources of supply and received notice of their inability to deliver by the date required. The type of special assistance available and the method of applying depend on the particular material involved, as explained below.

(c) *Types of special assistance.* The various types of special assistance available are tabulated as follows and explained below:

"Certified-HH" Rating Procedure

(d) *Material for which certified-HH ratings may be authorized.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given in the form of authority to use a "certified HH" rated order:

Material
Cast iron soil pipe (including fittings).
Gypsum board.
Building board.

A "certified-HH" rated order is an HH rated order to which the endorsement described in paragraph (f) below has been added by an authorized FPHA representative. A certified-HH rating has a higher priority than an uncertified HH rating or a CC rating and is extendible by suppliers (but not by producers) to get the material to be delivered on the "certified-HH" order involved. Its priority, however, is lower than ratings of AAA or MM.

(e) *Authorization for certified-HH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply for certified-HH rating assistance by presenting his proposed purchase order to the FPHA. If the FPHA decides that special assistance is needed, the authorized FPHA representative may endorse the following certificate on the contractor's purchase order:

> Certified-HH rated order authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.
>
> ---
>
> Signature and title of authorized FPHA representative.

This certificate makes the purchase order a "certified-HH" rated order, entitled to the preferential treatment explained in paragraphs (f) and (g) below. The order will then be returned to the contractor, to be placed by him with his source of supply.

(f) *Suppliers' handling of certified-HH rated orders.* A distributor, jobber, dealer, or other supplier must not fill certified-HH rated orders out of inventory on hand or with material previously ordered. Instead, he must get the material by extending the certified-HH rating to his source of supply. Upon receiving material so ordered, he must deliver it on the order bearing the rating which was extended. Ratings are to be extended as explained in Priorities Regulation 3 except that the following statement is to be added to the certificate required by PR 3:

> The items ordered herewith are for certified-HH rated orders authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

(g) *Producers' handling of certified-HH and other rated orders.* Producers must accept and fill certified-HH rated orders in accordance with the rules of Priorities Regulation 1, for rated orders, subject to the following special rules:

(1) *Priority for certified-HH rating.* A certified-HH rating is of higher priority than an uncertified HH or a CC rating but of lower priority than an AAA or MM rating. Subject to the "ceiling" provision of paragraph (g) (2) below, a producer receiving a certified-HH order for any material listed in paragraph (d) above must fill it in preference to any uncertified HH or CC rated orders.

(2) *"Ceiling" on accepting certified-HH and AAA rated orders.* The maximum amount of certified-HH rated orders which a producer need accept for delivery of any material listed in paragraph (d) above in any month is 20% of his production of that material during that month. (AAA rated orders accepted by a producer before October 15, 1946, for any such material may be charged to the 20% ceiling for the month of delivery.) A producer may accept more than this amount of certified-HH orders but is not required to do so. The FPHA requirements for the materials listed in paragraph (d) above are so large that it is essential that they be spread evenly among all producers. If any single producer devoted a major part of his production to FPHA requirements, the resulting dislocation in his normal distribution might seriously interfere with the other phases of the Veterans' Emergency Housing Program.

(h) *Producer's equitable distribution of remainder of production.* After providing, each month, for certified-HH and AAA rated orders for a particular material listed in paragraph (d) above, a producer should distribute the remainder of the month's production of that material among his customers in each area in a fair and equitable manner, without regard to the certified-HH and AAA rated orders which any such customer may have served on him. In determining the amount of material to be shipped into each area, a producer should give due regard to the requirements of the Veterans' Emergency Housing Program.

(i) *Applicability of Schedule B to PR 33.* Quantities received by a distributor for delivery on certified-HH orders shall be excluded by him in all his ceiling and set aside calculations under Schedule B to PR 33. Quantities received by a distributor for delivery on any AAA rated order for an FPHA project shall also be so excluded, if the producer involved accepted the order, as placed with him, before October 15, 1946.

"Individual Directive" or Other Assistance Procedure for Certain Lumber Products

(j) *Materials for which special assistance may be issued.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given by the Civilian Production Administration, in the form of an individual directive or other arrangement under which a producer or supplier will pro-

vide preferential treatment for a particular purchase order:

Material
Flooring, hardwood, residential.
Lumber, housing construction.
Millwork.
Plywood, construction (softwood).

(k) *Procedure for getting special assistance.* Under the conditions stated in paragraph (b) above, a contractor may apply for this special assistance by filing a Form CPA–4473 application with the FPHA. If the FPHA believes that special assistance is needed, it will forward the application to the appropriate Civilian Production Administration office (Portland, Oregon, or Washington, D. C.). The Civilian Production Administration office will review the request and, if approved, will take appropriate assistance action, notifying the contractor and other interested persons.

(l) *Applicability of other regulations.* An order for which special assistance is given will be handled in accordance with applicable regulations (Orders L–358 and L–359), unless otherwise specified in the CPA action.

HHH-Rating Procedure

(m) *Materials for which HHH ratings may be authorized.* For any material listed on Schedule A to PR 33 except those listed in paragraphs (d) and (j) above ("certified-HH" and "individual directive" procedures), special assistance may be given in the form of authority to use an HHH rating. An HHH rating has a higher priority than a rating of HH or CC but a lower priority than a rating of AAA or MM.

(n) *Authorization for HHH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply to the FPHA for authorization to use an HHH rating. Application is to be made in the manner required by the FPHA. If the FPHA decides that the special assistance is needed, it may authorize the contractor to use an HHH rating. The method for using the HHH rating is the same as for the HH rating.

(o) *Suppliers' and producers' handling of HHH ratings.* A supplier or producer must accept and fill an HHH rated order in accordance with the rules of Priorities Regulation 1, subject to the special rules mentioned in this paragraph. He must fill an HHH rated order in preference to an HH or CC rated order. As explained in Schedule B, HHH ratings for any material are extendible under the same conditions as HH ratings for that material and are subject to any rules for HH rated orders in Schedules A and B to PR 33 and in any other applicable regulations.

"Authorized Order" Procedure for "Earmarked Products"

(p) *Materials made specially for FPHA projects ("earmarked products").* The CPA has been giving certain types of special assistance for steel and iron castings to certain producers for the manufacture of specific quantities of the following kinds of plumbing and heating equipment:

Material
Cooking ranges (21" gas, up to 36" oil).
Ice refrigerators.
Shower stalls.
Space heaters (gas, oil).
Water heaters (20-gal. gas, 30-gal. oil).

Under Order L–357, the quantities so manufactured are called "earmarked products" and may be sold only as permitted by that order. Usually, sale is permitted only on "authorized orders" for FPHA temporary re-use housing projects.

(q) *Authorization for "authorized orders".* In general, where a contractor needs materials of the kinds listed in paragraph (p) above, he will ordinarily be supplied, on "authorized orders", from the production earmarked for FPHA projects. To get any such earmarked products, a contractor should present one or more proposed purchase orders to the FPHA. The authorized FPHA representative may then place the following endorsement on each purchase order:

> Authorized order, under Direction 11 to PR 33 and Order L–357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
>
> Signature and title of authorized FPHA representative

This endorsement makes an order an "authorized order". An "authorized order" is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which "earmarked products" under Order L–357 may usually be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPHA arrangements with the producers may provide for direct sale of this item by producers to FPHA contractors, on authorized orders.

(r) *Handling of authorized orders.* Order L–357 explains how suppliers and producers are to handle authorized orders.

CC Rating Procedure

(s) *Items for which CC rating may be authorized (PR 28).* Under Priorities Regulation 28, as recently amended, the conditions under which CC rating assistance will be given have been drastically curtailed. PR 28 explains the conditions under which such assistance will be given. In general, CC ratings will no longer be given for construction materials.

(t) *Procedure for getting CC rating authorization.* Under the conditions specified in Priorities Regulation 28, a contractor may present, to the FPHA, a Form CPA–541A application for a CC rating. If the FPHA believes that such assistance is needed, it will forward the application to the Civilian Production Administration, Washington 25, D. C., Ref: PR 28. The application will be reviewed by the CPA in accordance with PR 28. If approved, the contractor may use the CC rating as authorized.

(u) *Handling of CC rated orders.* Suppliers and producers must accept and fill CC rated orders in accordance with the rules of Priorities Regulation 1 and Schedule B to Priorities Regulation 33, where applicable.

Communications and Applications

(v) *Addressing communications and applications*—(1) *By contractors.* Contractors should address all communications concerning this direction, and make all applications under this direction, to the FPHA project engineer or to such other FPHA official as may be designated by that agency.

(2) *By other persons.* Communications by producers and suppliers concerning the operation of the various priorities provisions of this direction and obligations under them should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Dir. 11 to PR 33. All other communications should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A).

Definitions

(w) *Definitions.* For the purposes of this direction:

(1) "Contractor" means a contractor or subcontractor engaged to do construction work on an FPHA temporary re-use housing project.

(2) "Producer" means a person owning or operating facilities in which a building material affected by this direction is produced.

(3) "Supplier" means a person who is in the business of buying a building material, from a producer or from any other person, for resale as such. This includes distributors, jobbers, office wholesalers, brokers, and dealers of all types.

Cut-Off Dates

(x) *Cut-off dates.* No order bearing a certified-HH or HHH rating assigned under this direction may be placed by an FPHA contractor after January 31, 1947. No order bearing such a rating may specify a delivery date later than March 31, 1947. A certified-HH or HHH rated order which conforms with the specifications of this paragraph remains valid until filled.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPHA regional or field office concerning this direction should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address
Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.
Region II—Delaware, Maryland,[1] New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.
Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia[1]—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.
Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.
Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.
Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Street, Seattle, Wash.
Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.
Metropolitan District of Columbia, etc.—District of Columbia, Virginia,[1] Maryland,[1] Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

[1] The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

SUBJECT: Direction 12 to PR-33, dated 8-16-46 1/
Use of HH Ratings for Hardwall Plaster

1. Substance. Schedule A of PR-33 now includes hardwall plaster as one of the critical products obtainable with an HH rating. This Direction provides restrictions on deliveries, to effect a 75% set-aside for the needs of veterans' housing projects.

2. Explanation. FPHA contractors will henceforth be able to apply the HH rating on their purchase orders to obtain hardwall plaster. This Direction imposes no additional restrictions on ordering, but provides that producers and dealers must accept and fill HH rated orders for 75% of their monthly supply.

1/ This Direction is a new insert for the Bulletin, and should be included in the Index for Part I, Section 3.

Revoked 9-1-46

Dir. 12 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

AUG. 16, 1946

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

[Priorities Reg. 33, Direction 12]

USE OF HH RATINGS FOR HARDWALL PLASTER IN THE VETERANS' EMERGENCY HOUSING PROGRAM

(a) *Purpose of this direction.* Priorities Regulation 33 provides for the assignment to builders of HH preference rating to secure materials listed on Schedule A to that regulation, which are required for use in the Veterans' Emergency Housing Program. Among these is hardwall plaster. This direction explains the use of the HH rating and also what the restrictions are in connection with the shipment of hardwall plaster by producers and dealers.

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

(1) "Hardwall plaster" means gypsum plaster (basic, ready-mixed, and gauging) made for use in applying base or finish coats to lathed interior walls.

(2) "Producer" means a person owning or operating facilities in which hardwall plaster is manufactured.

(3) "Dealer" means a person who buys hardwall plaster for resale as such. This does not include plastering contractors.

(c) *Application of HH ratings.* A builder authorized under Priorities Regulation 33 may use ("apply") an HH rating to get hardwall plaster. He may also authorize a contractor or subcontractor to use the rating for him, as explained in Priorities Regulation 33.

(d) *Extendibility of HH ratings.* A dealer or a producer who receives an HH rated order for hardwall plaster shall not extend the rating.

(e) *Producers' handling of rated orders.* (1) A producer who sells hardwall plaster only to dealers need not accept HH rated orders for hardwall plaster but must accept and fill other rated orders (AAA, MM or CC) in accordance with the provisions of Priorities Regulations.

(2) A producer who sells any hardwall plaster to persons who are not dealers must accept and fill HH and other rated orders in accordance with the provisions of Priorities Regulation 1. However, he need not accept HH rated orders for delivery during any month of more than 75% of the quantity of hardwall plaster delivered during that month to persons who are not dealers. He may not reject an HH rated order under this rule, but must promptly notify his customer when he expects to fill the order out of later production.

(f) *Dealers' handling of rated order.* A dealer must accept and fill rated ordrs (AAA, MM, CC or HH) for hardwall plaster in accordance with the provisions of Priorities Regulation 1. However, he need not accept HH rated orders for delivery during any month of more than 75% of the total quantities of hardwall plaster delivered during that month on all orders. He may not reject an HH rated order under this rule, but must promptly notify his customer when he expects to fill the order out of later receipts. Deliveries by a dealer to another dealer or producer shall not be considered as deliveries for the purpose of this paragraph.

(g) *Direct shipments.* Direct shipments from a producer to a dealer's customer for the dealer's account shall be considered as shipments to, and deliveries by, the dealer.

(h) *Calculations of quantities.* Quantities of hardwall plaster shall be figured in tons.

Issued this 16th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 18273—p. 1

Superseded 1-26-46

SUBJECT: Direction 13 to PR-33, dated 8-21-46 1/
Production and Sale of House Trailers

This Direction establishes restrictions on the maufacture and sale of house trailers, in order to channel them to purchasers for full-time housing use and to give preference to veterans.

Eligible purchasers include educational institutions or public organizations buying one or more house trailers to provide housing accommodations for veterans or for local emergency housing situations.

Such purchasers are required under Paragraph (p) (2) (iii) to show to the seller a written statement signed by an authorized official of the FPHA. This requirement imposes a responsibility on the regional offices to receive and consider requests from "institutional purchasers" and to determine whether the specified number of housing trailers is necessary and desirable. In many cases the regional office may obtain advice from the regional expediter.

1/ This Direction is a new insert for the Bulletin, and should be included in the Index for Part I, Section 3.

SUBJECT: Direction 13 to PR-33, Amended 12-31-46 1/
Production and Sale of House Trailers

This Direction establishes restrictions on the sale of house trailers manufactured with priorities assistance, in order to channel such VEHP trailers to purchasers for full-time housing use, and with preference to veterans.

Eligible purchasers include educational institutions or public organizations buying one or more house trailers to provide housing accommodations for veterans or for local emergency housing situations.

Such purchasers are required under Paragraph (p)(2)(iii) to show to the seller a written statement signed by an authorized official of the FPHA. This requirement imposes a responsibility on the regional offices to receive and consider requests from "institutional purchasers" and to determine whether the specified number of housing trailers is necessary and desirable. In many cases the regional office may obtain advice from the regional expediter.

This revision of Direction 13 records the decision of CPA and the Housing Expediter to issue no new ratings to trailer manufacturers, and points out that the manufacturers may not make further use of ratings authorized during 1946.

1/ Supersedes Direction 13 to PR-33, dated 8-21-46.

Superseded 12-31-46

Dir. 13 to PR 33

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

[Priorities Reg. 33, Direction 13]

PRODUCTION AND SALE OF HOUSE TRAILERS UNDER THE VETERANS' EMERGENCY HOUSING PROGRAM

(a) *What this direction does.* This direction explains how trailer manufacturers may get priorities assistance for certain materials to be used in the manufacture of house trailers under the Veterans' Emergency Housing Program. It also explains the restrictions on the manufacture and sale of house trailers for which such priorities assistance is used. In general, the restrictions on the manufacture of house trailers are directed at channeling materials into moderate cost house trailers suitable for full-time housing use, and the sales restrictions are directed at channeling house trailers to purchasers needing them for full-time house use and at giving preference to veterans of World War II in buying house trailers for that purpose.

Definitions

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

(1) "House trailer" means a mobile shelter made in a factory and designed as follows: (i) to be used as housing accommodations, (ii) to be towed on the public highway on an undercarriage attached to the shelter as a permanent integral part of it, and (iii) to be used or towed without dismantling or substantial change in external dimensions. Except where otherwise specified in this direction, this term includes a house trailer designed as above but sold in "demounted" condition (i. e., without an undercarriage).

(2) "VEHP house trailer" means a house trailer manufactured with the use of priorities assistance under the Veterans' Emergency Housing Program.

(3) "Trailer manufacturer" means any person engaged in the business of manufacturing house trailers for sale.

(4) "Institutional purchaser" means an educational institution or public organization buying one or more house trailers to provide housing accommodations for veterans or for local emergency housing situations.

(5) "Authorized materials" means the following materials, which are the materials for which priorities assistance may be given under this direction to house trailer manufacturers:

(i) The materials now or hereafter listed in Schedule A to Priorities Regulation 33, except hardwood flooring and limited, in the case of softwood plywood, to ½" and ⅝" flooring types of construction grades.

(ii) Hardwood plywood.

Priorities Assistance for Manufacturers

(c) *Applications for priorities assistance.* A trailer manufacturer may apply to the National Housing Agency, Washington 25, D. C., on Form NHA 14–44 for priorities assistance in getting "authorized materials" for his use in manufacturing VEHP house trailers. Priorities assistance will be in the form of authority to use an HH rating or to place certified orders for numerically expressed quantities of certain "authorized materials" and for the minimum quantities of the other "authorized materials" needed to meet his approved production requirements. Authorizations will be given for quantities to be ordered for delivery in a particular calendar quarter, subject to the delivery date restrictions of paragraph (e) below. Applications covering both the August 16-September 30 portion of the third quarter and the full fourth quarter of 1946 should be submitted as soon as possible. Trailer manufacturers operating more than one plant should file for each plant separately.

(d) *Criteria for approving applications.* Applications from trailer manufacturers will be approved only for such quantities of "authorized materials", as are likely to be used to manufacture house trailers of types found by the National Housing Agency to be suitable for the Veterans' Emergency Housing Program, especially with respect to livability and moderate cost.

(e) *Methods of using authorized priorities assistance.* A trailer manufacturer whose Form NHA 14–44 application has been approved may use priorities assistance to order only the approved quantities of "authorized materials" for delivery during the quarter covered by the authorization. The methods of using priorities assistance are as follows:

(1) *Certified orders for certain "authorized materials."* For approved quantities of lumber, millwork, and construction plywood (limited to ½" and ⅝" flooring), he may place certified orders in the manner explained in the applicable direction (1 or 1A) to Priorities Regulation 33.

(2) *HH ratings for other "authorized materials."* For approved quantities of the other "authorized materials" (see paragraph (b) (5) above), he may use an HH rating by placing the following certificate on his purchase orders (the certificates in Priorities Regulations 3 and 7 may not be substituted for this certificate):

> Veterans' Emergency Housing Program
> House Trailers
> Serial #_____
> Ratings: HH
> I certify to the Civilian Production Administration and to the National Housing Agency that the materials covered by this order will be used only in the manufacture of house trailers under the Veterans' Emergency Housing Program and that I will sell the completed units only in accordance with applicable regulations, including Direction 13 to Priorities Regulation 33.
>
> _____
> Manufacturer

Restriction on Manufacturing

(f) *Delivery-date restrictions.* In placing an HH rated or a certified purchase order under this direction, a trailer manufacturer must not specify a delivery date which is:

(1) More than 30 days before the time he expects to use the materials in VEHP house trailers.

(2) Later than the end of the particular quarter to which his Form NHA 14–44 authorization applies.

"Delivery date" means the date of delivery at the trailer manufacturer's plant or warehouse.

(g) *Use of materials.* A trailer manufacturer may use materials obtained under this direction only for the manufacture of house trailers in moderate-cost models of the types for which priorities assistance was granted. A "moderate-cost model" is one which, under the maximum price regulations of the Office of Price Administration applicable when final assembly is begun, may not be sold at a retail price of more than (1) $2500 with at least minimum standard equipment included or (2) $2500 minus the maximum retail list prices or other appropriate amounts for any minimum standard equipment not included.

"Retail price" means retail price f. o. b. plant, exclusive of the manufacturer's federal excise tax and exclusive of any state and local sales taxes customarily separately stated by the seller as being in addition to the selling price. "Minimum standard equipment" means the equipment and furnishings necessary to provide livable housing accommodations, including at least the following: (1) sleeping facilities for at least four persons, (2) heating unit, (3) interior-lighting equipment, (4) cooking unit, (5) refrigerator, (6) sink, (7) work table, and (8) storage facilities.

(h) *Identifying marking.* Any house trailer in which materials obtained under this direction have been used must be marked by the trailer manufacturer to identify it as a VEHP house trailer. This is to be done by adding the letters "VEHP" to the serial number stamped, stencilled, or otherwise placed on the house trailer.

(i) *Prohibited sales.* A trailer manufacturer must not sell a VEHP house trailer to any purchaser except to one of those specified in paragraph (j) below. In addition, he must not sell it even to such a purchaser if he knows or has reason to believe, that it will be acquired or disposed of in violation of this direction.

(j) *Permitted sales.* A trailer manufacturer may sell VEHP house trailers to the following purchasers, under the conditions specified.

(1) He may sell a mounted or demounted house trailer to a dealer from whom he has received a copy of a dealers' statement as described in paragraph (1) below.

(2) He may sell a mounted or demounted house trailer to an institutional purchaser eligible under paragraph (p) below.

(3) He may sell a mounted house trailer to an individual purchaser who is eligible under paragraph (p) below, and who, in addition, establishes veterans' preference under paragraph (q) below.

(k) *Report of direct sales.* If a trailer manufacturer sells a VEHP house trailer to any purchaser except a dealer, he must promptly make out a report of the sale on Form NHA 14–45, in triplicate, and have the purchaser fill out the purchaser's-statement section of the form. The trailer manufacturer should give one copy to the purchaser, keep one copy for his files, and, by the last day of the month, send the original to the National Housing Agency, Washington, D. C.

Restrictions on Dealers

(l) *Filing of "dealer's statement".* A dealer may not accept delivery of a VEHP house trailer from the trailer manufacturer unless he has filed a "Dealer's Statement" with the appropriate State or District Office of the Federal Housing Administration and, in addition, has sent a copy of that statement to the trailer manufacturer. The "Dealer's Statement" shall be in writing and in substantially the following form:

DEALER'S STATEMENT

> I certify to the Civilian Production Administration and to the National Housing Agency that I am a dealer in house trailers; that I wish to become eligible to receive house trailers manufactured under the Veterans' Emergency Housing Program; that I am familiar with the dealers' restrictions in Direction 13 to Priorities Regulation 33 (issued by the Civilian Production Administration),

including the 60-day veterans' preference; and that I will comply with the terms of that direction in making sales of VEHP house trailers.

Name of Dealer's Firm

Address

By

Title of Authorized Official

Date

(m) *Prohibited disposition.* A dealer may not dispose of a new VEHP house trailer except by sale to any purchaser specified in paragraph (n) below. In addition, he must not sell it even to such a purchaser if he knows or has reason to believe, that it will be acquired, or disposed of, in violation of this direction.

(n) *Permitted sales.* A dealer may sell a VEHP house trailer to any of the following purchasers under the conditions specified:

(1) *Demounted VEHP house trailers.* A dealer may sell a new demounted VEHP house trailer only to an institutional purchaser eligible under paragraph (p) below. Such a sale may be made at any time.

(2) *Mounted VEHP house trailers.* A dealer may sell a new mounted VEHP house trailer to an institutional purchaser eligible under paragraph (p) below. Such a sale may be made at any time. A dealer may also sell a new mounted VEHP house trailer to an individual purchaser who is eligible under paragraph (p) below. He may make such a sale at any time, if the eligible purchaser establishes veterans' preference under paragraph (q) below. However, he may sell it to any other eligible individual purchaser only after publicly offering it, for 60 days, for sale to purchasers with veterans' preference. In making a public offering, the dealer must keep the trailer on display and must conspicuously post, at his place of business, a sign stating that he has VEHP house trailers for sale to purchasers with veterans' preference. The sign shall be at least 9'' x 12'' in size.

(o) *Dealer's report of sale.* After each sale of a VEHP house trailer, the dealer shall promptly make out a report of the sale on Form NHA 14–45, in quadruplicate, and have the purchaser fill out the purchaser's section of the form. The dealer should give one copy to the purchaser and one copy to the manufacturer from whom he received the house trailer, keep one copy for his files, and by the last day of the month send the original statement to the National Housing Agency, Washington 25, D. C.

Eligible purchasers and veterans' preference

(p) *Eligible purchasers.* A purchaser who is not a dealer is eligible to buy a new VEHP house trailer under the following circumstances only:

(1) *Individual purchasers.* An individual may buy a mounted VEHP house trailer only if (i) he is buying it for his own full-time housing use and (ii) he certifies to that purpose in writing. Certification is to be made on the purchaser's statement section of the Form NHA 14–45 Report of Sale, which is to be provided by the seller. An individual in this class is entitled to preference over other individuals in the same class if he is eligible for, and establishes, veterans' preference under paragraph (q) below.

(2) *Institutional purchasers.* An institutional purchaser may buy one or more mounted or demounted VEHP house trailers only if (i) it is buying them to provide housing facilities for veterans or for local emergency housing situations, (ii) it certifies to that purpose on the purchaser's-statement section of Form NHA 14-45, and (iii) it shows, to the seller, a written statement from the Federal Public Housing Authority, signed by an authorized official, stating that it considers the specified number of house trailers necessary and desirable for the purpose. (See paragraph (r) below about the applicability of VHP–1 to installation of demounted house trailers.)

(q) *Eligible purchasers with veterans' preference.* An individual purchaser is entitled to veterans' preference in buying a new VEHP house trailer under the following circumstances only: (1) he must be eligible under paragraph (p) above, (2) he must be one of the classes on List 1 to this direction, (3) he must certify to that status in writing, and (4) he must show satisfactory documentary evidence of that status to the seller of the house trailer. Certification is to be made on the purchaser's-statement section of the Form NHA 14–45 Report of Sale, which is to be provided by the seller.

Other Provisions

(r) *Applicability of VHP–1.* The installation of a demounted house trailer on a foundation would be "construction" under Veterans' Housing Program Order 1, and, in general, requires authorization under that order. Application for such authorization should be made to the appropriate regional office of the Federal Public Housing Authority.

(s) *Communications and appeals.* Communications regarding the provisions of this direction, and appeals from those provisions, should be sent to the National Housing Agency, Washington 25, D. C. Ref: Dir 13 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

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

(u) *Reporting and record requirements approved.* The reporting and record requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Removed 2-5-47.

OBSOLETE

Dir. 13 to PR 33

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

DEC. 31, 1946
[As Amended]

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

[Priorities Reg. 33, Direction 13, as Amended Dec. 31, 1946]

PRODUCTION AND SALE OF HOUSE TRAILERS UNDER THE VETERANS' EMERGENCY HOUSING PROGRAM

(a) *What this direction does.* Under this direction, trailer manufacturers have been given priorities assistance for use in getting certain materials to be used in the manufacture and sale of certain kinds of house trailers. The assistance was given on Form NHA 14-44, for the latter part of 1946 only. No further assistance is being given under this direction. Therefore, trailer manufacturers may not use the authorizations (Form NHA 14-44) to place orders after December 31, 1946. Unfilled HH-rated or certified orders placed before that date and calling for delivery by that date remain valid for delivery after that date.

The restrictions of this direction continue to apply to the manufacturers' use of materials obtained with priorities assistance and to the manufacturers' and dealers' sales of house trailers manufactured with such materials.

In general, the restrictions on the manufacture of house trailers are directed at channeling materials into moderate cost house trailers suitable for full-time housing use, and the sales restrictions are directed at channeling house trailers to purchasers needing them for full-time house use and at giving preference to veterans of World War II in buying house trailers for that purpose.

Definitions

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

(1) "House trailer" means a mobile shelter made in a factory and designed as follows: (i) to be used as housing accommodations, (ii) to be towed on the public highway on an undercarriage attached to the shelter as a permanent integral part of it, and (iii) to be used or towed without dismantling or substantial change in external dimensions. Except where otherwise specified in this direction, this term includes a house trailer designed as above but sold in "demounted" condition (i. e., without an undercarriage).

(2) "VEHP house trailer" means a house trailer manufactured with the use of priorities assistance under the Veterans' Emergency Housing Program.

(3) "Trailer manufacturer" means any person engaged in the business of manufacturing house trailers for sale.

(4) "Institutional purchaser" means an educational institution or public organization buying one or more house trailers to provide housing accommodations for veterans or for local emergency housing situations.

(5) [Deleted Dec. 31, 1946.]

(c)-(f) [Revoked Dec. 31, 1946.]

Restrictions on Manufacturers

(g) *Use of materials.* A trailer manufacturer may use materials obtained under this direction only for the manufacture of house trailers in moderate-cost models of the types for which priorities assistance was granted. A "moderate-cost model" is one which, under the maximum price regulations of the Office of Price Administration applicable on November 9, 1946, had a maximum retail price of not more than (1) $2500 with at least minimum standard equipment included or (2) $2500 minus the maximum retail list prices or other appropriate amounts for any minimum standard equipment not included.

"Retail price" means retail price f. o. b. plant, exclusive of the manufacturer's federal excise tax and exclusive of any state and local sales taxes customarily separately stated by the seller as being in addition to the selling price. "Minimum standard equipment" means the equipment and furnishings necessary to provide livable housing accommodations, including at least the following: (1) sleeping facilities for at least four persons, (2) heating unit, (3) interior-lighting equipment, (4) cooking unit, (5) refrigerator, (6) sink, (7) work table, and (8) storage facilities.

(h) *Identifying marking.* Any house trailer in which materials obtained under this direction have been used must be marked by the trailer manufacturer to identify it as a VEHP house trailer. This is to be done by adding the letters "VEHP" to the serial number stamped, stencilled, or otherwise placed on the house trailer.

(i) *Prohibited sales.* A trailer manufacturer must not sell a VEHP house trailer to any purchaser except to one of those specified in paragraph (j) below. In addition, he must not sell it even to such a purchaser if he knows, or has reason to believe, that it will be acquired or disposed of in violation of this direction.

(j) *Permitted sales.* A trailer manufacturer may sell VEHP house trailers to the following purchasers, under the conditions specified.

(1) He may sell a mounted or demounted house trailer to a dealer from whom he has received a copy of a dealer's statement as described in paragraph (1) below.

(2) He may sell a mounted or demounted house trailer to an institutional purchaser eligible under paragraph (p) below.

(3) He may sell a mounted house trailer to an individual purchaser who is eligible under paragraph (p) below, and who, in addition, establishes veterans' preference under paragraph (q) below.

(k) *Report of direct sales.* If a trailer manufacturer sells a VEHP house trailer to any purchaser except a dealer, he must promptly make out a report of the sale on Form NHA 14-45, in triplicate, and have the purchaser fill out the purchaser's-statement section of the form. The trailer manufacturer should give one copy to the purchaser, keep one copy for his files, and, by the last day of the month, send the original to the National Housing Agency, Washington, D. C.

Restrictions on Dealers

(l) *Filing of "dealer's statement".* A dealer may not accept delivery of a VEHP house trailer from the trailer manufacturer unless he has filed a "Dealer's Statement" with the National Housing Agency, Washington 25, D. C., and, in addition, has sent a copy of that statement to the trailer manufacturer. A dealer who has filed a "Dealer's Statement" with the appropriate State or District Office of the Federal Housing Administration need not file again with the National Housing Agency. The "Dealer's Statement" shall be in writing and in substantially the following form:

DEALER'S STATEMENT

I certify to the Civilian Production Administration and to the National Housing Agency that I am a dealer in house trailers; that I wish to become eligible to receive house trailers manufactured under the Veterans' Emergency Housing Program; that I am familiar with the dealers' restrictions in Direction 13 to Priorities Regulation 33 (issued by the Civilian Production Administration), including the 60-day veterans' preference; and that I will comply with the terms of that direction in making sales of VEHP house trailers.

Name of Dealer's Firm

Address

By

Title of Authorized Official

Date

(m) *Prohibited disposition.* A dealer may not dispose of a new VEHP house trailer except by sale to any purchaser specified in paragraph (n) below. In addition, he must not sell it even to such a purchaser if he knows or has reason to believe, that it will be acquired, or disposed of, in violation of this direction.

(n) *Permitted sales.* A dealer may sell a VEHP house trailer to any of the following purchasers under the conditions specified:

(1) *Demounted VEHP house trailers.* A dealer may sell a new demounted VEHP house trailer only to an institutional purchaser eligible under paragraph (p) below. Such a sale may be made at any time.

(2) *Mounted VEHP house trailers.* A dealer may sell a new mounted VEHP house trailer to an institutional purchaser eligible under paragraph (p) below. Such a sale may be made at any time. A dealer may also sell a new mounted VEHP house trailer to an individual purchaser who is eligible under paragraph (p) below. He may make such a sale at any time, if the eligible purchaser establishes veterans' preference under paragraph (q) below. However, he may sell it to any other eligible individual purchaser only after publicly offering it, for 60 days, for sale to purchasers with veterans' preference. In making a public offering, the dealer must keep the trailer on display and must conspicuously post, at his place of business, a sign stating that he has VEHP house trailers for sale to purchasers with veterans' preference. The sign shall be at least 9" x 12" in size.

(o) *Dealer's report of sale.* After each sale of a VEHP house trailer, the dealer shall promptly make out a report of the sale on Form NHA 14-45, in quadruplicate, and have the purchaser fill out the purchaser's section of the form. The dealer should give one copy to the purchaser and one copy to the manufacturer from whom he received the house trailer, keep one copy for his files, and by the last day of the month send the original statement to the National Housing Agency, Washington 25, D. C.

Eligible purchasers and veterans' preference

(p) *Eligible purchasers.* A purchaser who is not a dealer is eligible to buy a new VEHP

house trailer under the following circumstances only:

(1) *Individual purchasers.* An individual may buy a mounted VEHP house trailer only if (i) he is buying it for his own full-time housing use and (ii) he certifies to that purpose in writing. Certification is to be made on the purchaser's statement section of the Form NHA 14–45 Report of Sale, which is to be provided by the seller. An individual in this class is entitled to preference over other individuals in the same class if he is eligible for, and establishes, veterans' preference under paragraph (q) below.

(2) *Institutional purchasers.* An institutional purchaser may buy one or more mounted or demounted VEHP house trailers only if (i) it is buying them to provide housing facilities for veterans or for local emergency housing situations, (ii) it certifies to that purpose on the purchaser's-statement section of Form NHA 14–45, and (iii) it shows, to the seller, a written statement from the Federal Public Housing Authority, signed by an authorized official, stating that it considers the specified number of house trailers necessary and desirable for the purpose. (See paragraph (r) below about the applicability of VHP–1 to installation of demounted house trailers.)

(q) *Eligible purchasers with veterans' preference.* An individual purchaser is entitled to veterans' preference in buying a new VEHP house trailer under the following circumstances only: (1) he must be eligible under paragraph (p) above, (2) he must be in one of the classes on List 1 to this direction, (3) he must certify to that status in writing, and (4) he must show satisfactory documentary evidence of that status to the seller of the house trailer. Certification is to be made on the purchaser's-statement section of the Form NHA 14–15 Report of Sale, which is to be provided by the seller.

Other Provisions

(r) *Applicability of VHP–1.* The installation of a demounted house trailer on a foundation would be "construction" under Veterans' Housing Program Order 1, and, in general, requires authorization under that order. Application for such authorization should be made to the appropriate regional office of the Federal Public Housing Authority.

(s) *Communications and appeals.* Communications regarding the provisions of this direction, and appeals from those provisions, should be sent to the National Housing Agency, Washington 25, D. C. Ref: Dir 13 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

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

(u) *Reporting and record requirements approved.* The reporting and record requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 1-20-47

SUBJECT: List 1, Direction 13 to PR-33 1/
Purchasers Eligible for Veterans Preference

This regulation specifies the qualifications which will enable an individual purchaser of house trailers to establish veterans preference.

The requirements of this List and the other requirements in paragraphs (p) and (q) of Direction 13 may be brought to the attention of FPHA personnel who may be in need of housing accommodations and desire to purchase trailers for their full-time housing use.

1/ This is a new insert for the Bulletin, and appropriate entry should be made in the Index for Part I, Section 3.

SUBJECT: List 1, Direction 13 to PR-33, Amended 12-31-46 1/
Purchasers Eligible for Veterans Preference

This regulation specifies the qualifications which will enable an individual purchaser of house trailers to establish veterans preference.

The requirements of this List, and the other requirements in paragraphs (p) and (q) of Direction 13 may be brought to the attention of FPHA personnel who may be in need of housing accommodations and desire to purchase trailers for their full-time housing use.

A minor language change makes it clear that a veteran is entitled to buying preference if he is purchasing a new trailer either for his own use or for "the full-time use of his dependent family".

1/ Supersedes List 1, Direction 13 to PR-33, dated 8-21-46.

Superseded 12-31-46

Dir. 13 to PR 33

CIVILIAN PRODUCTION ADMINISTRATION

LIST 1
AUG. 21, 1946

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

[Priorities Reg. 33, List 1 to Direction 13]

PURCHASERS ELIGIBLE FOR VETERANS PREFERENCE

A purchaser is eligible, under paragraph (q) of Direction 13 to PR 33, for veterans' preference in buying a new mounted VEHP house trailer if he is in one of the following classes and if, in addition, he meets the other requirements stated in paragraph (q):

(a) A person who (1) has served in the active military or naval forces of the United States on or after September 16, 1940, (2) has been discharged or released therefrom under conditions other than dishonorable, and (3) wishes to buy the house trailer for his own full-time housing use.

(b) A person who (1) is serving in the active military or naval forces of the United States, (2) requires dwelling accommodations for his dependent family, and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

(c) The spouse of a veteran (as described in paragraph (a) of this list) who died after being discharged or released from service, or the spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse wishes to buy the house trailer for full-time housing use by her (him) and a child or children of the deceased.

(d) A citizen of the United States who (1) served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable), (2) requires dwelling accommodations for his dependent family, and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

(e) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine and who (1) requires dwelling accommodations for his dependent family, and (2) wishes to buy the house trailer for the full-time housing use of his dependent family.

(f) A citizen of the United States who (1) as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, (2) requires dwelling accommodations for his dependent family and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

Issued this 21st day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO CPA 18286A p. 1

Removed 2-5-47

OBSOLETE

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 33, List 1, as Amended Dec. 31, 1946, to Direction 13]

PURCHASERS ELIGIBLE FOR VETERANS PREFERENCE

A purchaser is eligible, under paragraph (q) of Direction 13 to PR 33, for veterans' preference in buying a new mounted VEHP house trailer if he is in one of the following classes and if, in addition, he meets the other requirements stated in paragraph (q):

(a) A person who (1) has served in the active military or naval forces of the United States on or after September 16, 1940, (2) has been discharged or released therefrom under conditions other than dishonorable, and (3) wishes to buy the house trailer for his own full-time housing use or for the full-time housing use of his dependent family.

(b) A person who (1) is serving in the active military or naval forces of the United States, (2) requires dwelling accommodations for his dependent family, and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

(c) The spouse of a veteran (as described in paragraph (a) of this list) who died after being discharged or released from service, or the spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse wishes to buy the house trailer for full-time housing use by her (him) and a child or children of the deceased.

(d) A citizen of the United States who (1) served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable), (2) requires dwelling accommodations for his dependent family, and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

(e) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine and who (1) requires dwelling accommodations for his dependent family, and (2) wishes to buy the house trailer for the full-time housing use of his dependent family.

(f) A citizen of the United States who (1) as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, (2) requires dwelling accommodations for his dependent family and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Direction 13 to PR-33 re House Trailers

Direction 13 to PR-33 establishes restrictions on the sale of house trailers which have been manufactured with priorities assistance. The only provisions affecting FPHA activities is summarized in the following paragraphs.

Included as eligible purchasers are educational institutions and public organizations buying one or more house trailers, mounted or demounted, to provide housing accommodations for veterans or for any local emergency housing situations.

Such purchasers are required to show to the dealer a written statement signed by an authorized official of the FPHA. This requirement imposes a responsibility on the regional offices to receive and consider requests and, on determination that the specified number of house trailers is necessary and desirable for the purposes, to issue a statement to that effect.

SUBJECT: Direction 14 to PR-33, dated 11-5-46 1/
Certified Orders for Blower Motors

This Direction provides special assistance in the form of "certified orders" for the procurement of motors for forced warm air furnace blowers, in cases where such furnaces have been received without the motor.

Paragraph (b) contains the special certification which is to be placed on a purchase order for such motors. This certification also includes the conditions which must prevail to establish eligibility for this special assistance.

If FPHA contractors or local bodies require blower motors, separate purchase orders should be prepared promptly, certified, and, when served on a supplier, this Direction should be brought to his attention in order to gain full advantage of the extendibility provisions.

1/ This is a new insert, and an entry should be made in the Index for Part I, Section 3.

Dir. 14 to PR 33

NOV. 5, 1946

CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 33, Direction 14]

CERTIFIED ORDERS FOR BLOWER MOTORS

(a) *What this direction does.* There is a critical shortage in the supply of fractional horsepower motors of the type used to operate forced warm air furnace blowers. Furnace manufacturers have recently found it necessary in some cases to ship forced warm air furnaces without blower motors. Many of these furnaces have been installed in housing accommodations but the housing accommodations will not be habitable during the coming heating season unless motors are made available for the blowers. This direction explains how blower motors may be obtained for forced warm air furnaces by the use of certified orders in order to make these housing accommodations habitable. It also explains how these certified orders are to be handled by suppliers, and the conditions under which the certificates may be extended by suppliers if they are unable to fill the orders.

(b) *How to certify an order.* Any owner, occupant or builder of a housing accommodation who is unable to obtain a blower motor for a forced warm air furnace which was installed without a motor may give the following certification in writing, signed manually or as provided in Priorities Regulation 7, to the supplier who furnished the furnace if the furnace has actually been installed in a housing accommodation which is occupied or ready for immediate occupancy, but cannot be used during the coming heating season without a motor:

The undersigned certifies to the seller and the Civilian Production Administration, subject to the penalties of Section 35 (a) of the United States Criminal Code, that (i) he is the _____
(state whether owner, occupant or builder)
of a housing accommodation)
located at _____
(give location of housing accommodation)
in which a forced warm air furnace has been installed without a blower motor; (ii) the housing accommodation is occupied or ready for immediate occupancy, but will not be habitable during the heating season without a blower motor; (iii) he has been unable to obtain a motor for the furnace; and (iv) the motor which he gets with the certificate will be installed in and used with the furnace which has been installed without a motor.

_____
Signature of owner, occupant or builder.

The standard certification described in Priorities Regulation 7 may not be used instead of this certification. Any person giving the certification described above must use the motor he gets with it in accordance with its terms.

(c) *Effect of certificates on suppliers.* Any person who receives a certificate in the form described in paragraph (b) of this direction covering an order for a motor for a forced warm air furnace blower which he delivered without a motor must treat that order as if it were a rated order in accordance with the rules in Priorities Regulation 1, except to the extent that those rules are modified by this direction. If he has suitable motors on hand, he must give the certified orders preference over any other orders except those rated AAA or MM. As between conflicting certified orders, precedence must be given to the order for which the supplier received the certificate first. He must give the certified orders this preference even though he had intended to incorporate the motors into blowers or furnaces for which he had received rated orders, and does not customarily sell motors as such. (Suppliers may, but need not, fill certified orders with suitable motors taken from other blowers which they receive complete with motors.) However if the supplier does not have any suitable motors on hand with which to fill the orders, and does not customarily obtain motors from a motor manufacturer for assembly with the forced warm air furnaces which he sells, he must promptly forward the certificate to the supplier from whom he obtained the blower without the motor, noting on the certificate his own name and address. The certificate must be extended in this manner until the order is filled or it reaches the furnace manufacturer who customarily obtains the motor from a motor manufacturer (or the blower manufacturer if the furnace manufacturer customarily obtains blowers complete with motors from him), but the order must be filled by that manufacturer under the above rules and the certificate may not be extended by him.

Issued this 5th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: PR-35, dated 3-4-47 1/

This Regulation explains the revised priorities rating system and provides that after April 1, 1947, priority rating assistance will be given, in general, only in support of the housing program and to aid the Veterans Administration building program.

Ratings already issued for other reasons will expire. Provision is made, however, for the continuance of valid ratings now outstanding when they are to be used to obtain construction items listed on Schedule A to PR-33, with the exception of steel, as defined in List B.

New "RR" ratings will replace CC ratings, and "RRR" ratings will replace AAA ratings. Beginning April 1, no AAA, MM, or CC ratings will be issued for any purpose. Valid HH and HHH ratings are not affected in any way by PR-35.

1/ This is a new insert, which should be recorded in the Index for Part 1, Section 3.

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

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

[Priorities Reg. 35]

REVISED PRIORITIES RATING SYSTEM

Explanation and scope

(a) Explanation.
(b) Ratings valid after March 1947.
(1) Certain ratings remain valid.
(2) Ratings which expire (some may be re-rated).
(3) New RR and RRR ratings effective at once.
(c) General description of revised rating system.
(1) RRR for extreme emergencies only.
(2) RR for VEHP and V. A. construction program.
(3) RR equivalent to CC, and RRR to AAA.
(d) When and how certain old ratings may be converted to a new rating.
(1) Producers of building products listed in PR–28, Table 1.
(2) No AAA may be converted to RRR by holder.
(3) Other persons not authorized to re-rate.
(4) How to apply for and use a new rating to replace an old one.
(5) New ratings date back to former one.
(e) Transition period.
(1) CC and other ratings may still be issued through March.
(2) Extendibility not affected while ratings remain effective.
(3) All old ratings unaffected through March.
(4) Certain old ratings to be disregarded after March.
(5) Notice of expiration need not be given by customer.
(f) Reports.
List A—List of "Construction Items".
List B—"Steel Items".

§ 944.56 *Priorities Regulation 35.*—(a) *Explanation.* In furtherance of the announced policy of restoring normal buyer-seller relations as soon as possible, the rating assistance which will be given after the end of March 1947 will be even more limited than that now provided. As explained in Supplement I of Priorities Regulation 28 (being issued simultaneously with this regulation), after that time priorities assistance will in general be given only in a very limited class of cases which support the objectives of the Veterans Emergency Housing Program.

Preference ratings, issued by CPA and by other government agencies, have assisted not only housing but top military programs and general industrial reconversion. After March 31, rating assistance will be given, in general, only in support of the housing program, and to aid the Veterans Administration Construction Program, and the ratings that were issued for other reasons will expire. This will be done with the minimum dislocation: for example, it will not be necessary to disturb the ratings outstanding for the purchase of building materials or building products on Schedule A or Priorities Regulation 33 since these ratings (mostly HH) are directly related to the housing program. However, the rating symbols AAA, MM, and CC have been used for other materials for both housing and other purposes. Where necessary in order to identify those ratings for other materials, which will be used and continue in effect in support of the housing program after the end of March, new symbols will be assigned.

This regulation explains which outstanding ratings remain valid after March and which ratings will expire at the end of March. It also explains the new rating symbols and their effect, and the mechanics of the transition for the few cases where the holder of an old rating may be permitted to change to the new.

This regulation applies to preference ratings only. It does not affect any other priorities or allocation instruments.

There will also be changes in other regulations and orders of the Civilian Production Administration. It may not be practical to make all such changes before this regulation is published, and if there is any inconsistency between this regulation and any other CPA regulation or order, this one controls unless the other expressly states the contrary.

(b) *Ratings valid after March, 1947.* (1) Valid HHH and HH ratings are not affected in any way by this regulation. Valid AAA, MM, and CC ratings issued for the purchase of any building materials or products listed in Schedule A of Priorities Regulation 33 are not revoked and remain in effect in accordance with the rules under which they were issued, except that they may not be used and will not be effective for the purchase of steel for delivery after March 31, 1947. A list of the materials and products, as listed in Schedule A of PR–33, referred to hereafter in this regulation as "construction items", is appended as List A for convenient reference, and the forms and shapes of steel are shown in List B.

(2) At the end of March 1947 all AAA, MM, and CC ratings for any material or product, other than a construction item, shall expire. However, certain of these may be re-rated with one of the new ratings under the procedures described in paragraph (d) below.

(3) The new RR and RRR ratings described in (c) below will be effective during March 1947 and thereafter, for any materials for which issued. The purposes for which they will be issued will of course be limited, as explained in this regulation and in Supplement I to Priorties Regulation 28.

(c) *General description of revised rating system.* AAA, MM, and CC ratings will not be issued after March 31, 1947, and except for those continued in effect under paragraph (b) (1) above for the purchase of construction items, will be replaced by the following:

(1) The new RRR rating, which may be assigned by CPA only in extreme emergencies, and where an RR rating would be inadequate.

(2) The new RR rating, which may be asigned by CPA after March 1, 1947, under the conditions stated in Supplement I to Priorities Regulation 28; or which in some cases may be converted from an old rating by the persons and under the conditions described in subparagraph (d) (1) below.

(3) The new RR rating is equivalent to CC, and the new RRR rating is equivalent to AAA, under the rules stated in Priorities Regulation 1, 3 and other general priorities regulations.

(d) *When and how certain old ratings may be converted to a new rating.* (1) Any producer who has been assigned and is entitled to use an AAA, MM or CC rating to get any item needed to maintain or increase his production of a critical building product listed in Table 1 of Priorities Regulation 28, may rate or re-rate to RR his purchase order for such item (except for steel) if still needed for this purpose. This must be done by furnishing the supplier the following statement, in time for him to receive it by the end of March, 1947: "Authorized RR rating under PR–35".

This statement must be made in addition to the certificate required by Priorities Regulation 3, and may not be waived by the seller. Persons giving the statement must use the material covered by it only as stated, and it will constitute a representation to the seller and to CPA that the buyer is entitled to rate or re-rate the purchase order to RR under the terms of this subparagraph (d) (1).

If the purchase order has already been placed, so that the statement cannot be put on it, the purchaser may give the statement to his supplier by letter or telegram, with the addition of sufficient information to clearly identify the previously placed order, and the exact materials covered by the statement.

A supplier who receives this statement may extend the RR rating only in accordance with the rules in Priorities Regulation 3 governing the extension of RR ratings.

(2) No AAA rating may be re-rated RRR by use of the statement described above. A person wishing an AAA rating to be re-rated RRR must apply to CPA.

(3) A person entitled to use an AAA, MM, and CC rating which will expire at the end of March, and who is not permitted to re-rate his order with the certificate described above, may apply to CPA for a new rating, if he can meet the conditions stated in Supplement I to PR–28.

(4) Applications to CPA for a new RR rating to replace a CC rating may be made on Form CPA–541–A by marking it "Re-rating Request PR–35", stating the previous case number and date of issuance of the old rating certificate. A request for re-rating of an MM or AAA preference rating may be made to CPA by letter or telegram, marked "Ref. PR–

35", and identifying the previous case. In either instance explain fully why a re-rating is necessary in support of the housing program or the Veterans' Administration Construction Program. If a new rating is granted, it may be used by forwarding the rating certificate required by PR–3, to the supplier together with any additional information needed to enable the person receiving it to know exactly the items re-rated, the old and new rating, and the original purchase order referred to.

(5) Any rated order which is re-rated RR or RRR before April 1, 1947 shall be treated by the person with whom the order was placed as if it had carried the new rating at the time the original rated order was received by him. In view of the expiration of many ratings at the end of March, persons entitled to use an RR or RRR rating may be able to get earlier delivery after that time than possible before the expiration of the old ratings.

(e) *Transition period.* (1) Until March 31, 1947, CPA may continue to issue CC ratings under the conditions stated in PR–28. AAA ratings may continue to be assigned until that time under existing procedures. Beginning April 1, 1947, no new AAA, MM, or CC ratings will be issued by CPA for any purpose.

(2) Those ratings which remain in effect until the end of March may continue to be extended until that date, in accordance with Priorities Regulation 3 and other applicable rules.

(3) All orders rated AAA, MM, or CC which do not meet the conditions of (b) (1) above will become unrated at the end of March 1947, unless re-rated to RR or RRR during March. However, all outstanding ratings are unaffected during March, and suppliers must continue to accept and fill such orders in accordance with Priorities Regulation 1 and other applicable rules.

(4) Any unfilled purchase order with an AAA, MM, or CC rating for the delivery of any material except construction items, which is in the hands of a supplier and has not been re-rated RR or RRR by the end of March 1947, shall be treated by him as unrated after that date. This includes ratings on orders which were originally accepted and scheduled for delivery by the end of March, but which, due to circumstances beyond the supplier's control, are delayed beyond that date in delivery.

(5) It is not necessary for any person to cancel a rating which has been applied or extended to his purchase order if the rating expires at the end of March under the terms of this regulation.

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

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

CONSTRUCTION ITEMS

This lists the same materials and facilities in Schedule A to Priorities Regulation 33, paragraph (b), as amended from time to time. It is appended here for convenience only, and if there should be any inconsistency, Schedule A to PR–33 shall be controlling.

A. Lumber Materials

1. Flooring, hardwood (all grades).
2. Lumber, housing construction (softwood—flooring, ceiling, siding partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, lath and shop).
3. Millwork.
4. Plywood, construction (softwood) (Interior (moisture resistant): ¼" and ⅜" sanded or 5/16" and 7/16" unsanded wallboard; ¼" and ⅜" sanded or 5/16" and 7/16" unsanded sound one side plypanel; 5/16", 3/8", ½" and ⅝" sheathing; and Exterior; ¼" and ⅜" sanded or 5/16" and 7/10" unsanded sound one side plypanel).

B. Electrical Wiring Materials

1. Cable, metallic or nonmetallic sheathed.
2. Lighting fixtures, not including portable lamps.
3. Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.
4. Service entrance equipment (of the following kinds only): (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).
5. Wiring devices (of the following kinds only: (a) Sockets, lampholders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet, switch and receptacle boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).

C. Hardware Materials

1. Builders hardware (of the following types only: (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).
2. Nails (ferrous, of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

D. Masonry Materials

1. Brick, common and face, clay.
2. Brick, sand lime.
3. Concrete block and brick.
4. Cement, portland (all types, including high early strength, limestone, slag, and sulfate resistant).
5. Tile, common and face, structural.

E. Plumbing and Heating Supplies

1. Bathtubs (steel, cast iron).
2. Boilers, low pressure, for heating and hot water.
3. Controls, temperature and combustion, for heating and hot water.
4. Fittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets.
5. Furnace pipes, fittings, and duct work.
6. Furnaces, floor, wall.
7. Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter).
8. Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
9. Lavatories.
10. Oil burners, domestic.
11. Pipe, bituminized fibre, for drains and sewers.
12. Pipe, sewer, clay.
13. Pipe, soil, cast iron, and fittings for such pipe.
14. Pipe, steel and wrought iron, black and galvanized, sizes ⅜" to 4" inclusive, standard weight.
15. Pipe fittings, screwed (of the following kinds only: (a) Gray cast recessed drainage, 2" and under; (b) gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) malleable fittings, including unions, 2" and under (150 lbs. S. W. P.)).
16. Pipe nipples, steel and wrought iron, black and galvanized, sizes ⅜" to 4" inclusive, in lengths 6" and less, made from standard weight pipe.
17. Radiation, convector and cast iron, including accompanying metal enclosures and grilles.
18. Range boilers.
19. Registers and grilles for heating systems.
20. Stokers, domestic.
21. Stoves and ranges for cooking and heating, including space heaters.
22. Tanks, septic.
23. Tanks, oil and water storage, capacity 550 gallons or less.
24. Tubing, copper—types K, L, M—sizes ⅜" to 3" inclusive.
25. Tubing, fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).
26. Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
27. Water heaters.

F. Prefabricated Housing

1. Prefabricated houses, sections, and panels (as defined in Direction 8 to PR–33).

G. Structural Materials (Metal)

1. Doors and frames, hollow metal and kalamein.
2. Fabricated reinforcing rod and mesh.
3. Joists, bar, steel.
4. Structural shapes, steel and aluminum, fabricated or cut to length.
5. Window sash and frames, metal (of the following types only: casements; double hung windows; basement windows).

H. Wall and Roof Materials

1. Asbestos-cement flat sheets, ¼" thick or less. This does not include electrical and insulation grades.
2. Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board".
3. Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.
4. Gypsum lath (gypsum products especially made for use as a plaster base).
5. Lime, finishing.
6. Papers, building and sheathing (of the following kinds only: (a) Asphalt sheathing

paper; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin,* and house sheathing paper); (e) slaters felt weighing approximately 25 lbs. per 500 square-feet roll.

7. Plaster, hardwall (gypsum plaster-basic, ready-mixed and gauging-made for use in applying base or finish coats to lathed interior walls).

8. Plaster base (metal lath and accessories for metal lath).

9. Sheet, copper.

10. Sheet, flat galvanized steel, 23 gauge or lighter.

11. Shingles (asbestos-cement, asphalt, slate, wood).

12. Stucco mesh (woven or welded wire).

I. Miscellaneous Building Materials

1. Cabinets, metal, attachable or built-in types for kitchens or bathrooms.

2. Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastic; (d) asphalt tile; (e) rubber tile).

3. Gutters and downspouts.

4. Insect screen cloth, metal or plastic.

5. Lead, caulking.

6. Paints, house, exterior—ready mixed, paste, semi-paste, and lead-in-oil. This is limited to primers, under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints and exterior enamels. This is also limited to lead-in-oil in 12½-lb. and larger containers and to the other paints in 1-gal. and larger containers.

7. Weatherstripping, metal.

LIST B

FORMS AND SHAPES OF STEEL

Steel:
- Bars, Cold-Finished.
- Bars, Hot-Rolled or Forged.

LIST B—Continued

FORMS AND SHAPES OF STEEL—continued

Steel—Continued.
- Ingots, Billets, Blooms, Slabs, Die Blocks, Tube Rounds, Sheet Bars, Tin Bar, and Skelp.
- Pipe, including Threaded Couplings of the type normally supplied for Threaded Pipe.
- Plates, all Plates (including Rolled Armored Plate in the form and shape to which it is rolled by the Steel Mill and prior to any subsequent fabrication), and including Nickel Clad and Stainless Clad.
- Rail and Track Accessories.
- Sheet and Strip.
- Steel Castings (rough as cast).
- Steel Forgings (rough as forged).
- Structural Shapes and Piling.
- Tinplate, Terneplate, and Tin Mill Black Plate.
- Tubing.
- Wheels, Tires, and Axles.
- Wire Rods, Wire and Wire Products.

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Amended 10-22-46 — inapplicable to OPM activities

CIVILIAN PRODUCTION ADMINISTRATION

M-21
AUG. 24, 1945
[As Amended]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, as Amended Aug. 24, 1945]

IRON AND STEEL INCLUDING FERRO ALLOYS AND ASSOCIATED MATERIALS

§ 3294.71 *General Preference Order M-21*—(a) *Purpose and scope.* This is the basic order covering the production and distribution of steel and iron products (including alloy iron and alloy steel) listed in the attached Schedule I, pig iron, iron and steel scrap, ferro-alloys and metallic and non-metallic materials (including coke) used in the metallurgy of iron and steel, and non-ferrous products of the elements listed in the attached Schedule II. Schedule II lists the metallic and non-metallic elements, the ores and chemical compounds thereof, including scrap and secondary materials, and the ferro-alloys which are covered by this order.

(b) *Definitions.* For the purpose of this order: (1) "Steel" means carbon steel (including wrought iron), and alloy steel in the forms and shapes listed in Schedule I of this order. The term includes material sorted or salvaged from steel scrap and sold for other than remelting purposes except those uses specified in the definition of scrap. The term also includes all types of rejected or second-quality material and shearings, except:

(i) When sold as scrap for remelting; or,

(ii) When sold as scrap to a scrap dealer for sorting, processing, or, salvaging, or for resale for remelting or other permitted uses of scrap.

(2) "Alloy steel" means any steel (including stainless steel) containing any one or more of the following elements in the following amounts:

- Manganese, maximum of range in excess of 1.65%
- Silicon, maximum of range in excess of 0.60%
- Copper, maximum of range in excess of 0.60%
- Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect.

(3) "Alloy iron" means any iron containing any one or more of the following elements in the following amounts:

- Manganese, maximum of range in excess of 1.65%
- Silicon, maximum of range in excess of 5.00%
- Copper, maximum of range in excess of 0.60%
- Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(4) "Stainless steel" means heat and corrosion resisting steel containing 4% or more of chromium either with or without nickel, molybdenum, or other elements.

(5) "Iron products" means all gray and malleable iron castings (rough as cast) except pipe and pipe fittings.

The material terms defined above do not include material which has been in use or service.

(6) "Pig iron" means iron produced by smelting iron ore in a blast furnace, and containing less than 6% of silicon.

(7) "Ferro alloys" means the metallic elements, their ores and the chemical compounds thereof, usually introduced into the melt of iron and steel for the purpose of obtaining definite properties. The term includes the elements, the ores, and the chemical compounds listed in Schedule II of this order.

(8) "Scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is a principal component, which are the waste of industrial fabrication or objects that have been discarded on account of obsolescence, failure or other reasons, and which are not otherwise defined in this order. The principal use of scrap is remelting. Scrap obtained from used materials may be utilized for remelting, rerolling or forging. Scrap may also be used for copper precipitation, lead burning, gas cleaning, or other chemical processes. Any material which has not been in use or service and which is salvaged from sorting or processing shall not be considered scrap if sold or used for other than the above mentioned purposes. "Alloy scrap" means scrap generated from or composed of any of the alloy irons or alloy steels defined in paragraphs (b) (2), (b) (3), and (b) (4).

"Producer" (in the case of iron and steel scrap) means any person who produces scrap in the conduct of a business or other enterprise.

"Dealer" and/or "broker" (in the case of iron and steel scrap) means any person who, as principal or as agent, buys and sells scrap in the regular course of his business.

"Consumer" (in the case of iron and steel scrap) means any person who melts or uses scrap for any of the purposes mentioned above in this paragraph (b).

(9) "Producer" (in the case of iron or steel) means any person who produces iron products or steel as defined herein.

(10) "Distributor" means any person (including a warehouse, jobber, dealer, retailer, or scrap dealer) who is engaged in the business of receiving steel into one or more warehouse stocks regularly maintained by him for sale or resale in the form received, or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly, shall not be deemed a distributor with respect to such sale.

(11) "Delivery" includes deliveries received on consignment.

(c) [Deleted Aug. 24, 1945.]

(d) *Special provisions pertaining to iron and steel scrap.* Delivery of scrap to, or acceptance of such delivery by a consumer is hereby authorized without regard to the restrictions set forth in Section 944.14 of Priorities Regulation No. 1.

(e) *Appeals.* Any appeals from this order must be made by letter referring to the particular provisions appealed from and stating fully the grounds for the appeal. In emergency cases, appeals may be made by telegraph.

(f) *Special directions.* (1) The War Production Board may from time to time issue directions to any person or persons as to the type, description, amount, source, or destination of steel, alloy iron, or iron products, coke, pig iron, or scrap (including segregation of scrap) to be produced, processed, delivered, distributed, or acquired by such person or persons.

(2) The War Production Board may from time to time issue directions as to facilities and materials to be used in production, and as to any alloying element, issue directions specifying the quantities and proportions which may be used in alloy iron and alloy steel (including stainless steel), and whether and in what proportion any such element is to be an ore, a metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound, or any other material containing such element.

(3) The War Production Board may make such changes in any melting schedule as it may deem appropriate, and may from time to time issue supplementary directions with regard to melting of alloy iron or alloy steel (including stainless steel).

(4) The War Production Board may from time to time issue directions to any person or persons as to the type, description, amount, source, or destination of any of the items listed in Schedule II, to be produced, processed, delivered, distributed, or acquired by such person or persons.

(g) *Reports.* All persons covered by this order shall file with the War Production Board, Washington, D. C., Reference: M-21, reports at such times and on such forms as may from time to time be prescribed, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction

may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to Steel Division, War Production Board, Washington 25, D. C., Reference: M-21.

Issued this 24th day of August 1945.

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

SCHEDULE I

Steel:
- Bars, Cold-Finished
- Bars, Hot-Rolled or Forged.
- Ingots, Billets, Blooms, Slabs, Die Blocks, Tube Rounds, Sheet Bars, Tin Bar, and Skelp.
- Pipe, including Threaded Couplings of the type normally supplied for Threaded Pipe.
- Plates, all Plates (including Rolled Armored Plate in the form and shape to which it is rolled by the Steel Mill and prior to any subsequent fabrication), and including Nickel Clad and Stainless Clad.
- Rail and Track Accessories.
- Sheet and Strip.
- Steel Castings (rough as cast).
- Steel Forgings (rough as forged).
- Structural Shapes and Piling.
- Tinplate, Terneplate, and Tin Mill Black Plate.
- Tubing.
- Wheels, Tires, and Axles.
- Wire Rods, Wire and Wire Products.

Iron products:
- Gray Iron Castings (rough as cast).
- Malleable Iron Castings (rough as cast).

SCHEDULE II—ALLOYING ELEMENTS AND COMPOUNDS THEREOF, FERRO-ALLOYS AND NON-FERROUS METAL ALLOYS

Chromium—In any of the following forms:
- Chemical combinations containing chromium as an essential and recognizable component.
- Chrome briquettes.
- Chromium in combination with other elements in semi-manufactured or manufactured form, commercially suitable for use in the manufacture of steel or for other metallurgical purposes.
- Chromium in elemental form.
- Chromium ores and concentrates.
- Chromium refractory materials.
- Chromium refractories.
- Chromium scrap and secondary material.
- Chrom-X.
- Ferro-Chromium.

Cobalt—In any of the following forms:
- Belgian Congo Crudes.
- Cobalt Alloys.
- Cobalt concentrates.
- Cobalt, metal.
- Cobalt oxide, commercial.
- Cobalt salts.
- Cobalt scrap and secondary material.
- Ferro-Cobalt.

Ferro-Alloys—Not included in other groups listed herein:
- Ferro-boron.
- Ferro-carbo.
- Ferro-carbon-titanium.
- Ferro-columbium.
- Ferro-phosphorus.
- Ferro-titanium.
- Ferro-zirconium.
- Titanium carbide.

Manganese—In any of the following forms:
- Ferro-Manganese.
- Ferro-Manganese-Silicon.
- Manganese, metal.
- Manganese ores and concentrates.
- Silico-Manganese.

Molybdenum—In any of the following forms:
- Calcium Molybdate.
- Ferro-Molybdenum.
- Molybdenum, metal.
- Molybdenum ores and concentrates.
- Molybdenum oxide.
- Molybdenum scrap and secondary material.
- Molybdenum silicide.
- Molybdenum sulphide.

Nickel—In any of the following forms:
- Ferro-Nickels.
- Monel metals.
- Nickel alloys.
- Nickel carbonates.
- Nickel concentrates (commercially recoverable).
- Nickel matte of any description.
- Nickel oxides.
- Nickel residues (commercially recoverable).
- Nickel salts.
- Nickel solutions (commercially recoverable).
- Primary metallic nickel, either alloyed or unalloyed.
- Speiss (commercially recoverable).
- "Secondary nickel" including any nickel or alloy containing nickel prepared by any process of melting or otherwise treating nickel scrap for reuse as a raw material.
- "Nickel scrap" including all materials, ferrous and non-ferrous containing 1% or more of nickel by weight, which are the by-product or waste of industrial operations, or which have been discarded on account of obsolescence, failure, or other reason, excluding scrap consisting of any alloy, the principal ingredient of which, by either weight or volume, is metallic aluminum or consisting of any alloy in which the percentage of copper metal by weight equals or exceeds 40% of all the metals and scrap of iron and steel alloys defined in this order.

Silicon—In any of the following forms:
- Ferro-Silicon.
- Ferro-Silicon-Aluminum.
- Ferro-Silicon-Zirconium.
- Silicon, metal.
- Silicon-Zirconium.
- Silvery pig iron.
- Sil-X.

Tungsten—In any of the following forms:
- Ferro-Tungsten.
- Tungsten metal.
- Tungsten ores and concentrates.
- Tungsten oxide.
- Tungsten powder.

Vanadium—In any of the following forms:
- Commercial Vanadium pentoxide.
- Ferro-Vanadium.
- Vanadium ores and concentrates.

Suspended 8-1-46

Dir. 12 to M-21

CIVILIAN PRODUCTION ADMINISTRATION

JUNE 28, 1946
[As Amended]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Direction 12, as Amended June 28, 1946]

EMERGENCY DISTRIBUTION OF STEEL FOR PRODUCTION OF CERTAIN CRITICAL PRODUCTS

(a) *What this direction does.* The cumulative loss in production of steel in the last several months caused by work stoppages in the steel and coal industries has created a severe shortage of steel for all purposes. There will not be a sufficient supply of steel to keep all of industry going at a reasonable rate for a number of months. It is, therefore, necessary that special assistance be given for the manufacture of certain highly critical products. These products are ones which are extremely short for the Veterans' Housing Program and certain items of farm machinery which are urgently required to harvest this year's crops and for famine relief. Failure to obtain immediate full production of these items will seriously delay the housing program and will result in a loss of food production. This direction provides for certified orders for steel needed during the third quarter of 1946 to make these critical items. This direction applies only to steel in the forms and shapes listed in Schedule I of Order M-21. It does not apply to wrought iron, iron castings, or pig iron. Distribution of iron to critical products wil be made by other procedures.

(b) *Products for which steel can be obtained under this direction.* Manufacturers of the products which are listed on Schedule A at the end of this direction may place certified orders in the way described in this direction for the steel that they need for the product. In addition, manufacturers of other products may, in certain very extraordinary cases described in paragraph (m), be specifically authorized to place certified orders.

(c) *Who can place certified orders*—(1) *With a producer without authorization.* A manufacturer of a critical product listed on Schedule A may certify a purchase order which he has already placed with a steel producer on the date of this direction and on which, at any time after January 1, 1946, the producer promised delivery before October 1, 1946. No specific authorization by the Civilian Production Administration is required for such certification. However, a manufacturer may not without specific authorization by CPA certify orders for steel for use in a plant not in production because of work stoppages.

(2) *With a warehouse without authorization.* A manufacturer who on June 12, does not have any purchase orders placed with a producer (whether certified or otherwise) for steel of any of the types which he uses in production of critical products on Schedule A may place a certified order on a warehouse. No authorization by the Civilian Production Administration is required for this type of order. However, a manufacturer may not without specific authorization by CPA certify orders for steel for use in a plant not in production because of work stoppages.

(3) *When authorization needed.* Except for the orders listed in paragraphs (c) (1) and (2), no certified purchase order may be placed without specific authorization by CPA. Paragraph (d) below states when applications for authorizations may be made.

(d) *Application for authorization to place certified orders*—(1) *Who may apply.* Any manufacturer of a critical product listed on Schedule A who is unable to certify enough purchase orders under the provisions of paragraph (c) above for the amount of steel which he will require to actually put into production in his critical products during any of the month of July, August, or September, may apply to the Civilian Production Administration for authority to certify new purchase orders.

(2) *How to apply.* Application for such authority should be made in triplicate on Form CPA-4466.

(3) The Civilian Production Administration may issue authority to place certified purchase orders where it determines that the steel will actually be needed for production of the critical product and that the steel is available for such purposes. Additional steel for inventories will be rarely authorized and then less than permitted by Priorities Regulation 32. Such authorization will permit a manufacturer to place a new purchase order on either a producer or a warehouse, but the CPA may limit the authorization to a named supplier.

(e) *Limit on amount which may be certified.* Except as specifically authorized a manufacturer must not certify a total number of purchase orders which will call for delivery in the third quarter of a greater amount of steel than he proposes to actually put into production in the manufacture of his critical product in that period. In addition, a manufacturer of farm machinery listed on Schedule A must not certify more steel than he will require to complete critical items which he will deliver before October 31, 1946. A manufacturer need not reduce the amount permitted because of steel in his inventory, within the limits of Priorities Regulation 32, but he may not, without specific authorization, use any of the amount certified in order to build up inventories to the permitted amount. Also he may not certify for delivery in any one month more than 40% of the steel he will put into production during the third quarter.

(f) *How to place a certified order—Form of certification.* A purchase order which has already been placed may be certified by sending a letter to the producer or warehouse, identifying the original purchase order and reciting in substantially the following form the following certification signed as provided in Priorities Regulation 7:

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I will use this steel only to make ---------- (specify one or more of the end products listed in Schedule A, or if specifically authorized for another product under paragraph (m), insert name of product and phrase "authorized under paragraph (m)") and that the tonnage covered by this order together with all tonnages placed with other producers and distributors for use in these products on similarly certified orders and uncertified orders is not in excess of the quantity of such steel which I am authorized to order under the provisions of Direction 12 to Order M-21.

The same certification is to be used when placing new purchase orders with warehouses or with producers when authorized by the Civilian Production Administration. When a manufacturer has been authorized to certify any purchase orders under paragraph (d) above, or paragraph (m) below, he must add to the certification the following additional statement: "I have been specifically authorized to certify this order by Form CPA 4466. Serial No. ——".

(2) *Canadian purchasers.* In the case of a Canadian purchaser, a purchase order may be certified by furnishing a certification in substantially the following form signed manually or as provided in Priorities Regulation No. 7:

> The undersigned purchaser certifies, subject to the penalties of section 15 of the Canadian Wartime Industries Control Regulations, to the seller, to the Canadian Priorities Officer, and to the Civilian Production Administration that he will use this steel only to make ——, and that the tonnage covered by this order together with all other tonnages placed with other producers on similarly certified orders and uncertified orders is not in excess of the quantity of such steel which he is authorized to order under the provisions of General Instruction Letter No. 66 and Direction 12 to Order M-21, and that the end-product will be sold only in accordance with the terms of that letter.

(g) *Period for which certified orders may be placed.* Orders may be certified for delivery only in July, August or September. A manufacturer must specify the months in which he requires delivery at the time he certifies his purchase order (or at the time he places a new certified purchase order).

(h) *Refusal of certified orders.* (1) A steel producer need not accept a certification on a previously accepted purchase order, or a new purchase order, which it receives after the first day of the month preceding the month in which delivery is requested. However, if delivery is requested in July, a producer must accept a certification under paragraph (c), if it is received on or before the 17th day of June, and need not accept it after the 17th day of June.

(2) A warehouse need not accept any certified order for a single product classification of steel in excess of 10,000 lbs. if delivery would deplete his stock to a point where his function in the distribution of steel would be seriously impaired. Schedule I of Order M-21 lists the "product classifications" of steel.

(3) In order to protect the requirements of small business, a warehouse must not accept any purchase order, whether certified or not, in excess of 10,000 pounds if delivery would deplete his stock to a point where his function in the distribution of steel would be impaired.

(i) *Certified orders must be treated as rated orders.* Certified orders must be scheduled for production in preference to all other orders for the same product classification, except for orders covered by specific written directives issued by the Civilian Production Administration, or (in the case of distributors) a rating of AAA issued after January 21, 1946. Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled and delivered accordingly. The rules of Priorities Regulation 1 will apply, except to the extent that this direction is inconsistent with them. Steel obtained on certified orders must be used in accordance with § 944.11 of that regulation.

(j) *The effect on steel of certain other directions.* (1) Direction 13 to Priorities Regulation 1, which suspended preference ratings (except certain AAA ratings on distributors) on steel, remains in effect for the time being.

(2) Direction 9 to Order M-21, which provides certifications for tin mill products for

food and pharmaceutical purposes, remains in effect. That direction explains how producers of tin mill products should schedule orders certified under either that direction or this one.

(k) *Other distribution of steel.* Steel producers and warehouses must distribute balance of steel production after filling certified orders as follows:

(1) *Warehouse stocks.* Producers must ship to warehouses during the third quarter of 1946 not less than the same proportion of total tonnage of steel produced by them in that quarter as they shipped to warehouses during the fourth quarter of 1945.

(2) *Equitable distribution to consumers.* Producers and warehouses must distribute remaining amounts of steel in a fair and equitable manner.

(l) *Reports.* Steel Producers and warehouses must furnish such reports as may be required by the Civilian Production Administration from time to time, subject to approval by the Budget Bureau pursuant to the Federal Reports Act of 1942.

(m) *Additional assistance in extraordinary circumstances*—(1) *Steel for governmental agency requirements.* The Civilian Production Administration may authorize the placing of certified orders to fill severely limited requirements of high urgency for the Army, Navy, Coast Guard, Maritime Commission, War Shipping Administration, Veterans' Administration, Federal Public Housing Administration, Canada or for export. No applications should be made for this authority by manufacturers unless specifically requested by the appropriate government agency.

(2) *Relief for other manufacturers cannot ordinarily be granted.* The shortage of steel during the third quarter will be so severe that most manufacturers may not be able to obtain enough steel to maintain minimum economic rates of operation. For this reason, the Civilian Production Administration will not be able to offer assistance to manufacturers to support minimum economic rates of production. Assistance may be given in extraordinary circumstances where a manufacturer will suffer extraordinary hardship which is not generally common to users of steel because of the shortage of steel or for requirements of public health and safety or other similarly urgent requirements. Application should be made by letter to the Steel Branch of CPA. CPA may give assistance by finding a supplier, or by authorization to place certified orders, or by issuance of directives if required.

Issued this 28th day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Manufacturers of the following products are entitled to apply certifications as described in this direction.

(1) The following classes of farm machinery and equipment, as described in War Food Order 135 of the Department of Agriculture:
Combines (harvester-threshers)
Grain binders
Corn binders, excluding sled and wheel type
Corn pickers
Field ensilage harvester—row type
Potato diggers and pickers, excluding walking plow type
Bean cutters or pullers
Sugar beet and cane harvesting equipment
Peanut diggers
Farm haying machinery, excluding field bale loader
Ensilage cutters (silo fillers)
Corn shellers
Potato sorters and graders
Fruit and vegetable graders, washers, sackers and conveyors
Farm tractors, wheel type
Repair parts only for types of farm machinery listed above.

(2) The following items of residential type and manufactured for residential use:
Pressed steel bathtubs, sinks and lavatories
Warm air furnaces and floor furnaces
Convector radiation
Furnace pipe, fittings, and duct work
Steel registers and grills

(3) Railroad brake shoes.

(4) Dwelling units. (Only orders for concrete reinforcing bars and mesh may be certified and only on producers or distributors who normally sell bars and mesh to contractors.)

SCHEDULE I OF M-21*

Steel (By Product Class):
Bars, Cold-Finished.
Bars, Hot-Rolled or Forged.
Ingots, Billets, Blooms, Slabs, Die Blocks, Tube Rounds, Sheet Bars, Tin Bar, and Skelp.
Pipe, including Threaded Couplings of the type normally supplied for Threaded Pipe.
Plates, all Plates (including Rolled Armored Plate in the form and shape to which it is rolled by the Steel Mill and prior to any subsequent fabrication), and including Nickel Clad and Stainless Clad.
Rail and Track Accessories.
Sheet and Strip.
Steel Castings (rough as cast).
Steel Forgings (rough as forged).
Structural Shapes and Piling.
Tinplate, Terneplate, and Tin Mill Black Plate.
Tubing.
Wheels, Tires, and Axles.
Wire Rods, Wire and Wire Products.

*Excerpt from Order M-21 issued August 24, 1945 (as amended).

Expired 9-30-46

SUBJECT: Direction 12 to M-21, Amended 8-1-46 1/
Emergency Distribution of Steel

1. Substance. This Direction limits the use of steel during the third quarter to enhance the production of the critical products listed in the Schedules at the end of the Direction. These products are ones which are extremely short for the Veterans Housing Program.

2. Explanation. This Direction explains how manufacturers may place certified orders for allocations of steel. It is supplied for information only as it does not include assistance for housing contractors except that it makes available certain items of equipment for use on within-quota projects in Mead-Lanham Veterans' Program through special arrangements concluded by the Central Office.

1/ Supersedes Direction 12 to M-21, dated 6-28-46.

Expired 9-30-46

Dir. 12 to M-21

CIVILIAN PRODUCTION ADMINISTRATION

AUG. 1, 1946
[As Amended]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Direction 12, as amended August 1, 1946]

EMERGENCY DISTRIBUTION OF STEEL FOR PRODUCTION OF CERTAIN CRITICAL PRODUCTS

(a) *What this direction does.* The cumulative loss in production of steel in the last several months caused by work stoppages in the steel and coal industries has created a severe shortage of steel for all purposes. There will not be a sufficient supply of steel to keep all of industry going at a reasonable rate for a number of months. It is, therefore, necessary that special assistance be given for the manufacture of certain highly critical products. These products are ones which are extremely short for the Veterans' Housing Program and certain items of farm machinery which are urgently required to harvest this year's crops and for famine relief. Failure to obtain immediate full production of these items will seriously delay the housing program and will result in a loss of food production. This direction provides for certified orders for steel needed during the third quarter of 1946 to make these critical items. This direction applies only to steel in the forms and shapes listed in Schedule I of Order M-21. It does not apply to wrought iron, iron castings, or pig iron. Distribution of iron to critical products wil be made by other procedures.

(b) *Products for which steel can be obtained under this direction.* Manufacturers of the products which are listed on Schedule A at the end of this direction may place certified orders in the way described in this direction for the steel that they need for the product. In addition, manufacturers of other products may, in certain very extraordinary cases described in paragraph (m), be specifically authorized to place certified orders.

(c) *Who can place certified orders*—(1) *With a producer without authorization.* A manufacturer of a critical product listed on Schedule A may certify a purchase order which he has already placed with a steel producer on the date of this direction and on which, at any time after January 1, 1946, the producer promised delivery before October 1, 1946. No specific authorization by the Civilian Production Administration is required for such certification. However, a manufacturer may not without specific authorization by CPA certify orders for steel for use in a plant not in production because of work stoppages.

(2) *With a warehouse without authorization.* A manufacturer who on June 12, does not have any purchase orders placed with a producer (whether certified or otherwise) for steel of any of the types which he uses in production of critical products on Schedule A may place a certified order on a warehouse. No authorization by the Civilian Production Administration is required for this type of order. However, a manufacturer may not without specific authorization by CPA certify orders for steel for use in a plant not in production because of work stoppages.

(3) *When authorization needed.* Except for the orders listed in paragraphs (c) (1) and (2), no certified purchase order may be placed without specific authorization by CPA. Paragraph (d) below states when applications for authorizations may be made.

(d) *Application for authorization to place certified orders*—(1) *Who may apply.* Any manufacturer of a critical product listed on Schedule A who is unable to certify enough purchase orders under the provisions of paragraph (c) above for the amount of steel which he will require to actually put into production in his critical products during any of the month of July, August, or September, may apply to the Civilian Production Administration for authority to certify new purchase orders.

(2) *How to apply.* Application for such authority should be made in triplicate on Form CPA-4466.

(3) The Civilian Production Administration may issue authority to place certified purchase orders where it determines that the steel will actually be needed for production of the critical product and that the steel is available for such purposes. Additional steel for inventories will be rarely authorized and then less than permitted by Priorities Regulation 32. Such authorization will permit a manufacturer to place a new purchase order on either a producer or a warehouse, but the CPA may limit the authorization to a named supplier.

(e) *Limit on amount which may be certified.* Except as specifically authorized a manufacturer must not certify a total number of purchase orders which will call for delivery in the third quarter of a greater amount of steel than he proposes to actually put into production in the manufacture of his critical product in that period. In addition, a manufacturer of farm machinery listed on Schedule A must not certify more steel than he will require to complete critical items which he will deliver before October 31, 1946. A manufacturer need not reduce the amount permitted because of steel in his inventory, within the limits of Priorities Regulation 32, but he may not, without specific authorization, use any of the amount certified in order to build up inventories to the permitted amount. Also he may not certify for delivery in any one month more than 40% of the steel he will put into production during the third quarter.

(f) *How to place a certified order—Form of certification.* A purchase order which has already been placed may be certified by sending a letter to the producer or warehouse, identifying the original purchase order and reciting in substantially the following form the following certification signed as provided in Priorities Regulation 7:

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I will use this steel only to make ---------- (specify one or more of the end products listed in Schedule A, or if specifically authorized for another product under paragraph (m), insert name of product and phrase "authorized under paragraph (m)") and that the tonnage covered by this order together with all tonnages placed with other producers and distributors for use in these products on similarly certified orders and uncertified orders is not in excess of the quantity of such steel which I am authorized to order under the provisions of Direction 12 to Order M-21.

The same certification is to be used when placing new purchase orders with warehouses or with producers when authorized by the Civilian Production Administration. When a manufacturer has been authorized to certify any purchase orders under paragraph (d) above, or paragraph (m) below, he must add to the certification the following additional statement: "I have been specifically authorized to certify this order by Form CPA 4466 Serial No. ——".

(2) *Canadian purchasers.* In the case of a Canadian purchaser, a purchase order may be certified by furnishing a certification in substantially the following form signed manually or as provided in Priorities Regulation No. 7:

> The undersigned purchaser certifies, subject to the penalties of section 15 of the Canadian Wartime Industries Control Regulations, to the seller, to the Canadian Priorities Officer, and to the Civilian Production Administration that he will use this steel only to make ——, and that the tonnage covered by this order together with all other tonnages placed with other producers on similarly certified orders and uncertified orders is not in excess of the quantity of such steel which he is authorized to order under the provisions of General Instruction Letter No. 66 and Direction 12 to Order M-21, and that the end-product will be sold only in accordance with the terms of that letter.

(g) *Period for which certified orders may be placed.* Orders may be certified for delivery only in July, August or September. A manufacturer must specify the months in which he requires delivery at the time he certifies his purchase order (or at the time he places a new certified purchase order).

(h) *Refusal of certified orders.* (1) A steel producer need not accept a certification on a previously accepted purchase order, or a new purchase order, which it receives after the first day of the month preceding the month in which delivery is requested. However, if delivery is requested in July, a producer must accept a certification under paragraph (c), if it is received on or before the 17th day of June, and need not accept it after the 17th day of June.

(2) A warehouse need not accept any certified order for a single product classification of steel in excess of 10,000 lbs. if delivery would deplete his stock to a point where his function in the distribution of steel would be seriously impaired. Schedule I of Order M-21 lists the "product classifications" of steel.

(3) In order to protect the requirements of small business, a warehouse must not accept any purchase order, whether certified or not, in excess of 10,000 pounds if delivery would deplete his stock to a point where his function in the distribution of steel would be impaired.

(i) *Certified orders must be treated as rated orders.* Certified orders must be scheduled for production in preference to all other orders for the same product classification, except for orders covered by specific written directives issued by the Civilian Production Administration, or (in the case of distributors) a rating of AAA issued after January 21, 1946. Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled and delivered accordingly. The rules of Priorities Regulation 1 will apply, except to the extent that this direction is inconsistent with them. Steel obtained on certified orders must be used in accordance with § 944.11 of that regulation.

(j) *The effect on steel of certain other directions.* (1) Direction 13 to Priorities Regulation 1, which suspended preference ratings (except certain AAA ratings on distributors) on steel, remains in effect for the time being.

(2) Direction 9 to Order M-21, which provides certifications for tin mill products for food and pharmaceutical purposes, remains in effect. That direction explains how producers of tin mill products should schedule orders certified under either that direction or this one.

(k) *Other distribution of steel.* Steel producers and warehouses must distribute balance of steel production after filling certified orders as follows:

(1) *Warehouse stocks.* Producers must ship to warehouses during the third quarter of 1946 not less than the same proportion of total tonnage of steel produced by them in that quarter as they shipped to warehouses during the fourth quarter of 1945.

(2) *Equitable distribution to consumers.* Producers and warehouses must distribute remaining amounts of steel in a fair and equitable manner.

(l) *Reports.* Steel Producers and warehouses must furnish such reports as may be required by the Civilian Production Administration from time to time, subject to approval by the Budget Bureau pursuant to the Federal Reports Act of 1942.

(m) *Additional assistance in extraordinary circumstances*—(1) *Steel for governmental agency requirements.* The Civilian Production Administration may authorize the placing of certified orders to fill severely limited requirements of high urgency for the Army, Navy, Coast Guard, Maritime Commission, War Shipping Administration, Veterans' Administration, Federal Public Housing Administration, Canada or for export. No applications should be made for this authority by manufacturers unless specifically requested by the appropriate government agency.

(2) *Relief for other manufacturers cannot ordinarily be granted.* The shortage of steel during the third quarter will be so severe that most manufacturers may not be able to obtain enough steel to maintain minimum economic rates of operation. For this reason, the Civilian Production Administration will not be able to offer assistance to manufacturers to support minimum economic rates of production. Assistance may be given in extraordinary circumstances where a manufacturer will suffer extraordinary hardship which is not generally common to users of steel because of the shortage of steel or for requirements of public health and safety or other similarly urgent requirements. Application should be made on Form CPA-4466 with an accompanying letter explaining in full detail why special assistance is required. CPA may give assistance by finding a supplier, or by authorization to place certified orders, or by issuance of directives if required.

Issued this 1st day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Manufacturers of the following products are entitled to apply certifications as described in this direction.

(1) The following classes of farm machinery and equipment, as described in War Food Order 135 of the Department of Agriculture:

Combines (harvester-threshers)
Grain binders
Corn binders, excluding sled and wheel type
Corn pickers
Field ensilage harvester—row type
Potato diggers and pickers, excluding walking plow type
Bean cutters or pullers
Sugar beet and cane harvesting equipment
Peanut diggers
Peanut pickers
Farm haying machinery, excluding field bale loader
Ensilage cutters (silo fillers)
Corn shellers
Potato sorters and graders
Fruit and vegetable graders, washers, sackers and conveyors
Farm tractors, wheel type
Repair parts only for types of farm machinery listed above.

(2) The following items of residential type and manufactured for residential use:

Pressed steel bathtubs, sinks and lavatories
Warm air furnaces and floor furnaces
Convector radiation
Furnace pipe, fittings, and duct work
Steel registers and grills

(3) Railroad brake shoes.

(4) Dwelling units. (Only orders for concrete reinforcing bars and mesh may be certified and only on producers or distributors who normally sell bars and mesh to contractors.)

SCHEDULE I OF M-21*

Steel (By Product Class):
- Bars, Cold-Finished.
- Bars, Hot-Rolled or Forged.
- Ingots, Billets, Blooms, Slabs, Die Blocks, Tube Rounds, Sheet Bars, Tin Bar, and Skelp.
- Pipe, including Threaded Couplings of the type normally supplied for Threaded Pipe.
- Plates, all Plates (including Rolled Armored Plate in the form and shape to which it is rolled by the Steel Mill and prior to any subsequent fabrication), and including Nickel Clad and Stainless Clad.
- Rail and Track Accessories.
- Sheet and Strip.
- Steel Castings (rough as cast).
- Steel Forgings (rough as forged).
- Structural Shapes and Piling.
- Tinplate, Terneplate, and Tin Mill Black Plate.
- Tubing.
- Wheels, Tires, and Axles.
- Wire Rods, Wire and Wire Products.

*Excerpt from Order M-21 issued August 24, 1945 (as amended).

Superseded 8-1-46

Dir. 13 to M-21

CIVILIAN PRODUCTION ADMINISTRATION

JULY 9, 1946
Corrected Copy

Corrected Copy

PART 3294—IRON AND STEEL PRODUCTION

[M-21, Direction 13]

EMERGENCY DISTRIBUTION OF MERCHANT PIG IRON AND IRON CASTINGS FOR PRODUCTION OF CERTAIN CRITICAL PRODUCTS

(a) *What this direction does.* The cumulative loss in production of merchant pig iron and iron castings in the last several months caused by work stoppages has created a severe shortage of merchant pig iron and iron castings for all purposes. There will not be a sufficient supply of iron to keep all of industry going at a reasonable rate for a number of months. It is, therefore, necessary that special assistance be given for the manufacture of certain highly critical products. These products are ones which are extremely short for the Veterans' Housing Program and certain items of farm machinery which are urgently required to harvest this year's crops and for famine relief. Failure to obtain immediate full production of these items will seriously delay the housing program and will result in a loss of food production. This direction provides for certified orders for merchant pig iron and iron castings needed during the third quarter of 1946 to make these critical items. This direction applies only to merchant pig iron and to gray and malleable iron castings. It does not apply to steel, which is distributed under Direction 12 to M-21.

Certified Orders for Iron Castings

(b) *Products for which iron castings can be obtained under this direction.* Manufacturers of the products which are listed on Schedule A at the end of this direction may place certified orders in the way described in this direction for the iron castings that they need for the product. In addition, manufacturers of other products may, in certain very extraordinary cases described in paragraph (o), be specifically authorized to place certified orders.

(c) *Certified orders placed with a foundry without authorization.* A manufacturer of a critical product listed on Schedule A may certify a purchase order for castings used in his critical product which he has already placed with a foundry on the date of this direction and on which at any time after January 1, 1946, the foundry promised or scheduled delivery before October 1, 1946. No specific authorization by the Civilian Production Administration is required for such certification. However, a manufacturer may not without specific authorization by CPA certify orders for iron castings for use in a plant not in production because of work stoppages. Except for the orders listed in this paragraph (c) no certified purchase order for iron castings may be placed without specific authorization by CPA. Paragraph (d) below states when applications for authorizations may be made.

(d) *Application for authorization to place certified orders for iron castings*—(1) *Who may apply.* Any manufacturer of a critical product listed on Schedule A who is unable to certify enough purchase orders under the provisions of paragraph (c) above for the amount of iron castings which he will require to actually put into production in such critical products during August or September, may apply to the Civilian Production Administration for authority to certify new purchase orders.

(2) *How to apply.* Application for such authority should be made in triplicate on Form CPA 4466 (revised).

(3) The Civilian Production Administration may issue authority to place certified purchase orders where it determines that the iron castings will actually be needed for production of the critical product and that the iron casting may be made available for such purposes. Additional iron castings for inventories will be rarely authorized and then less than permitted by Priorities Regulation 32. The CPA may limit the authorization to a named supplier.

(e) *Limit on amount which may be certified.* Except as specifically authorized a manufacturer must not certify a total number of purchase orders which will call for delivery in August and September of a greater amount of iron castings than he proposes to actually put into production in the manufacture of such critical products in that period. In addition, a manufacturer of farm machinery listed on Schedule A must not certify more iron castings than he will require to complete critical items which he will deliver before October 31, 1946. A manufacturer need not reduce the amount permitted because of iron casting in his inventory, within the limits of Priorities Regulation 32, but he may not, without specific authorization, use any of the amount certified in order to build up inventories to the permitted amount. Also he may not certify for delivery in any one month more than 70% of the amount of the iron castings he will put into production during both August and September.

Certified Orders by Foundries for Merchant Pig Iron

(f) *Foundries must obtain authorization.* Foundries may not place certified orders for merchant pig iron without specific authorization. Applications for authorization for merchant pig iron required during August and September to make castings required for products listed on Schedule A or, if the foundry itself makes the items on Schedule A, for merchant pig iron required for such item should be made on Form CPA 4475. This application should be filed not later than July 15, 1946. Authorizations will be returned not later than July 25, 1946, and will specify the amount of merchant pig iron for which certified orders may be placed and the producer on which the order may be placed. A foundry must not certify more orders for merchant pig iron than authorized and only on the producers specified.

(g) *Limitation on use of merchant pig iron obtained on certified orders.* Each foundry must put into production during the two months of August and September not less than the amount of merchant pig iron authorized on Form CPA 4475 to fill certified purchase orders and to make products on Schedule A.

General Provisions

(h) *How to place a certified order*—(1) *For castings.* A purchase order for castings may be certified by sending a letter to the foundry identifying the purchase order and reciting in substantially the following form the following certification signed as provided in Priorities Regulation 7:

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I will use these castings only to make _____ (specify one or more of the end products listed in Schedule A, or if specifically authorized for another product under paragraph (o), insert name of product and phrase "authorized under paragraph (o)" and that the tonnage covered by this order together with all tonnages placed with other producers or foundries for use in these products on similarly certified orders and uncertified orders is not in excess of the quantity of such iron castings which I am authorized to order under the provisions of Direction 13 to Order M-21.

When a manufacturer has been authorized to certify any purchase order under paragraph (d) above or (o) below, he must add to the certification the following additional statement: "I have been specifically authorized to certify this order by Form CPA 4466 Serial No. ———."

(2) *Canadian purchasers of castings.* In the case of a Canadian purchaser of castings, a purchase order may be certified by furnishing a certification in substantially the following form signed manually or as provided in Priorities Regulation No. 7:

> The undersigned purchaser certifies, subject to the penalties of section 15 of the Canadian Wartime Industries Control Regulations, to the seller, to the Canadian Priorities Officer, and to the Civilian Production Administration that he will use this iron casting only to make _____, and that the tonnage covered by this order together with all other tonnages placed with other producers on similarly certified orders and uncertified orders is not in excess of the quantity of such iron castings which he is authorized to order under the provisions of **General Instruction Letter No. 67 and Direction 13 to Order M-21, and that the end-product will be sold only in accordance with the terms of that letter.**

(3) *For merchant pig iron.* A purchase order for merchant pig iron may be certified by sending a letter to the producer, identifying the purchase order and reciting in substantially the following form the following certification signed as provided in Priorities Regulation No. 7:

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I am authorized to place this order for merchant pig iron under **Direction 13 to Order M-21, Serial No.**____.

(i) *Periods for which certified orders may be placed.* Orders may be certified for delivery only in August or September. A manufacturer or foundry must specify the months in which he requires delivery at the time he certifies his purchase order (or at the time he places a new certified purchase order).

(j) *Refusal of certified orders*—(1) *Castings.* A foundry need not accept a certification for castings on a previously accepted purchase order, or a new purchase order, which it receives after the first day of the month, preceding the month in which delivery is requested.

(2) *Merchant pig iron.* A producer need not accept a certification for merchant pig iron if it is received after the 25th day of the month preceding the month in which delivery is requested. In case of orders for August delivery the producer must accept if the order is received before July 29, 1946.

(k) *Certified orders must be treated as rated orders.* Certified orders must be scheduled for production in preference to all other orders except for orders covered by specific written directives issued by the Civilian Production Administration. Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled, and delivered ac-

cordingly. The rules of Priorities Regulation 1 will apply, except to the extent that this direction is inconsistent with them. Iron castings obtained on certified orders must be used in accordance with § 944.11 of that regulation.

(l) *Effect of certain other directions.* Direction 13 to Priorities Regulation 1, which suspended preference ratings on iron castings remains in effect for the time being.

(m) *Equitable distribution to consumers.* Producers and foundries must distribute remaining amounts of merchant pig iron and iron castings after filling certified orders in a fair and equitable manner.

(n) *Reports.* Producers and foundries must furnish such reports as may be required by the Civilian Production Administration from time to time, subject to approval by the Budget Bureau pursuant to the Federal Reports Act of 1942.

(o) *Additional assistance in extraordinary circumstances*—(1) *Merchant pig iron or castings for governmental agency requirements.* The Civilian Production Administration may authorize the placing of certified orders to fill severely limited requirements of high urgency for the Army, Navy, Coast Guard, Maritime Commission, War Shipping Administration, Veterans' Administration, Federal Public Housing Authority, or for export. No applications should be made for this authority by manufacturers unless specifically requested by the appropriate government agency.

(2) *Relief for other manufacturers cannot ordinarily be granted.* The shortage of merchant pig iron and iron castings during the third quarter will be so severe that most manufacturers may not be able to obtain enough to maintain minimum economic rates of operation. For this reason, the Civilian Production Administration will not be able to offer assistance to manufacturers to support minimum economic rates of production. Assistance may be given in extraordinary circumstances where a manufacturer will suffer extraordinary hardship which is not generally common to users of merchant pig iron or iron castings because of the shortage of merchant pig iron and iron castings or for requirements of public health and safety or other similarly urgent requirements. Application should be made by letter to the Steel Branch of CPA. CPA may give assistance by finding a supplier, or by authorization to place certified orders, or by issuance of directions if required.

(p) *Forms.* Forms CPA 4466 (revised) and CPA 4475 are obtainable at the nearest CPA Field Office.

Issued this 9th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

1. Malleable and gray iron castings required to fill certified orders from manufacturers of the following classes of farm machinery and equipment, as described in War Food Order 135 of the Department of Agriculture:
   - Combines (harvester-threshers)
   - Grain binders
   - Corn binders, excluding sled and wheel type
   - Corn pickers
   - Field ensilage harvester—row type
   - Potato diggers and pickers, excluding walking plow type
   - Bean cutters or pullers
   - Sugar beet and cane harvesting equipment
   - Peanut diggers
   - Peanut pickers
   - Farm haying machinery, excluding field bale loader
   - Ensilage cutters (silo fillers)
   - Corn shellers
   - Potato sorters and graders
   - Fruit and vegetable graders, washers, sackers and conveyors
   - Farm tractors, wheel type
   - Repair parts only for types of farm machinery listed above
2. Gray and malleable iron castings required to make the following items of residential type products, or to fill certified orders from manufacturers of the following items of residential type products:
   - Cast iron soil pipe and fittings
   - Cast iron pressure pipe and fittings
   - Cast iron radiation (tubular and convector)
   - Warm air furnaces and floor furnaces
   - Bath tubs, sinks, and lavatories
   - Low pressure cast iron boilers for residential heating use
   - Screwed pipe fittings in the following classes:
     - (a) Gray cast recessed drainage, 2 in. and under
     - (b) Gray cast steam fittings, 3 in. and under (125 lbs. S. W. P.)
     - (c) Malleable fittings, including unions, 2 in. and under (150 lbs. S. W. P.)
3. Railroad brake shoes.

Superseded 9-26-46

SUBJECT: Direction 13 to M-21, Amended 8-1-46 1/
Emergency Distribution of Iron

1. Substance. This Direction limits the use of iron during the third quarter to enhance the production of the critical products listed in the Schedule at the end of the Direction. These products are ones which are extremely short for the Veterans' Housing Program.

2. Explanation. This Direction explains how manufacturers may place certified orders for allocations of iron. It is supplied for information only and does not affect regional operations.

1/ Supersedes Direction 13 to M-21, dated 7-9-46.

Superseded 9-6-46

Dir. 13 to M-21

CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

AUG. 1, 1946
[As Amended]
Corrected Copy

PART 3294—IRON AND STEEL PRODUCTION

[M–21. Direction 13, as amended Aug. 1, 1946]

EMERGENCY DISTRIBUTION OF MERCHANT PIG IRON AND IRON CASTINGS FOR PRODUCTION OF CERTAIN CRITICAL PRODUCTS

(a) *What this direction does.* The cumulative loss in production of merchant pig iron and iron castings in the last several months caused by work stoppages has created a severe shortage of merchant pig iron and iron castings for all purposes. There will not be a sufficient supply of iron to keep all of industry going at a reasonable rate for a number of months. It is, therefore, necessary that special assistance be given for the manufacture of certain highly critical products. These products are ones which are extremely short for the Veterans' Housing Program and certain items of farm machinery which are urgently required to harvest this year's crops and for famine relief. Failure to obtain immediate full production of these items will seriously delay the housing program and will result in a loss of food production. This direction provides for certified orders for merchant pig iron and iron castings needed during the third quarter of 1946 to make these critica items. This direction applies only to merchant pig iron and to gray and malleable iron castings. It does not apply to steel, which is distributed under Direction 12 to M–21.

Certified Orders for Iron Castings

(b) *Products for which iron castings can be obtained under this direction.* Manufacturers of the products which are listed on Schedule A at the end of this direction may place certified orders in the way described in this direction for the iron castings that they need for the product. In addition, manufacturers of other products may, in certain very extraordinary cases described in paragraph (o), be specifically authorized to place certified orders.

(c) *Certified orders placed with a foundry without authorization.* A manufacturer of a critical product listed on Schedule A may certify a purchase order for castings used in his critical product which he has already placed with a foundry on the date of this direction and on which at any time after January 1, 1946, the foundry promised or scheduled delivery before October 1, 1946. No specific authorization by the Civilian Production Administration is required for such certification. However, a manufacturer may not without specific authorization by CPA certify orders for iron castings for use in a plant not in production because of work stoppages. Except for the orders listed in this paragraph (c) no certified purchase order for iron castings may be placed without specific authorization by CPA. Paragraph (d) below states when applications for authorizations may be made.

(d) *Application for authorization to place certified orders for iron castings*—(1) *Who may apply.* Any manufacturer of a critical product listed on Schedule A who is unable to certify enough purchase orders under the provisions of paragraph (c) above for the amount of iron castings which he will require to actually put into production in such critical products during August or September, may apply to the Civilian Production Administration for authority to certify new purchase orders.

(2) *How to apply.* Application for such authority should be made in triplicate on Form CPA 4466 (revised).

(3) The Civilian Production Administration may issue authority to place certified purchase orders where it determines that the iron castings will actually be needed for production of the critical product and that the iron casting may be made available for such purposes. Additional iron castings for inventories will be rarely authorized and then less than permitted by Priorities Regulation 32. The CPA may limit the authorization to a named supplier.

(e) *Limit on amount which may be certified.* Except as specifically authorized a manufacturer must not certify a total number of purchase orders which will call for delivery in August and September of a greater amount of iron castings than he proposes to actually put into production in the manufacture of such critical products in that period. In addition, a manufacturer of farm machinery listed on Schedule A must not certify more iron castings than he will require to complete critical items which he will deliver before October 31, 1946. A manufacturer need not reduce the amount permitted because of iron casting in his inventory, within the limits of Priorities Regulation 32, but he may not, without specific authorization, use any of the amount certified in order to build up inventories to the permitted amount. Also he may not certify for delivery in any one month more than 70% of the amount of the iron castings he will put into produetion during both August and September.

Certified Orders by Foundries for Merchant Pig Iron

(f) *Foundries must obtain authorization.* Foundries may not place certified orders for merchant pig iron without specific authorization. Applications for authorization for merchant pig iron required during August and September to make castings required for products listed on Schedule A or, if the foundry itself makes the items on Schedule A, for merchant pig iron required for such item should be made on Form CPA 4475. This application should be filed not later than July 15, 1946. Authorizations will be returned not later than July 25, 1946, and will specify the amount of merchant pig iron for which certified orders may be placed and the producer on which the order may be placed. A foundry must not certify more orders for merchant pig iron than authorized and only on the producers specified.

(g) *Limitation on use of merchant pig iron obtained on certified orders.* Each foundry must put into production during the two months of August and September not less than the amount of merchant pig iron authorized on Form CPA 4475 to fill certified purchase orders and to make products on Schedule A.

General Provisions

(h) *How to place a certified order*—(1) *For castings.* A purchase order for castings may be certified by sending a letter to the foundry identifying the purchase order and reciting in substantially the following form the following certification signed as provided in Priorities Regulation 7:

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I will use these castings only to make _____ (specify one or more of the end products listed in Schedule A, or if specifically authorized for another product under paragraph (o), insert name of product and phrase "authorized under paragraph (o)" and that the tonnage covered by this order together with all tonnages placed with other producers or foundries for use in these products on similarly certified orders and uncertified orders is not in excess of the quantity of such iron castings which I am authorized to order under the provisions of Direction 13 to Order M–21.

When a manufacturer has been authorized to certify any purchase order under paragraph (d) above or (o) below, he must add to the certification the following additional statement: "I have been specifically authorized to certify this order by Form CPA 4466 Serial No. ———."

(2) *Canadian purchasers of castings.* In the case of a Canadian purchaser of castings, a purchase order may be certified by furnishing a certification in substantially the following form signed manually or as provided in Priorities Regulation No. 7:

> The undersigned purchaser certifies, subject to the penalties of section 15 of the Canadian Wartime Industries Control Regulations, to the seller, to the Canadian Priorities Officer, and to the Civilian Production Administration that he will use this iron casting only to make ------, and that the tonnage covered by this order together with all other tonnages placed with other producers on similarly certified orders and uncertified orders is not in excess of the quantity of such iron castings which he is authorized to order under the provisions of General Instruction Letter No. 67 and Direction 13 to Order M–21, and that the end-product will be sold only in accordance with the terms of that letter.

(3) *For merchant pig iron.* A purchase order for merchant pig iron may be certified by sending a letter to the producer, identifying the purchase order and reciting in substantially the following form the following certification signed as provided in Priorities Regulation No. 7:

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I am authorized to place this order for merchant pig iron under Direction 13 to Order M–21, Serial No. ------.

(4) *Canadian purchasers of merchant pig iron.* In the case of a Canadian purchaser of merchant pig iron who has been authorized pursuant to application, on Form CPA–4475, a purchase order may be certified by fur-

nishing a certification in substantially the following form:

The undersigned purchaser certifies, subject to the penalties of Section 15 of the Canadian Wartime Industries Control Regulations, to the seller, to the Canadian Priorities Officer, and to the Civilian Production Administration that he is authorized to place this order for merchant iron under the provisions of General Instruction Letter No. 67 and Direction 13 to Order M-21.

(i) *Periods for which certified orders may be placed.* Orders may be certified for delivery only in August or September. A manufacturer or foundry must specify the months in which he requires delivery at the time he certifies his purchase order (or at the time he places a new certified purchase order).

(j) *Refusal of certified orders*—(1) *Castings.* A foundry need not accept a certification for castings on a previously accepted purchase order, or a new purchase order, which it receives after the first day of the month, preceding the month in which delivery is requested.

(2) *Merchant pig iron.* A producer need not accept a certification for merchant pig iron if it is received after the 25th day of the month preceding the month in which delivery is requested. In case of orders for August delivery the producer must accept if the order is received before July 29, 1946.

(k) *Certified orders must be treated as rated orders.* Certified orders must be scheduled for production in preference to all other orders except for orders covered by specific written directives issued by the Civilian Production Administration. Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled, and delivered accordingly. The rules of Priorities Regulation 1 will apply, except to the extent that this direction is inconsistent with them. Iron castings obtained on certified orders must be used in accordance with § 944.11 of that regulation.

(l) *Effect of certain other directions.* Direction 13 to Priorities Regulation 1, which suspended preference ratings on iron castings remains in effect for the time being.

(m) *Equitable distribution to consumers.* Producers and foundries must distribute remaining amounts of merchant pig iron and iron castings after filling certified orders in a fair and equitable manner.

(n) *Reports.* Producers and foundries must furnish such reports as may be required by the Civilian Production Administration from time to time, subject to approval by the Budget Bureau pursuant to the Federal Reports Act of 1942.

(o) *Additional assistance in extraordinary circumstances*—(1) *Merchant pig iron or castings for governmental agency requirements.* The Civilian Production Administration may authorize the placing of certified orders to fill severely limited requirements of high urgency for the Army, Navy, Coast Guard, Maritime Commission, War Shipping Administration, Veterans' Administration, Federal Public Housing Authority, Canada, or for export. No applications should be made for this authority by manufacturers unless specifically requested by the appropriate government agency.

(2) *Relief for other manufacturers cannot ordinarily be granted.* The shortage of merchant pig iron and iron castings during the third quarter will be so severe that most manufacturers may not be able to obtain enough to maintain minimum economic rates of operation. For this reason, the Civilian Production Administration will not be able to offer assistance to manufacturers to support minimum economic rates of production. Assistance may be given in extraordinary circumstances where a manufacturer will suffer extraordinary hardship which is not generally common to users of merchant pig iron or iron castings because of the shortage of merchant pig iron and iron castings or for requirements of public health and safety or other similarly urgent requirements. Application should be made on Form CPA-4466 or Form CPA-4475 with an accompanying letter setting forth in full detail the reasons that special assistance is required.

(p) *Forms.* Forms CPA 4466 (revised) and CPA 4475 are obtainable at the nearest CPA Field Office.

Issued this 1st day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Schedule A amended Aug. 1, 1946.

1. Malleable and gray iron castings required to fill certified orders from manufacturers of the following classes of farm machinery and equipment, as described in War Food Order 135 of the Department of Agriculture:
   - Combines (harvester-threshers)
   - Grain binders
   - Corn binders, excluding sled and wheel type
   - Corn pickers
   - Field ensilage harvester—row type
   - Potato diggers and pickers, excluding walking plow type
   - Bean cutters or pullers
   - Sugar beet and cane harvesting equipment
   - Peanut diggers
   - Peanut pickers
   - Farm haying machinery, excluding field bale loader
   - Ensilage cutters (silo fillers)
   - Corn shellers
   - Potato sorters and graders
   - Fruit and vegetable graders, washers, sackers and conveyors
   - Farm tractors, wheel type
   - Repair parts only for types of farm machinery listed above
2. Gray and malleable iron castings required to make the following items of residential type products, or to fill certified orders from manufacturers of the following items of residential type products:
   - Cast iron soil pipe and fittings
   - Cast iron pressure pipe and fittings
   - Convector radiation.
   - Tubular radiation.
   - Warm air furnaces and floor furnaces
   - Bath tubs, sinks, and lavatories
   - Low pressure cast iron boilers for residential heating use
   - Screwed pipe fittings in the following classes:
     - (a) Gray cast recessed drainage, 2 in. and under
     - (b) Gray cast steam fittings, 3 in. and under (125 lbs. S. W. P.)
     - (c) Malleable fittings, including unions, 2 in. and under (150 lbs. S. W. P.)
3. Railroad brake shoes.

SUBJECT: Direction 13 to M-21, Amended 9-6-46 1/
Emergency Distribution of Iron

This Direction continues for the fourth quarter of 1946 the certification plan which has aided manufacturers in obtaining pig iron for the production of the housing items listed in Schedule A.

Farm machinery products have been eliminated from the fourth quarter certification plan, as it was considered that these products are not as critically needed as housing products during the balance of the year.

This Direction explains how manufacturers may place certified orders for iron purchases. It is supplied for information only and does not affect regional operations.

1/ Supersedes Direction 13 to M-21, dated 8-1-46.

Amended 12-30-46 but no longer included in Bul

Dir. 13 to M-21

CIVILIAN PRODUCTION ADMINISTRATION

SEPT. 6, 1946
[As Amended]

PART 3294—IRON AND STEEL PRODUCTION

[Gen. Preference Order M-21, Direction 13, as Amended Sept. 6, 1946]

Direction 13 to Order M-21 is amended to read as follows:

(a) *What this direction does.* The continued shortage of merchant pig iron, particularly in certain areas, threatens production of railroad brake shoes and certain items critically short for the Veterans' Emergency Housing Program. It is necessary to maintain production of these items at a high level, and at the same time insure that, as far as possible, this essential demand for merchant pig iron is spread as evenly as possible among furnaces and areas, so that individual foundries are not unfairly affected. This direction no longer provides for assistance in obtaining iron castings. CC ratings may be assigned for iron castings under Priorities Regulation 28, and special help may be given to certain products under Direction 18. This direction provides for the continued allocation of merchant pig iron during the fourth quarter. This direction is necessary and appropriate in the public interest, to promote the national defense, and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

(b) *What foundries may apply.* Foundries which make products on Schedule A of this direction, (including those which make components of Schedule A products and are wholly owned and operated by manufacturers of Schedule A products) may apply under this direction for authority to place a "certified order" for merchant pig iron needed to make Schedule A products.

(c) *When to file.* Applications should be filed on or before the 15th day of September on Form CPA-4504. The authorization will be returned by the 25th day of September, and may authorize purchases for October. Applications for November should be filed on or before October 5th, and for December by November 5th. Authorizations will be returned by the 20th.

(d) How to place a certified order.

(1) A purchase order for merchant pig iron may be certified by furnishing a certification in substantially the following form to the producer, signed as provided in Priorities Regulation 7:

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I am authorized to place this order for merchant pig iron under Direction 13 to Order M-21, Serial No. _____.

(2) *Canadian purchasers of merchant pig iron.* In the case of a Canadian purchaser of merchant pig iron who has been authorized pursuant to application on Form CPA-4504, a purchase order may be certified by furnishing a certification in substantially the following form:

> The undersigned purchaser certifies, subject to the penalties of Section 15 of the Canadian Wartime Industries Control Regulations, to the seller, to the Canadian Priorities Officer, and to the Civilian Production Administration, that he is authorized to place this order for merchant iron under the provisions of General Instruction Letter No. 67 and Direction 13 to Order M-21.

(e) *Limitation on use of merchant pig iron obtained on certified orders.* Each foundry must put into production in each month for which it receives authorization not less than the amount of merchant pig iron authorized for that month on Form CPA-4504 to make products on Schedule A.

(f) *Periods for which certified orders may be placed.* Orders may be certified for delivery only in the months specifically authorized on Form CPA-4504.

(g) *Refusal of certified orders for merchant pig iron.* A producer need not accept a certification for merchant pig iron if it is received after the 25th day of the month preceding the month in which delivery is requested, except October orders must be accepted until September 29th.

(h) *Certified orders must be treated as rated orders.* Certified orders must be scheduled for production in preference to all other orders except for orders covered by specific written directives issued by the Civilian Production Administration. Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled, and delivered accordingly. The rules of Priorities Regulation 1 will apply, except to the extent that this direction is inconsistent with them.

(i) *Equitable distribution to consumers.* Producers and foundries must distribute remaining amounts of merchant pig iron and iron castings in a fair and equitable manner after filling certified and rated orders.

(j) *Reports.* Producers and foundries must furnish such reports as may be required by the Civilian Production Administration from time to time, subject to approval by the Budget Bureau pursuant to the Federal Reports Act of 1942.

(k) *Other assistance to obtain merchant pig iron*—(1) *General.* Preference ratings will not be assigned to the deliveries of merchant pig iron, but instead authorizations to place certified orders, or directives may be granted, as the case requires.

(2) *Authorizations to place certified orders other than as provided in paragraph* (b). Ordinarily, CPA may grant authorizations to place certified orders for merchant pig iron required for products other than those on Schedule A under the conditions provided in Priorities Regulation 28. However, in certain areas, for certain types of merchant pig iron, and in the case of certain furnaces, the supply available may be insufficient to guarantee most foundries a minimum economic rate. In such case, the Civilian Production Administration will grant authorizations only under the conditions described in paragraph (h) of Priorities Regulation 28.

(3) *How to file.* Applications under paragraph (k) (2) should be filed on Form CPA-4504 together with Form CPA-541A (with blocks 7A, 7B, 9, 12, 13, 14, and 16 only filled out). Applications should be filed and will be acted on by the Civilian Production Administration only at the times provided by paragraph (c).

Issued this 6th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Gray and malleable iron castings required to make the following items:

1. Residential type products:
Cast iron soil pipe and fittings
Cast iron pressure pipe and fittings
Cast iron radiation (tubular and convector)
Warm air furnaces and floor and wall furnaces
Bath tubs, sinks, sink and tray combinations and lavatories
Low pressure boilers for residential heating use
Screwed pipe fittings in the following classes:
(a) Gray cast recessed drainage, 2 in. and under
(b) Gray cast steam fittings, 3 in. and under (125 lbs. S. W. P.)
(c) Malleable fittings, including unions, 2 in. and under (150 lbs. S. W. P.)
Builders hardware (same types as Direction 18 to Priorities Regulation 28)
Electrical wiring devices (only of the types listed in Schedule I to Priorities Regulation 28)
2. Railroad brake shoes

NHA
FPHA
12-20-46 Revoked 1-28-47

Bulletin 14

PART I - Section 4.1

SUBJECT: Direction 16 to M-21, dated 12-9-46 1/
Emergency Distribution of Iron and Steel

This Direction establishes an emergency period governing iron and steel supplies, and provides for conservation of the reduced stocks to fill urgent orders.

The important point in this Direction affecting FPHA activities is that CPA has suspended authorization of preference ratings for certain iron and steel items under specified paragraphs of PR-28. During the period of the emergency, CPA-541-A applications for these iron and steel items will not be approved by the CPA unless they are justified as emergency cases. However, items such as certain kinds of pipe, which would otherwise be ineligible for rating, but which are necessary for occupancy of re-use projects are construed to qualify under paragraph (g) (2) of PR-28 and will therefore be granted a preference rating when the need is justified and the application otherwise qualifies for approval.

1/ This is a new insert, and an entry should be included in the Index for Part I, Section 4.

Revoked 1-28-47

OBSOLETE

Dir. 16 to M-21

CIVILIAN PRODUCTION ADMINISTRATION

DEC. 9, 1946

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M–21, Direction 16]

EMERGENCY DISTRIBUTION OF IRON AND STEEL

(a) *What this direction does.* The general work stoppages at bituminous coal mines will cause an immediate and drastic curtailment in supplies of iron and steel. Preference ratings and directives already issued for those materials did not take into account the greatly reduced supply. Since it is desired that producers' and warehouses' stocks be available to fill urgent orders during the emergency, this direction limits the amount of rated orders or orders covered by directives issued by CPA before December 9, 1946, which iron and steel producers are required to schedule for delivery after December 31, 1946. It also permits warehouses to reject certain large orders for steel where delivery of the orders would seriously impair the warehouses' function in the distribution of steel. Preference ratings will no longer be issued under paragraphs (e) (1), (f), (g) (1), (h) (except in case of public emergency), or (i) of Priorities Regulation 28 for items of iron and steel during this period of emergency. As used in this direction "iron and steel" means only those materials in the product classifications listed in Schedule I to General Preference Order M–21.

(b) *Scheduling of rated orders by producers.* No producer of iron and steel is required to schedule more than 25% of his total anticipated monthly production of any product classification of iron or steel for delivery after December 31, 1946 to fill rated orders or orders covered by directives issued by CPA before December 9, 1946. If a producer is unable to fill all of his rated orders calling for delivery in a given month out of this 25%, he should, so far as is practicable consistent with the maintenance of maximum production, reduce his deliveries on all rated orders (except those rated AAA) on an equitable basis regardless of the rating on the orders, or the date he received them. Any balance of a rated order remaining unshipped at the end of a given month should be carried over into the next month, and be treated as a rated order for that unshipped balance, calling for delivery in that month. This paragraph is an exception to the rules in Priorities Regulation 1. However, it does not apply to orders bearing a rating of AAA, certified as having been issued by CPA on or after December 9, 1946, or to orders covered by a written directive issued by CPA on or after December 9, 1946.

(c) *Refusal of orders by warehouses.* No warehouse need accept or fill any order or orders (whether rated or unrated) calling for delivery of more than 10,000 pounds of steel in any one product classification, in any month to any one person at any one destination if doing so would deplete his stocks to the point where his function in the distribution of steel would be seriously impaired.

Issued this 9th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 18704—p. 1

Superseded 8-30-46

PART 984—LEAD

[General Preference Order M-38, as Amended July 2, 1946]

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

§ 984.1 *General Preference Order M-38*—(a) *Scope of the order.* This order controls generally the use of lead. Lead may be used only for the items and purposes set forth in the order. Other restrictions may also be found in other orders of the Civilian Production Administration relating to particular articles or parts. In such case the more restrictive provision governs. In no case shall any person use, purchase, sell, deliver or accept delivery of any lead in violation of this order.

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

(1) "Lead" means metallic lead, lead alloys, components or products (such as, but not limited to, sheet, pipe, ingot, castings and foil), in any form containing 50% or more by weight of the element lead (Pb). It includes battery lead oxide, but does not include other lead chemicals.

(2) "Battery lead oxide" means litharge, black oxide, red lead, basic lead sulphate or any other lead chemical produced from primary or secondary lead, for use in the manufacture of storage batteries.

(3) "Refiner" means any person who produces lead in refinery shapes, and includes any person who has such lead produced for him under toll agreement.

(4) "Dealer" means any person who procures lead either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(5) "Military order" means a specific contract or sub-contract necessitating the use of lead in the manufacture of any product, or any component to be physically incorporated into such products, produced for or for the account of the Army or Navy of the United States, Maritime Commission, War Shipping Administration, Veterans' Administration or Office of Scientific Research and Development.

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

(7) [Deleted Apr. 2, 1946.]

(8) "Item" means any article or component thereof.

(c) *Restrictions on use.* (1) No person may melt, form, alloy, assemble, or process any lead for use in any item or product, or in any process, not set forth in List I of this order. Lead may be used for the items and processes and subject to the restrictions set forth in List I only to the extent necessary to meet applicable specifications, or for the proper service performance of the end product, or where the use of any less critical material is impracticable or when satisfactory substitutes are prohibited in other Civilian Production Administration orders.

(2) No person shall use primary lead for any items or purpose set forth in List I if secondary lead is obtainable and usable for the item or purpose. "Primary lead" means metallic lead obtained mainly from mine ores and concentrates. "Secondary lead" means metallic lead obtained mainly from remelting or smelting of scrap materials.

(3) Manufacturing quotas are set in List I for certain of the items and processes in which lead may be used. If an item or process in List I has a manufacturing quota, a manufacturer or processor must not use, in the manufacture of the item or in the process during the current calendar period listed, more lead than the specific percentage of the amount legally used for that purpose during the base period indicated, or than the amount specifically authorized in writing by the Civilian Production Administration. These quotas may not be transferred except in accordance with Priorities Regulation 7A. Manufacturers or processors who did not use lead during the period indicated as the base period in the manufacture of an item or in a process which is subject to a quota restriction (including persons who were not in business at that time) may nevertheless apply for a quota, and their applications, as well as all applications for quotas which are individually assigned by the Civilian Production Administration will be considered on an equitable basis. Applications for quotas for the third quarter 1946 should be filed promptly with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C. Ref: M-38, or in any event not later than July 20, 1946.

(4) In some cases List I permits the use of lead in making a product only if the product is to be used for a particular purpose. No person may use any of these products for any purpose other than the purpose permitted by List I.

(d) *Special directions.* The Civilian Production Administration may at any time issue special directions to any person respecting the production, distribution, delivery, or acceptance of delivery of lead.

(e) *Allocation of lead.* (1) Any person who is unable to use secondary lead and who is unable to obtain primary soft lead from regular sources of supply may apply to the Civilian Production Administration for an allocation of lead. Applications should be made on Form CPA-95 and should be filed with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C. not later than the 20th of the month preceding the month in which shipment is requested. For the month of July, 1946, the allocation, if granted, will be in the form of an authorization to buy lead from the Office of Metals Reserve, Reconstruction Finance Corporation. Thereafter the allocation, if granted, may be either an authorization to buy lead from the Office of Metals Reserve or an authorization to obtain lead from the refiners' reserve described in paragraph (e) (2).

(2) Beginning with the month of August, 1946, each refiner shall set aside 25 percent of his monthly production of primary soft lead (including lead produced for him by others under toll agreement, but not lead which he produces for others under toll agreement). This reserve supply of primary soft lead may be delivered only upon the specific authorization of the Civilian Production Administration. The Civilian Production Administration will allocate deliveries of primary soft lead by refiners from this reserve in the manner described in paragraph (e) (1).

(f) *Inventory restrictions.* Lead appears on Table 1 of Priorities Regulation 32. Inventories of lead are subject to all provisions of that regulation. Inventories of scrap dealers are controlled by Direction 5 to Priorities Regulation 32. All inventory appeals from the provisions of paragraph (f) of M-38 granted before April 2, 1946 are hereby revoked.

(g) *Special restriction on deliveries of battery lead oxide.* (1) Beginning July 1, 1946, no person shall deliver or accept delivery of battery lead oxide for use in the manufacture of storage batteries without a specific authorization in writing by the Civilian Production Administration. This restriction applies not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(2) Requests for authorization to accept delivery of battery lead oxide should be made to the Civilian Production Administration on Form CPA-95-A not later than the 10th day of the month before the month in which delivery is

requested. Failure by any person to file an application in accordance with this paragraph may be construed as notice to the Civilian Production Administration that such person does not wish to accept delivery of battery lead oxide in the succeeding month.

(h) *Restrictions on sales and deliveries of lead.* No person shall sell or deliver any lead to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order

(i) *Appeals.* Any appeal from the restrictions of this order must be by letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal and should be addressed to the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., reference M-38. The appeal should contain the following information:

(1) Product in which the lead will be used.

(2) Period of time, not exceeding one calendar quarter for which relief is requested.

(3) Monthly schedule of amount of lead to be used.

(4) Prime contract numbers on military orders.

(5) If the appeal is filed because the restrictions on use of lead will prevent the filling of non-military orders of extreme urgency, give exact information as to the use of the product in which the lead is used.

(6) Why other less critical materials cannot be used.

(7) Present inventory of lead and any other information pertinent to the appeal (including a statement of equipment or facilities available to the appellant).

(j) [Deleted Oct. 3, 1945.]

(k) *Records.* All persons affected by this order must maintain accurate and complete records of all transactions as required by Priorities Regulation No. 1, 944.15. Such records must include complete statements of the amounts of lead consumed for the items specified in this order, and the amount of inventory on hand

(l) *Required reports.* (1) On or before the 20th day of each calendar month each person who purchased or consumed 10 tons or more of metallic lead during the preceding calendar month, or had in his possession or under his control 20 tons or more of lead, shall report such purchases, consumption and stocks on hand at the end of the preceding month to the Civilian Production Administration on Form CPA-95. Manufacturers of battery lead oxide and storage batteries must also file monthly production reports with the Civilian Production Administration on Form CPA-95-A.

(2) The Civilian Production Administration may from time to time issue special directions requiring any refiner or dealer to file a report showing a schedule of his proposed deliveries of lead.

(3) All persons affected by this order shall execute and file with the Civilian Production Administration such other reports as may be required subject to the approval of the Bureau of the Budget.

(4) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

(n) *Communications.* All communications and reports dealing with this order shall be addressed to: Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., Ref: M-38.

(o) [Deleted Apr. 2, 1946.]

Issued this 2d day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I

Permitted Uses

1. Ammunition for military orders or essential civilian requirements. (Manufacturing quota for ammunition for essential civilian requirements: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).
2. Anchorages for equipment, including expansion bolts, shields and grommets.
3. Anodes for electrolytic refining chromium plating and for lead plating as permitted in Item 40 of this list.
4. Anti-vibration mats.
5. Babbitt for abrasives and grinding wheels and for securing hardware to radio insulators and for securing end connections of windings and/or for securing enclosures of wire wound restrictors.
6. Ballast for implements of war where available space does not permit the use of material of lower density, for submarines and for surface craft of sizes up to and including destroyers.

6a. Battery lead oxide (See paragraph (g) for special restrictions on delivery).

7. Bearing Metal.
8. Bolster metal for surgical, table and industrial cutlery.
9. Brake lining and clutch facings
10. Brass and bronze.
11. Cable covering (Manufacturing quota: for the third quarter 1946, 20% of the amount of lead legally used for the same purpose during the calendar year 1940). If lead covered cable is replaced, the user of the cable must promptly deliver all salvable lead to his supplier, a lead smelter, or a scrap dealer.
12. Cable sleeving and other accessories necessary for the maintenance, repair and installation of lead covered cable.
13. Cable terminals and bushings for storage batteries.
14. Cames.
15. Caulking for use in caulking cast iron pipe lines, plumbing waste lines and vents, or automotive carburetors where other material such as sulphur compounds or cement does not provide a leak proof joint. (Manufacturing quota for caulking bars and wool: for the third quarter 1946, the amount of lead legally used for the same purpose during the first quarter 1946).
16. Chemicals (except battery lead oxide tetra ethyl) subject to the restrictions of Order L-354.
17. Closure spouts for drugs and chemicals (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).
18. Coating of wire and zinc plated sheet, including sheathing.
19. Collapsible tubes. (Manufacturing quota: for the third quarter 1946, the amount of lead (including that contained in blanks and converted into tubes) legally used for the same purpose during the second quarter 1946). Use of tin in collapsible tubes is subject to the restrictions of Order M-43.
20. Counterweights, weights and sliding poises for Military, industrial and laboratory equipment, and implements of war where available space does not permit the use of material of lower density
21. Foil:
    (a) Military orders to the extent that Method IA (not dehydrated) and/or Method II (dehydrated) packaging, as presently defined in the U. S. Army Specification 100-14, U S. Navy Specification 39-P-16 and British Standard Packaging Code BS-1133, or any new specifications covering the above are expressly specified in the prime contract.
    (b) For component ammunition.
    (c) Electrotypers subject to the restrictions of Order M-43.
    (d) Condensers.
    (e) Cap Liners for packaging drugs.
    (f) Electrostatic shielding of transformer coils and cores.
    (g) For use in chrome plating.
22. Fire extinguisher and decontaminator components.

22a. Free machining steel when the percentage of lead does not exceed one-half of 1%.

23. Gaskets, locknuts and shims.
24. Heat equalization in galvanizing pots and for molten zinc operations.
25. Heat treating and annealing.
26. Implements of War, as defined in Section (b) (6) of the Order.
27. Impression lead.
28. Inserts for treads on non-sparking ladders and stairs.
29. Lead hammers.
30. Lead-headed nails only to the extent that the use of springhead or flathead nails is impracticable
31. Fusible alloys.
32. Lead lined bowls for centrifugal oil purifiers.
33. Lead wire for determining gear bearing clearances.
34. Lining for acid lockers.
35. Lubricant for cold drawing of steel products.

36. Manufacture and moulding of plastics.
37. Medical, dental and veterinarian equipment and instruments.
38. Metallic and semi-metallic packing
39. Patterns and dies.
40. Plating or coating where lead is used in place of either cadmium or tin, or where corrosion makes the use of any other material impractical.
41. Powder for military uses, powder metallurgy, gear lubricants and rubber valves.
42. Production of rayon.
43. Refining of metals.
44. Repair of existing lead construction.
45. Seals for pilfering and tampering protections.
46. Sheath for curing process of rubber.
47. Sheet, pipe (including lead lined pipe), valves, fittings, burning bars and castings to be used for the following purposes:

(a) In new chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable.

(b) In repairs and replacement parts for chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable. The user of the equipment must promptly deliver all replaced salvable lead to his supplier, a lead smelter or a scrap dealer.

47a. Pipe (including lead lined pipe), bends, traps, plugs and flanges for water supply and waste lines or vents to the extent that municipal, state or Federal regulations permit no substitutes or, within water works proper, where sound water works practice requires the use of these products.

47b. Shot for use in Items 15, 20, 38, 45, 58 or 61.

48. Sinkers and other fishing tackle. (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).

49. Solder.

50. Sounding leads. (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).

51 Spectrographs and spectrophotometers.

52. Storage batteries for the uses specified below. (The antimony content in any antimonial lead used for grids, connecting parts or components for storage batteries shall not exceed nine (9%) percent, except where an alloy with a higher antimony content is specified as mandatory in contracts of the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration. The lead content of battery lead oxide in any storage battery shall not exceed 50% of the total lead content of the battery).

(a) Special batteries for military use in submarines, aircraft or communications equipment.

(b) Original equipment for military or civilian purposes.

(c) [1] Industrial type, for replacement purposes: (Manufacturing quota: for the third quarter 1946, 25% of the amount of lead (including lead content of battery lead oxide and component parts) legally used for civilian industrial type replacement batteries during the calendar year 1944, plus any additional amount specifically authorized to be used for industrial type replacement batteries during the second quarter 1946 by the granting of an appeal during that quarter).

(d) Automotive SLI type, for replacement purposes. (Manufacturing quota: for the third quarter 1946, 19% of the amount of lead (including lead content of battery lead oxide and component parts) legally used for civilian automotive SLI type replacement batteries during the calendar year 1944, plus 86% of any additional amount specifically authorized to be used for automotive SLI type replacement batteries during the second quarter 1946 by the granting of an appeal during that quarter).

(e) Component parts furnished as such to others. (Manufacturing quota: for the third quarter 1946, 19% of the amount of lead (including lead content of battery lead oxide and sub-component parts) legally used for component parts furnished as such to others for civilian industrial or automotive SLI type batteries during the calendar year 1944, plus 86% of any additional amount specifically authorized to be used for component parts furnished as such to others during the second quarter 1946 by the granting of an appeal during that quarter). A manufacturer of such parts, who also makes industrial or automotive SLI type replacement batteries, may not include lead used in component parts furnished as such to others in determining the amount of lead he is permitted to use for industrial or automotive SLI type replacement batteries under paragraphs (c) and (d) above.

53 Terne plate and Terne metal subject to restrictions of Conservation Order M-43.

54. Tetraethyl. (The manufacturing quota for tetraethyl will be assigned on individual applications by the producer.)

55. Turbine and gear bearing oil deflectors.

56. Turbine gland labyrinth and diaphragm packing.

57. Type metal for use in the printing trade. (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose for the second quarter 1946).

58 Vocational purposes where lead is reused and in laboratories for analytical purposes and research, and for use for experimental purposes where the total amount of lead used in any quarter does not exceed 500 pounds.

59. X-ray purposes and Radiography

60 Zinc production.

61 For use to comply with safety regulations issued under Government authority which requires the use of lead to the extent employed, or in safety equipment.

[1] An Industrial Storage Battery means an electric storage battery of other than SLI type which has been completely assembled and sealed, whether charged or uncharged and which is designed and built for industrial applications such as, but not confined to, railway signaling and lighting mine locomotives, industrial trucks, farm lighting, public utilities stand-by equipment, commercial radio installations, airplane and commercial boat installations and components thereof.

SUBJECT: M-38, Amended 8-30-46 1/
Lead

This Order establishes restrictions on the uses of lead. List 1 of the Order specifies the authorized items and processes.

Caulking lead, in Item 15 of the List, is the principal FPHA requirement for lead products. Before any lead items are used for other purposes, reference should be made to the List to determine if such use is permitted.

1/ Supersedes M-38, dated 7-2-46.

See Trans. #8

SUBJECT: M-38, Amended 10-3-46 1/
Use of Lead

This Order establishes restrictions on the uses of lead. List 1 of the Order specifies the authorized items and processes, and lead products cannot be used for any purposes other than those specified in the List.

The changes incorporated in this amendment do not affect FPHA activities. Caulking lead, in Item 15 of the List is the principal FPHA requirement for lead products. Before any lead items are used for other purposes, reference should be made to the List to determine if such use is permitted.

1/ Supersedes M-38, dated 8-30-46

Superseded 10-3-46

CIVILIAN PRODUCTION ADMINISTRATION

M-38
AUG. 30, 1946
[As Amended]

PART 984—LEAD

[General Preference Order M-38, as Amended Aug. 30, 1946]

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

§ 984.1 *General Preference Order M-38*—(a) *Scope of the order.* This order controls generally the use of lead. Lead may be used only for the items and purposes set forth in the order. Other restrictions may also be found in other orders of the Civilian Production Administration relating to particular articles or parts. In such case the more restrictive provision governs. In no case shall any person use, purchase, sell, deliver or accept delivery of any lead in violation of this order

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

(1) "Lead" means metallic lead, lead alloys, components or products (such as, but not limited to, sheet, pipe, ingot, castings and foil), in any form containing 50% or more by weight of the element lead (Pb). It includes battery lead oxide, but does not include other lead chemicals.

(2) "Battery lead oxide" means litharge, black oxide, red lead, basic lead sulphate or any other lead chemical produced from primary or secondary lead, for use in the manufacture of storage batteries.

(3) "Refiner" means any person who produces lead in refinery shapes, and includes any person who has such lead produced for him under toll agreement.

(4) "Dealer" means any person who procures lead either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(5) "Military order" means a specific contract or sub-contract necessitating the use of lead in the manufacture of any product, or any component to be physically incorporated into such products, produced for or for the account of the Army or Navy of the United States, Maritime Commission, War Shipping Administration, Veterans' Administration or Office of Scientific Research and Development.

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

(7) [Deleted Apr. 2, 1946.]

(8) "Item" means any article or component thereof.

(c) *Restrictions on use.* (1) No person may melt, form, alloy, assemble, or process any lead for use in any item or product, or in any process, not set forth in List I of this order. Lead may be used for the items and processes and subject to the restrictions set forth in List I only to the extent necessary to meet applicable specifications, or for the proper service performance of the end product, or where the use of any less critical material is impracticable or when satisfactory substitutes are prohibited in other Civilian Production Administration orders.

(2) No person shall use primary lead for any items or purpose set forth in List I if secondary lead is obtainable and usable for the item or purpose. "Primary lead" means metallic lead obtained mainly from mine ores and concentrates. "Secondary lead" means metallic lead obtained mainly from remelting or smelting of scrap materials.

(3) Manufacturing quotas are set in List I for certain of the items and processes in which lead may be used. If an item or process in List I has a manufacturing quota, a manufacturer or processor must not use, in the manufacture of the item or in the process during the current calendar period listed, more lead than the specific percentage of the amount legally used for that purpose during the base period indicated, or than the amount specifically authorized in writing by the Civilian Production Administration. These quotas may not be transferred except in accordance with Priorities Regulation 7A. Manufacturers or processors who did not use lead during the period indicated as the base period in the manufacture of an item or in a process which is subject to a quota restriction (including persons who were not in business at that time) may nevertheless apply for a quota, and their applications, as well as all applications for quotas which are individually assigned by the Civilian Production Administration will be considered on an equitable basis. Applications for quotas for the third quarter 1946 should be filed promptly with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25 D. C. Ref: M-38, or in any event not later than July 20, 1946.

(4) In some cases List I permits the use of lead in making a product only if the product is to be used for a particular purpose. No person may use any of these products for any purpose other than the purpose permitted by List I.

(d) *Special directions.* The Civilian Production Administration may at any time issue special directions to any person respecting the production, distribution, delivery, or acceptance of delivery of lead.

(e) *Allocation of lead.* (1) Any person who is unable to use secondary lead and who is unable to obtain primary soft lead from regular sources of supply may apply to the Civilian Production Administration for an allocation of lead. Applications should be made on Form CPA-95 and should be filed with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C. not later than the 20th of the month preceding the month in which shipment is requested. Allocations, if granted, may be either an authorization to buy lead from the Office of Metals Reserve or an authorization to obtain lead from the refiners' reserve described in paragraph (e) (2).

(2) No refiner may deliver in any month, without specific authorization of the Civilian Production Administration, more than 75% of his anticipated production of primary soft lead in that month. In addition, after September 1, 1946, no refiner may deliver to any person in any month, without the specific authorization of the Civilian Production Administration, any primary soft lead except lead which, before the 20th of the preceding month, he has contracted to deliver to that person. In computing his lead production, each refiner must include lead produced for him by others under toll agreement, but not lead which he produces for others under toll agreement. The Civilian Production Administration will allocate deliveries of primary soft lead by refiners from this reserve in the manner described in paragraph (c) (1).

(f) *Inventory restrictions.* Lead appears on Table 1 of Priorities Regulation 32. Inventories of lead are subject to all provisions of that regulation. Inventories of scrap dealers are controlled by Direction 5 to Priorities Regulation 32. All inventory appeals from the provisions of paragraph (f) of M-38 granted before April 2, 1946 are hereby revoked.

(g) *Special restriction on deliveries of battery lead oxide.* (1) Beginning July 1, 1946, no person shall deliver or accept delivery of battery lead oxide for use in the manufacture of storage batteries without a specific authorization in writing by the Civiliar Production Administration. This restriction applies not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(2) Requests for authorization to accept delivery of battery lead oxide should be made to the Civilian Production Administration on Form CPA-95-A not later than the 10th day of the month before the month in which delivery is requested. Failure by any person to file an application in accordance with this paragraph may be construed as notice to the Civilian Production Administration

that such person does not wish to accept delivery of battery lead oxide in the succeeding month.

(h) *Restrictions on sales and deliveries of lead.* No person shall sell or deliver any lead to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order

(i) *Appeals.* Any appeal from the restrictions of this order must be by letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal and should be addressed to the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., reference M-38. The appeal should contain the following information:

(1) Product in which the lead will be used.

(2) Period of time, not exceeding one calendar quarter for which relief is requested.

(3) Monthly schedule of amount of lead to be used.

(4) Prime contract numbers on military orders.

(5) If the appeal is filed because the restrictions on use of lead will prevent the filling of non-military orders of extreme urgency, give exact information as to the use of the product in which the lead is used.

(6) Why other less critical materials cannot be used.

(7) Present inventory of lead and any other information pertinent to the appeal (including a statement of equipment or facilities available to the appellant).

(j) [Deleted Oct. 3, 1945.]

(k) *Records.* All persons affected by this order must maintain accurate and complete records of all transactions as required by Priorities Regulation No 1, 944.15. Such records must include complete statements of the amounts of lead consumed for the items specified in this order, and the amount of inventory on hand

(l) *Required reports.* (1) On or before the 20th day of each calendar month each person who purchased or consumed 10 tons or more of metallic lead during the preceding calendar month, or had in his possession or under his control 20 tons or more of lead, shall report such purchases, consumption and stocks on hand at the end of the preceding month to the Civilian Production Administration on Form CPA-95. Manufacturers of battery lead oxide and storage batteries must also file monthly production reports with the Civilian Production Administration on Form CPA-95-A.

(2) The Civilian Production Administration may from time to time issue special directions requiring any refiner or dealer to file a report showing a schedule of his proposed deliveries of lead.

(3) All persons affected by this order shall execute and file with the Civilian Production Administration such other reports as may be required subject to the approval of the Bureau of the Budget.

(4) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

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

(n) *Communications.* All communications and reports dealing with this order shall be addressed to: Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., Ref: M-38.

(o) [Deleted Apr. 2, 1946.]

Issued this 30th day of August 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I

Permitted Uses

1. Ammunition for military orders or essential civilian requirements. (Manufacturing quota for ammunition for essential civilian requirements: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).
2. Anchorages for equipment, including expansion bolts, shields and grommets.
3. Anodes for electrolytic refining chromium plating and for lead plating as permitted in Item 40 of this list.
4. Anti-vibration mats.
5. Babbitt for abrasives and grinding wheels and for securing hardware to radio insulators and for securing end connections of windings and/or for securing enclosures of wire wound restrictors
6. Ballast for implements of war where available space does not permit the use of material of lower density, for submarines and for surface craft of sizes up to and including destroyers.

6a. Battery lead oxide (See paragraph (g) for special restrictions on delivery).

7. Bearing Metal
8. Bolster metal for surgical, table and industrial cutlery
9. Brake lining and clutch facings.
10. Brass and bronze.
11. Cable covering (Manufacturing quota: for the third quarter 1946, 20% of the amount of lead legally used for the same purpose during the calendar year 1940). If lead covered cable is replaced, the user of the cable must promptly deliver all salvable lead to his supplier, a lead smelter, or a scrap dealer.
12. Cable sleeving and other accessories necessary for the maintenance, repair and installation of lead covered cable.
13. Cable terminals and bushings for storage batteries.
14. Cames.
15. Caulking for use in caulking cast iron pipe lines, plumbing waste lines and vents, or automotive carburetors where other material such as sulphur compounds or cement does not provide a leak proof joint. (Manufacturing quota for caulking bars and wool: for the third quarter 1946, the amount of lead legally used for the same purpose during the first quarter 1946).
16. Chemicals (except battery lead oxide tetra ethyl) subject to the restrictions of Order L-354.
17. Closure spouts for drugs and chemicals (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).
18. Coating of wire and zinc plated sheet, including sheathing
19. Collapsible tubes. (Manufacturing quota: for the third quarter 1946, the amount of lead (including that contained in blanks and converted into tubes) legally used for the same purpose during the second quarter 1946). Use of tin in collapsible tubes is subject to the restrictions of Order M-43.
20. Counterweights, weights and sliding poises for Military, industrial and laboratory equipment and implements of war where available space does not permit the use of material of lower density.
21. Foil:
    (a) Military orders to the extent that Method IA (not dehydrated) and/or Method II (dehydrated) packaging, as presently defined in the U S Army Specification 100-14, U S. Navy Specification 39-P-16 and British Standard Packaging Code BS-1133, or any new specifications covering the above are expressly specified in the prime contract.
    (b) For component ammunition.
    (c) Electrotypers subject to the restrictions of Order M-43.
    (d) Condensers.
    (e) Cap Liners for packaging drugs
    (f) Electrostatic shielding of transformer coils and cores.
    (g) For use in chrome plating.
22. Fire extinguisher and decontaminator components.

22a. Free machining steel when the percentage of lead does not exceed one-half of 1%.

23. Gaskets, locknuts and shims.
24. Heat equalization in galvanizing pots and for molten zinc operations.
25. Heat treating and annealing.
26. Implements of War, as defined in Section (b) (6) of the Order.
27. Impression lead.
28. Inserts for treads on non-sparking ladders and stairs.
29. Lead hammers.
30. Lead-headed nails only to the extent that the use of springhead or flathead nails is impracticable.
31. Fusible alloys.
32. Lead lined bowls for centrifugal oil purifiers.
33. Lead wire for determining gear bearing clearances.
34. Lining for acid lockers.
35. Lubricant for cold drawing of steel products.
36. Manufacture and moulding of plastics.
37. Medical, dental and veterinarian equipment and instruments.
38. Metallic and semi-metallic packing
39. Patterns and dies.
40. Plating or coating where lead is used in place of either cadmium or tin, or where corrosion makes the use of any other material impractical.
41. Powder for military uses, powder metallurgy, gear lubricants and rubber valves.
42. Production of rayon
43. Refining of metals.
44. Repair of existing lead construction.
45. Seals for pilfering and tampering protections.
46. Sheath for curing process of rubber.

47. Sheet, pipe (including lead lined pipe), valves, fittings, burning bars and castings to be used for the following purposes:

(a) In new chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable.

(b) In repairs and replacement parts for chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable. The user of the equipment must promptly deliver all replaced salvable lead to his supplier, a lead smelter or a scrap dealer.

47a. Pipe (including lead lined pipe), bends, traps, plugs and flanges for water supply and waste lines or vents to the extent that municipal, state or Federal regulations permit no substitutes or, within water works proper, where sound water works practice requires the use of these products.

47b. Shot for use in Items 15, 20, 38, 45, 58 or 61.

48. Sinkers and other fishing tackle. (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).

49. Solder.

50. Sounding leads. (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose during the second quarter 1946).

51. Spectographs and spectrophotometers.

52. Storage batteries for the uses specified below. (The antimony content in any antimonial lead used for grids, connecting parts or components for storage batteries shall not exceed nine (9%) percent, except where an alloy with a higher antimony content is specified as mandatory in contracts of the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration. The lead content of battery lead oxide in any storage battery shall not exceed 50% of the total lead content of the battery).

(a) Special batteries for military use in submarines, aircraft or communications equipment.

(b) Original equipment for military or civilian purposes.

(c) [1] Industrial type, for replacement purposes: (Manufacturing quota: for the third quarter 1946, 25% of the amount of lead (including lead content of battery lead oxide and component parts) legally used for civilian industrial type replacement batteries during the calendar year 1944, plus any additional amount specifically authorized to be used for industrial type replacement batteries during the second quarter 1946 by the granting of an appeal during that quarter).

(d) Automotive SLI type, for replacement purposes. (Manufacturing quota: for the third quarter 1946, 19% of the amount of lead (including lead content of battery lead oxide and component parts) legally used for civilian automotive SLI type replacement batteries during the calendar year 1944, plus 86% of any additional amount specifically authorized to be used for automotive SLI type replacement batteries during the second quarter 1946 by the granting of an appeal during that quarter).

(e) Component parts furnished as such to others. (Manufacturing quota: for the third quarter 1946, 19% of the amount of lead (including lead content of battery lead oxide and sub-component parts) legally used for component parts furnished as such to others for civilian industrial or automotive SLI type batteries during the calendar year 1944, plus 86% of any additional amount specifically authorized to be used for component parts furnished as such to others during the second quarter 1946 by the granting of an appeal during that quarter). A manufacturer of such parts, who also makes industrial or automotive SLI type replacement batteries, may not include lead used in component parts furnished as such to others in determining the amount of lead he is permitted to use for industrial or automotive SLI type replacement batteries under paragraphs (c) and (d) above.

53. Terne plate and Terne metal subject to restrictions of Conservation Order M-43

54. Tetraethyl. (The manufacturing quota for tetraethyl will be assigned on individual applications by the producer.)

55. Turbine and gear bearing oil deflectors

56. Turbine gland labyrinth and diaphragm packing.

57. Type metal for use in the printing trade. (Manufacturing quota: for the third quarter 1946, the amount of lead legally used for the same purpose for the second quarter 1946).

58. Vocational purposes where lead is reused and in laboratories for analytical purposes and research, and for use for experimental purposes where the total amount of lead used in any quarter does not exceed 500 pounds.

59. X-ray purposes and Radiography.

60. Zinc production.

61. For use to comply with safety regulations issued under Government authority which requires the use of lead to the extent employed, or in safety equipment.

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[1] An Industrial Storage Battery means an electric storage battery of other than SLI type which has been completely assembled and sealed, whether charged or uncharged and which is designed and built for industrial applications such as, but not confined to, railway signaling and lighting mine locomotives, industrial trucks farm lighting, public utilities stand-by equipment, commercial radio installations, airplane and commercial boat installations and components thereof

No longer included in Bul. when amended 10-25-46

PART 984—LEAD

[General Preference Order M-38, as Amended Oct. 3, 1946]

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

§ 984.1 *General Preference Order M-38*—(a) *Scope of the order.* This order controls generally the use of lead. Lead may be used only for the items and purposes set forth in the order. Other restrictions may also be found in other orders of the Civilian Production Administration relating to particular articles or parts. In such case the more restrictive provision governs. In no case shall any person use, purchase, sell, deliver or accept delivery of any lead in violation of this order

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

(1) "Lead" means metallic lead, lead alloys, components or products (such as, but not limited to, sheet, pipe, ingot, castings and foil), in any form containing 50% or more by weight of the element lead (Pb). It includes battery lead oxide, but does not include other lead chemicals.

(2) "Battery lead oxide" means litharge, black oxide, red lead, basic lead sulphate or any other lead chemical produced from primary or secondary lead, for use in the manufacture of storage batteries.

(3) "Refiner" means any person who produces lead in refinery shapes, and includes any person who has such lead produced for him under toll agreement.

(4) "Dealer" means any person who procures lead either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(5) "Military order" means a specific contract or sub-contract necessitating the use of lead in the manufacture of any product, or any component to be physically incorporated into such products, produced for or for the account of the Army or Navy of the United States, Maritime Commission, Veterans' Administration or Office of Scientific Research and Development.

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

(7) [Deleted Apr. 2, 1946.]

(8) "Item" means any article or component thereof.

(c) *Restrictions on use.* (1) No person may melt, form, alloy, assemble, or process any lead for use in any item or product, or in any process, not set forth in List I of this order. Lead may be used for the items and processes and subject to the restrictions set forth in List I only to the extent necessary to meet applicable specifications, or for the proper service performance of the end product, or where the use of any less critical material is impracticable or when satisfactory substitutes are prohibited in other Civilian Production Administration orders.

(2) No person shall use primary lead for any items or purpose set forth in List I if secondary lead is obtainable and usable for the item or purpose. "Primary lead" means metallic lead obtained mainly from mine ores and concentrates. "Secondary lead" means metallic lead obtained mainly from remelting or smelting of scrap materials.

(3) Manufacturing quotas are set in List I for certain of the items and processes in which lead may be used. If an item or process in List I has a manufacturing quota, a manufacturer or processor must not use, in the manufacture of the item or in the process during the current calendar period listed, more lead than the specific percentage of the amount legally used for that purpose during the base period indicated, or than the amount specifically authorized in writing by the Civilian Production Administration. These quotas may not be transferred except in accordance with Priorities Regulation 7A. Manufacturers or processors who did not use lead, or were not authorized to use it, during the period indicated as the base period in the manufacture of an item or in a process which is subject to a quota restriction (including persons who were not in business at that time) may nevertheless apply for a quota. Their applications, as well as all applications for quotas which are individually assigned by the Civilian Production Administration, will be considered and quotas granted on an equitable basis, to the extent that this will not unduly disrupt existing production. Applications for quotas for the fourth quarter 1946 should be filed promptly with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., Ref: M-38 or in any event not later than October 20, 1946.

(4) In some cases List I permits the use of lead in making a product only if the product is to be used for a particular purpose. No person may use any of these products for any purpose other than the purpose permitted by List I.

(d) *Special directions.* The Civilian Production Administration may at any time issue special directions to any person respecting the production, distribution, delivery, or acceptance of delivery of lead.

(e) *Allocation of lead.* (1) Any person who is unable to use secondary lead and who is unable to obtain primary soft lead from regular sources of supply may apply to the Civilian Production Administration for an allocation of lead. Applications should be made on Form CPA-95 and should be filed with the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C. not later than the 20th of the month preceding the month in which shipment is requested. Allocations, if granted, may be either an authorization to buy lead from the Office of Metals Reserve or an authorization to obtain lead from the refiners' reserve described in paragraph (e) (2).

(2) No refiner may deliver in any month, without specific authorization of the Civilian Production Administration, more than 75% of his anticipated production of primary soft lead in that month. In addition, after September, 1, 1946, no refiner may deliver to any person in any month, without the specific authorization of the Civilian Production Administration, any primary soft lead except lead which, before the 20th of the preceding month, he has contracted to deliver to that person. In computing his lead production, each refiner must include lead produced for him by others under toll agreement, but not lead which he produces for others under toll agreement. The Civilian Production Administration will allocate deliveries of primary soft lead by refiners from this reserve in the manner described in paragraph (c) (1).

(f) *Inventory restrictions.* Lead appears on Table 1 of Priorities Regulation 32. Inventories of lead are subject to all provisions of that regulation. Inventories of scrap dealers are controlled by Direction 5 to Priorities Regulation 32. All inventory appeals from the provisions of paragraph (f) of M-38 granted before April 2, 1946 are hereby revoked.

(g) *Special restriction on deliveries of battery lead oxide.* (1) Beginning July 1, 1946, no person shall deliver or accept delivery of battery lead oxide for use in the manufacture of storage batteries without a specific authorization in writing by the Civilian Production Administration. This restriction applies not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(2) Requests for authorization to accept delivery of battery lead oxide should be made to the Civilian Production Administration on Form CPA-95-A not later than the 10th day of the month before the month in which delivery is requested. Failure by any person to file an application in accordance with this paragraph may be construed as notice to

the Civilian Production Administration that such person does not wish to accept delivery of battery lead oxide in the succeeding month.

(h) *Restrictions on sales and deliveries of lead.* No person shall sell or deliver any lead to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(i) *Appeals.* Any appeal from the restrictions of this order must be by letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal and should be addressed to the Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., reference M-38. The appeal should contain the following information:

(1) Product in which the lead will be used.

(2) Period of time, not exceeding one calendar quarter for which relief is requested.

(3) Monthly schedule of amount of lead to be used.

(4) Prime contract numbers on military orders.

(5) If the appeal is filed because the restrictions on use of lead will prevent the filling of non-military orders of extreme urgency, give exact information as to the use of the product in which the lead is used.

(6) Why other less critical materials cannot be used.

(7) Present inventory of lead and any other information pertinent to the appeal (including a statement of equipment or facilities available to the appellant).

(j) [Deleted Oct. 3, 1945.]

(k) *Records.* All persons affected by this order must maintain accurate and complete records of all transactions as required by Priorities Regulation No 1, 944.15. Such records must include complete statements of the amounts of lead consumed for the items specified in this order, and the amount of inventory on hand.

(l) *Required reports.* (1) On or before the 20th day of each calendar month each person who purchased or consumed 10 tons or more of metallic lead during the preceding calendar month, or had in his possession or under his control 20 tons or more of lead, shall report such purchases, consumption and stocks on hand at the end of the preceding month to the Civilian Production Administration on Form CPA-95. Manufacturers of battery lead oxide and storage batteries must also file monthly production reports with the Civilian Production Administration on Form CPA-95-A.

(2) The Civilian Production Administration may from time to time issue special directions requiring any refiner or dealer to file a report showing a schedule of his proposed deliveries of lead.

(3) All persons affected by this order shall execute and file with the Civilian Production Administration such other reports as may be required subject to the approval of the Bureau of the Budget.

(4) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

(n) *Communications.* All communications and reports dealing with this order shall be addressed to: Civilian Production Administration, Tin, Lead and Zinc Branch, Washington 25, D. C., Ref: M-38.

(o) [Deleted Apr. 2, 1946.]

Issued this 3d day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I

Permitted Uses

1. Ammunition for military orders or essential civilian requirements. (Manufacturing quota for ammunition for essential civilian requirements: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the third quarter 1946).
2. Anchorages for equipment, including expansion bolts, shields and grommets.
3. Anodes for electrolytic refining chromium plating and for lead plating as permitted in Item 40 of this list.
4. Anti-vibration mats.
5. Babbitt for abrasives and grinding wheels and for securing hardware to radio insulators and for securing end connections of windings and/or for securing enclosures of wire wound restrictors.
6. Ballast for implements of war where available space does not permit the use of material of lower density, for submarines and for surface craft of sizes up to and including destroyers.

6a. Battery lead oxide (See paragraph (g) for special restrictions on delivery).

7. Bearing Metal
8. Bolster metal for surgical, table and industrial cutlery
9. Brake lining and clutch facings.
10. Brass and bronze.
11. Cable covering (Manufacturing quota: for the fourth quarter 1946, 20% of the amount of lead legally used for the same purpose during the calendar year 1940). If lead covered cable is replaced, the user of the cable must promptly deliver all salvable lead to his supplier, a lead smelter, or a scrap dealer.
12. Cable sleeving and other accessories necessary for the maintenance, repair and installation of lead covered cable.
13. Cable terminals and bushings for storage batteries.
14. Cames.
15. Caulking for use in caulking cast iron pipe lines, plumbing waste lines and vents, or automotive carburetors where other material such as sulphur compounds or cement does not provide a leak proof joint. (Manufacturing quota for caulking bars and wool: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the first quarter 1946).
16. Chemicals (except battery lead oxide tetra ethyl) subject to the restrictions of Order L-354.
17. Closure spouts for drugs and chemicals (Manufacturing quota: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the third quarter 1946).
18. Coating of wire and zinc plated sheet, including sheathing.
19. Collapsible tubes. (Manufacturing quota: for the fourth quarter 1946, the amount of lead (including that contained in blanks and converted into tubes) legally used for the same purpose during the second quarter 1946). Use of tin in collapsible tubes is subject to the restrictions of Order M-43.
20. Counterweights, weights and sliding poises for Military, industrial and laboratory equipment, and implements of war where available space does not permit the use of material of lower density.
21. Foil:
    (a) Military orders to the extent that Method IA (not dehydrated) and/or Method II (dehydrated) packaging, as presently defined in the U. S. Army Specification 100-14, U. S. Navy Specification 39-P-16 and British Standard Packaging Code BS-1133, or any new specifications covering the above are expressly specified in the prime contract.
    (b) For component ammunition.
    (c) Electrotypers subject to the restrictions of Order M-43.
    (d) Condensers.
    (e) Cap Liners for packaging drugs.
    (f) Electrostatic shielding of transformer coils and cores.
    (g) For use in chrome plating.
22. Fire extinguisher and decontaminator components.

22a. Free machining steel when the percentage of lead does not exceed one-half of 1%.

23. Gaskets, locknuts and shims.
24. Heat equalization in galvanizing pots and for molten zinc operations.
25. Heat treating and annealing.
26. Implements of War, as defined in paragraph (b) (6) of the Order.
27. Impression Lead. (Manufacturing quota: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the third quarter 1946).
28. Inserts for treads on non-sparking ladders and stairs.
29. Lead hammers.
30. Lead-headed nails only to the extent that the use of springhead or flathead nails is impracticable.
31. Fusible alloys.
32. Lead lined bowls for centrifugal oil purifiers.
33. Lead wire for determining gear bearing clearances.
34. Lining for acid lockers.
35. Lubricant for cold drawing of steel products.
36. Manufacture and moulding of plastics.
37. Medical, dental and veterinarian equipment and instruments.
38. Metallic and semi-metallic packing.
39. Patterns and dies.
40. Plating or coating where lead is used in place of either cadmium or tin, or where corrosion makes the use of any other material impractical.
41. Powder for military uses, powder metallurgy, gear lubricants and rubber valves.
42. Production of rayon.
43. Refining of metals.
44. Repair of existing lead construction.

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45. Seals for pilfering and tampering protections.
46. Sheath for curing process of rubber.
47. Sheet, pipe (including lead lined pipe), valves, fittings, burning bars and castings to be used for the following purposes (Manufacturing quota for the fourth quarter 1946: the amount of lead legally used for the same purpose during the third quarter 1946):

(a) In new chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable.

(b) In repairs and replacement parts for chemical and processing equipment to the extent that corrosion makes the use of any other material impracticable. The user of the equipment must promptly deliver all replaced salvable lead to his supplier, a lead smelter or a scrap dealer.

47a. Pipe (including lead lined pipe), bends, traps, plugs and flanges for water supply and waste lines or vents to the extent that municipal, state or Federal regulations permit no substitutes or, within water works proper, where sound water works practice requires the use of these products.

47b. Shot for use in Items 15, 20, 38, 45, 58 or 61.

48. Sinkers and other fishing tackle. (Manufacturing quota: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the third quarter 1946).

49. Solder.

50. Sounding leads. (Manufacturing quota: for the fourth quarter 1946, the amount of lead legally used for the same purpose during the third quarter 1946).

51. Spectographs and spectrophotometers.

52. Storage batteries for the uses specified below. (The antimony content in any antimonial lead used for grids, connecting parts or components for storage batteries shall not exceed nine (9%) percent, except where an alloy with a higher antimony content is specified as mandatory in contracts of the Army or Navy of the United States, or the U. S. Maritime Commission. The lead content of battery lead oxide in any storage battery shall not exceed 50% of the total lead content of the battery. In figuring all manufacturing quotas, the lead which may be used and the lead used in the base period includes the lead content of battery lead oxide and component parts. When a manufacturer has accepted an order for original equipment batteries such batteries shall receive preference in processing and delivery over replacement batteries.)

(a) Special batteries for military use in submarine, aircraft or communications equipment.

(b) Original equipment for military or civilian purposes. (No battery manufacturer may deliver any batteries made for original equipment except to an equipment manufacturer who states in writing that the batteries will be used only in new equipment which he manufacturers.)

(c) Industrial type, for replacement purposes. (Manufacturing quota: for the fourth quarter 1946: 100% of the amount of lead authorized to be used for industrial type replacement batteries during the third quarter 1946.) An Industrial Storage Battery means an electric storage battery of other than SLI type which has been completely assembled and sealed, whether charged or uncharged and which is designed and built for industrial applications such as, but not confined to, railway signaling and lighting, mine locomotives, industrial trucks, farm lighting, public utilities stand-by equipment, commercial radio installations, airplane and commercial boat installations and components thereof.

(d) Automotive SLI type for replacement purposes:

(Manufacturing quota for the fourth quarter 1946:

(A) For those authorized to use 70 tons of lead or less for automotive SLI replacement batteries during the third quarter 1946: 100% of the amount of lead authorized to be used for the same purpose during the third quarter 1946;

(B) For those authorized to use more than 70 tons of lead for automotive SLI replacement batteries during the third quarter 1946: 80% of the amount of lead authorized to be used for the same purpose during the third quarter 1946.)

(e) Component parts furnished as such to others (Manufacturing quota: 100% of the amount of lead authorized to be used for the same purpose during the third quarter 1946). A manufacturer of such parts, who also makes industrial or automotive SLI type batteries, may not include lead used in component parts furnished as such to others in determining the amount of lead he is permitted to use for industrial or automotive SLI type batteries under paragraphs (c) and (d) above.

53. Terne plate and Terne metal subject to restrictions of Conservation Order M-43.

54. Tetraethyl. (The manufacturing quota for tetraethyl will be assigned on individual applications by the producer.)

55. Turbine and gear bearing oil deflectors.

56. Turbine gland labyrinth and diaphragm packing.

57. Type metal for use in the printing trade. (Manufacturing quota: for the fourth quarter 1946, the amount of lead legally used for the same purpose for the third quarter 1946).

58. Vocational purposes where lead is reused and in laboratories for analytical purposes and research, and for use for experimental purposes where the total amount of lead used in any quarter does not exceed 500 pounds

59. X-ray purposes and Radiography.

60. Zinc production.

61. For use to comply with safety regulations issued under Government authority which requires the use of lead to the extent employed, or in safety equipment.

PART 1001—TIN

[Conservation Order M-43, as Amended Apr. 9, 1946]

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:

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§ 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 Civilian Production Administration. It also restricts the use of pig tin, secondary tin, certain tin-bearing products and tinplate in manufacture. The order also prohibits sales and deliveries of jewelry and certain other articles containing tin. It also limits inventories of tin. Certain other orders of the Civilian Production Administration also restrict the manufacture and use of articles containing tin. The provisions of these other orders must also be followed.

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 Civilian Production Administration or the War Production Board, 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, small bars and ingots) produced from ores, residues or scrap.

(1) Pig tin may be delivered without specific allocation to the Office of Metals Reserve, Reconstruction Finance Corporation, or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended or to any agent of such a corporation.

(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 6,000 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 Priorities Regulation 7 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 6,000 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)

If the pig tin, or any portion of it, to be delivered under this subparagraph is to be exported outside the United States, its territories or possessions, or Canada, the purchaser (exporter) should state as the end use in the certificate the words "for export" and give the number of the export license.

(c) *Allocations of pig tin.* The Civilian Production Administration 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 Civilian Production Administration not later than the 20th day of the month before the month in which delivery is requested, and should be made on Form CPA-412. Except in unusual circumstances, the Civilian Production Administration will not allocate to a person for a calendar quarter an amount greater than the quantity he is permitted to melt or put in process during that quarter plus the quantity which he sold during the corresponding quarter of 1944 for small order sales under M-43. No larger quantity than this may be requested on the regular CPA-412 report, which should be marked "Regular Report." If a larger quantity than this is requested, a separate application on Form CPA-412 must be filed for the additional quantity, marked "Supplementary Application" and a statement should be attached giving a complete explanation of the reasons for the increase requested. If pig tin is requested for export outside the United States, its territories or possessions or Canada, the quantity to be exported must be separately stated on the CPA-412 report. Separate allocations for domestic and export requirements will be made. The Civilian Production Administration 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 Civilian Production Administration on Form CPA-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 4,000 pounds or more of pig tin must report to the Civilian Production Administration on Form CPA-412 by the 20th of that month.

(3) Any person who uses 2,000 pounds or more of pig tin in any calendar month must report to the Civilian Production Administration on Form CPA-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 alloys.* 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 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, small bars, and ingots) produced from ores, residues or scrap. "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

(f) *Quota restrictions on the use of pig tin in manufacture.* (1) Quotas are set in the schedules for certain of the items and for certain of the processes in which pig tin may be used. If a quota is set for an item or a process in the schedule, a maufacturer or processor must not use, in the manufacture of the item or in the process during any calendar quarter, more pig tin than the specified percentage of the amount he legally used for that purpose during the corresponding quarter of the year indicated. Manufacturers or processors who did not use pig tin during the year indicated as the base year in the manufacture of an item or in a process which is subject to a quota restriction (including persons who were not in business at that time) may nevertheless apply for a quota, and their applications will be considered on an equitable basis.

(2) Any manufacturer or processor who did not use all of his pig tin quota during the first quarter 1946 for a particular item or process, may carry forward the unused balance and use it in the second quarter, 1946 for the manufacture of that item or in that process. Balances permitted to be carried over under this paragraph may be used in addition to the regular quota for that item or process permitted by the schedule for the second quarter, 1946. A manufacturer or processor who wishes to use his carry over quota during the second quarter, 1946 must report to the Civilian Production Administration not later than May 15, 1946 for each item or process; the unused balance of his first quarter quota, and the amount he wishes to carry over and use in the second quarter 1946.

(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) *Additional restrictions on the use of tin in making certain articles.* In addition to the restrictions in paragraphs (e) through (g), no person may use tin of any kind to make the articles listed below. This prohibition applies to any part of any of these articles, and applies to the use of pig tin, secondary tin, solder, tin plate, terne plate, tin plate or terne plate scrap or waste, and any other form of tin or alloy containing 1.5% or more of tin by weight.

1. Advertising specialties.
2. Art objects.
3. [Deleted Apr. 9, 1946]
4. Broom wire.
5. Buckles.
6. Buttons.
7. Chimes and bells.
8. Emblems and insignia.
9. Spiral binders, office and industrial staples, book match clips and paper fasteners.
10. [Deleted Apr. 9, 1946]
11. Jewelry.
12. Novelties, souvenirs and trophies.
13. Ornaments and ornamental fittings.
14. Refrigerator trays and shelves.
15. Seals and labels.
16. Slot, game and vending machines.
17. Toys and games.
18. Tablets, markers and memorials.
19. [Deleted Apr. 9, 1946]
20. [Deleted Apr. 9, 1946]
21. [Deleted Apr. 9, 1946]

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, the U. S. Maritime Commission or the War Shipping Administration 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. Pig tin used in implements of war must be charged against any applicable quotas.

(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. The standard certificate described in Priorities Regulation 7 may not be used in place of any of the certificates described in this order or its schedules.

(3) Notwithstanding the authorization by the War Production Board or the Civilian Production Administration 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 par of the person making it, a representation to the Civilian Production Administration 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 plate or tin in any other form except solder used for joining purposes. No person shall sell or deliver any new article of the kinds listed below, if the article contains tin plate or tin in any other form except solder used for joining purposes, unless he has an authorization in writing from the Civilian Production Administration or the War Production Board for the sale or delivery. A person who wishes to get such an authorization should apply to the Civilian Production Administration by letter in triplicate, giving a report of his inventory of all of the items listed below containing tin plate or tin in any other form except solder used for joining purposes, showing the quantity of each such 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 plate or any other tin except solder used for joining purposes, 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 shall receive delivery of pig tin, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this order. Forty-five days inventory of pig tin shall, for the purpose of this order, be deemed a practicable working inventory for any person except a manufacturer of tin plate as tin plate is defined in Schedule VI, as from time to time amended.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, as Amended June 3, 1946]

COTTON TEXTILE DISTRIBUTION

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

§ 3290.115 *General Conservation Order M-317*—(a) *What this order does.* This order contains general provisions regarding cotton textiles. Special provisions for distribution of cotton fabric are in Supplementary Order M-317A, and special provisions for production and distribution of cotton sale yarn are in Supplementary Order M-317C. Provisions for assignment of CC ratings for certain cotton and other textiles are in Priorities Regulation 28A and in Order M-328B and its schedules and directions.

(b) *Definitions.* For the purpose of this order and its schedules and directions:

(1) "Cotton textile" means any of the following:

(i) Cotton yarn containing 50% or more by weight of cotton or cotton waste or any combination of the two; or

(ii) Cotton fabric 12 inches or more in width woven or braided from cotton yarn; or

(iii) The following cotton fabric products: bedsheets, pillow cases, blankets, towels, diapers, face cloths, table "linens," and fish netting.

NOTE: Subparagraph (2) formerly (5), redesignated June 3, 1945. Former subparagraphs (1) to (4), inclusive, deleted June 3, 1946.

(2) "Export" means a shipment from any point within the United States and its territories and possessions to any point outside of that area. "Exports" include shipments to the Philippines.

(c) *Information required on rated orders for cotton textiles.* (1) Each person applying or extending a preference rating for any cotton textile shall add to his rating certificate a statement as to the source of the rating substantially as follows:

This rating has been assigned on Form CPA-_____ Serial Number _____ (insert the CPA Form Number and Serial Number; or if the rating was not assigned on a CPA form, state the source of the rating by specifying the export license number and date of validation, or the military contract number).

(2) The above requirement does not apply to the United States Army, Navy, Maritime Commission or War Shipping Administration on their direct purchase orders, and does not apply to rated orders accompanied by certificates on Form CPA-4382 or 4412 under Order M-328B.

(d) [Deleted June 3, 1946.]

(e) [Deleted June 3, 1946.]

(f) *Allocation.* The Civilian Production Administration may assign preference rating for or allocate and direct deliveries of cotton textiles pursuant to application on Form CPA-2842.

(g) *General provisions*—(1) *Applicability of regulations.* Except as otherwise provided herein, this order and Supplementary Orders M-317A and M-317C and all transactions affected thereby are subject to all applicable regulations of the Civilian Production Administration.

(2) *Appeals.* Any appeal from the provisions of this order, of Supplementary Orders M-317A or M-317C, or of any direction under these orders, shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(3) *Violations.* Any person who wilfully violates any provision of this order, of Supplementary Orders M-317A or M-317C, or of any direction under these orders, or who, in connection with these orders or directions, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(4) *Communications.* All reports, appeals and other communications concerning this order should be addressed to: Civilian Production Administration, Textile Division, Washington 25, D. C., Ref.: M-317.

Issued this 3d day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Revoked Apr. 1, 1946.

CIVILIAN PRODUCTION ADMINISTRATION

Corrected Copy

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M–317A, as Amended July 11, 1946]

COTTON FABRIC DISTRIBUTION

§ 3290.116 *Supplementary Order M–317A*—(a) *What this order does.* This order states the special rules for distribution of cotton fabrics, particularly with respect to set-asides for certain purposes, the certificates of use which must be filed with orders in order to obtain set-aside fabrics, and the effect and use of preference ratings. The set-aside percentage figures are shown in the tables at the end of this order.

Definitions

(b) *Definitions.* (1) "Cotton fabric" means any fabric 12'' or more in width woven or braided from cotton yarn which contains 50% or more by weight of cotton or cotton waste or any combination of the two. The term includes not only fabrics in the gray and yarn dyed fabrics, original mill or regular finish, but also fabrics which have been bleached, Sanforized, dyed or printed; and includes shorts, seconds, remnants or mill ends. The term does not include blankets or blanketing containing 25% or more by weight of wool; or fabrics (other than blankets or blanketing) containing wool produced on the woolen or worsted system.

(2) "Producer" means any person who weaves for his own account, or has woven for his account, any cotton fabric in the forty-eight States or the District of Columbia. A person who weaves cotton fabric for the account of another is not a producer of that fabric for the purpose of this order.

(3) "Cotton components for apparel" means cotton fabrics used as components (excluding body fabric) in the manufacture of men's, students', cadets', juniors', boys' and childrens' garments in the following apparel classifications only:

(i) Suits, wool and other than wool.

(ii) Separate trousers, other than denim trousers.

(iii) Separate jackets.

(iv) Overcoats and topcoats.

(v) Mackinaws, cossack jackets and other heavy outercoats.

(vi) Uniforms.

(vii) Children's snowsuits and legging sets.

(viii) Knit underwear.

(ix) Knit outerwear.

NOTE: Subparagraph (5), formerly subparagraph (3), redesignated July 11, 1946.

(4) "Coated fabrics" means cotton fabrics coated, impregnated or otherwise treated with the following coatings, continuous from selvage to selvage, provided that such treatment is not merely a part of the normal operation of bleaching, dyeing, printing or other finishing:

Clay filled coatings
Lacquers
Ethylcellulose
Nitrocellulose
Oil coatings
Oleoresinous coatings
Paints
Pyroxylin
Starch filled coatings
Varnishes
Resins, natural or synthetic
Rubber, natural, synthetic or reclaim

"Coated fabrics" include but are not limited to such products as oil cloth, artificial leather, book binding cloth, Holland cloth and varnished cambric.

(5) "Industrial and agricultural purposes" means any of the following purposes for which cotton fabric may be used, whether directly or as a component in the manufacture of items required for the purpose:

(i) Maintenance, repair, and operating supplies or capital equipment for any manufacturing, extractive (including mining and commercial fishing), agricultural, public utility or public transportation operation, or for any laundry or dry-cleaning establishment (not including items supplied on a return basis by a "linen service" agency or similar organization).

(ii) Medical, surgical, or hospital equipment and supplies (except clothing); and other equipment and supplies (except clothing) required for the protection of public health or safety.

(iii) Work clothing; special occupational and safety clothing and gloves (but not including work gloves, uniforms, or sports equipment).

(iv) Production materials to be used in the manufacture of the following products, or repair parts for those products (excluding retail over-the-counter or mail order piece goods): vehicles; building materials; construction machinery; mechanical household or office equipment; tires, rubber hose and belts; footwear; friction tape and pressure-sensitive tape; burial caskets; electrical, industrial, agricultural, food processing or transportation equipment; furniture; mattresses; mattress covers; bed pillows; box springs; dual purpose sleeping equipment; gummed tape for cardboard and fibre cartons and corrugated boxes; silica-gel bags; book bindings; and loose-leaf bindings.

(v) However, "industrial and agricultural purposes" does not include the use of chafer fabric for any purpose other than the manufacture of tires or mechanical rubber goods.

Set-Asides

(c) *Set-aside of cotton fabrics for industrial and agricultural purposes.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery only on orders certified for "industrial and agricultural purposes" as defined in paragraph (b) (5) above, an amount computed from column 4 of the attached tables in accordance with paragraph (h) (1) of this order. Cotton fabrics set aside under this paragraph may not be delivered on orders certified for the making of bags controlled by Order M–221, except when expressly permitted by the attached tables.

Manufacturers ordering cotton fabric for coating may certify their orders for "industrial and agricultural purposes" only if the coated fabric will be used for the purposes stated in paragraph (b) (5) above. Chafer fabrics may be certified for "industrial and agricultural purposes" only when ordered for ultimate use in the manufacture of tires and mechanical rubber goods. Cotton fabrics which are to be sold at retail as piece goods, either over-the-counter or by mail order, may not be certified for "industrial and agricultural purposes", regardless of the ultimate use.

(d) *Set-aside of cotton fabrics for bags under M–221.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery only on orders certified for the manufacture of bags controlled by Order M–221, an amount computed from Column 5 of the attached tables in accordance with paragraph (h) (1) of this order.

(e) *Gray goods minimum ratio in set-asides for industrial, agricultural and bag making purposes.* (1) From the total amount of each group of cotton fabrics having the same reference number which are set aside after March 31, 1946 for "industrial and agricultural purposes" and for bags controlled by Order M–221, the producer shall deliver as gray goods not less than the percentage specified in the attached tables (column 12) on orders certified for use in the gray or for use in the manufacture of any of the following:

(i) Abrasives.

(ii) Automobile head linings.

(iii) Bags for flour, meal and commercial feed.

(iv) Box stay tapes.

(v) Buffing wheels.

(vi) Filter cloth.

cordance with the certification requirements of Order M–328B and its schedules and directions.

(2) *Content and form of certificate.* The purchase order certificate must state the ultimate use of the cotton fabric ordered and in addition must be certified and signed, as follows:

For use or resale for _____ (specify the applicable use listed as "industrial or agricultural purposes" in paragraph (b) (5) above; also, if applicable, add "for use or resale for use in the gray" or "required in the gray for use or resale for use in _____", specifying the applicable product listed in paragraph (e) (1) above)—or

For use or resale for making bags controlled by CPA Order M–221 (if applicable, add "for use in the gray without any finishing")—or

For use or resale for use for making cotton components for apparel under CPA Order M–317A—or

For export (or state that "these cotton fabrics will be exported or will replace in inventory similar cotton fabrics which have been exported within 90 days"; moreover, state also the governing export license number and date of validation, or the United States Treasury Procurement Division contract number and date; or if the export is to Canada, so state and add the Canadian Cotton Administrator's Serial Number and date).

The above statements of use must be certified in the standard form provided in Priorities Regulation 7 (which appeared in this order as amended April 26, 1946), or else must be certified in the following form:

Certified under CPA Order M–317A and subject to penalties of Sec. 35 (a) of U. S. Criminal Code.

_____
(Authorized signature)

(3) *Addition of rating.* If the statement of ultimate use is certified in the special form shown above, the applicable preference rating (if any) and statement of source of rating (required by paragraph (c) of Order M–317) must be certified separately (as provided in Priorities Regulation No. 3). Alternatively, the statement of use, the rating, and the source of rating, may be covered by a single standard certification in the form specified in Priorities Regulation No. 7.

Preference Ratings

(j) *Effect and use of preference ratings*—(1) *Rated orders for set-aside fabrics.* Orders which are duly certified for any set-aside purpose and also bear preference ratings and the statement of source of rating required by Order M–317, must be accepted and filled from the applicable set-aside in accordance with the provisions of Priorities Regulation No. 1 (without limitation under the rating ceiling of Column 11 of the attached tables, and without being credited against that ceiling). On the other hand, delivery may not be made of any set-aside cotton fabrics on any rated order which is not certified as required by paragraph (i) above.

(2) *Rating ceiling on amounts in excess of set-asides.* No producer need accept or fill rated orders which would cause him to deliver during the third quarter of 1946 more of any cotton fabric on rated orders in excess of total set-asides, than a quantity equal to the percentage specified in the attached tables (Column 11) applied to a figure equal to his total production of that fabric during the second quarter of 1946 (the term "any cotton fabric" refers to any group of fabrics having the same Reference Number in the attached tables). Deliveries on rated certified orders which have been credited against any set-aside may not also be credited against the rating ceiling of this paragraph. On the other hand, deliveries on rated orders which are certified for set-aside purposes may be credited against the rating ceiling of this paragraph if the applicable set-asides were exhausted and the deliveries are not credited against any set-aside.

(3) *Kinds of ratings affected.* Paragraph (j) (1) and (2) above refer to MM and CC rated orders. Orders rated AAA must be accepted and filled regardless of the set-aside or rating ceiling provisions of this order.

(4) *Restriction on serving ratings on another producer.* No producer of cotton fabric shall use any preference rating to obtain cotton fabric from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing on Form CPA–2842, that his own production is insufficient or unsuitable. This does not apply to orders accepted before April 1, 1946.

(5) *Expiration of export ratings.* Preference ratings assigned for the export of cotton fabric expire if they are not applied or extended to an order accepted by a producer within six months of the date the rating was assigned.

(6) *Rated orders for future delivery.* No person is required to accept any rated order for cotton fabrics calling for delivery more than 90 days after the receipt of the order, except from the United States Army, Navy, Maritime Commission, War Shipping Administration, or Veterans Administration.

(7) *Ratings on export licenses for fabricated goods.* Substantially the following form of assignment of preference rating may appear on licenses issued by the Department of Commerce, Office of International Trade, for export of woven cotton fabricated goods (such as clothing).

Pursuant to the official certification set forth below, a CC rating is assigned to the delivery of_____ yards of_____ for incorporation into the fabricated goods authorized for export under this license.

If the holder of the license manufactures the fabricated goods himself he may apply the rating to his purchase order for the necessary cotton fabric. On the other hand, if he buys the goods in the fabricated state he may not apply the rating on his purchase order for the fabricated goods; however, he may authorize his supplier to use the rating to get cotton fabric to make the goods, by furnishing the following certificate with his purchase order for the fabricated goods (filling in the blanks as indicated):

You are hereby authorized to apply a CC preference rating to purchase orders for _____ yards of _____ to make the goods specified in my attached purchase order. The source of this rating is Export License Number _____, date of validation _____.

_____
(Signature of export license holder).

Miscellaneous

(k) *Integrated mills.* Requisitions for intra-company deliveries of cotton fabrics from the producing mill shall be treated as if they were purchase orders, for the purpose of the set-aside and certification requirements and the other provisions of this order.

(l) *Reports.* Each producer of cotton fabrics shall file a report with the Civilian Production Administration on Forms CPA–658B and C at the time and in the manner prescribed in these forms. These reporting requirements have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the ground of the appeal.

(n) *Communications.* All reports, appeals and other communications concerning this order shall be addressed to: Civilian Production Administration, Textile Division, Washington 25, D. C. Ref: M–317A.

Issued this 11th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

COTTON FABRIC DISTRIBUTION TABLES FOR THIRD QUARTER OF 1946

TABLE I—FINE COTTON GOODS

NOTE: Tables I and II amended in their entirety July 11, 1946.

Ref. No.	Form CPA 658-C (June 14, 1946) item numbers	Fabrics	Minimum percentages for third quarter, 1946 set-asides (see par. (h) (1) of order)							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for apparel defined in par. (b)(3),	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
			par. (c)	par. (d)	par. (f) (1)	par. (f) (1)	par. (f) (2)	par. (g) (1)	par. (g) (2)	par. (j) (2)	par. (e)
1	2	3	4	5	6	7	8	9	10	11	12
1	1, 2	Airplane and balloon fabrics						2½	1½	5	
2	3–6	Broadcloth (combed)			*60			7½	2½	20	
3	7	Dimities			*25	*25		6½	1½	5	
4	11–18	Lawns and organdies (combed and part combed and carded).			*30	*11		8½	2	5	
5	19–22	Marquisettes (combed and part combed and carded).						3	2	5	
6	23	Oxfords, combed and fine carded (average carded yarns finer than 35s).			*60			4	4	5	
7	24	Piques			*30	*30		4	1	5	
8	25	Pongees						4	1	5	
9	26, 27	Poplins (combed)			*50			7	3	5	
10	28	Sateens (combed and part combed)					10	8½	2½	5	
11	29	Sateens, carded (average yarns finer than 35s), narrow (under 42").					10	11	3	5	
12	32	Shirtings, jacquard, gray-dobby and colored			*60			9	5	5	
13	33, 34	Army twills, 6.0 oz. shirting and 8.2 oz. uniform								100	
14	36	Albert twills						5½	1½	93	
15	37	Gabardines (combed)						8	2	5	
16	35, 38	All other combed twills						4	1	5	
17	39	Twills, carded, (average yarns finer than 35s)					30	8	2	5	
18	42	Voiles				*30		6	2	5	
19	43, 45 and 157 on Form CPA 658-B.	Combed and carded cotton-rayon fabrics, chiefly cotton less than 25% rayon and lighter than 3.00 yd.			*60	*12		6½	1½	5	
20	44, 46 and 158–159 on Form CPA 658-B.	Combed and carded cotton-rayon fabrics, chiefly cotton—all other less than 51% rayon.						6½	1½	5	
21	47	Dotted swiss, carded, undyed yarn			*30	*25		10	2	5	
22	48	Dotted swiss, all other						10	2	5	
23	49	Seersuckers (combed)						10	2	5	
24	50	Seersuckers, fine carded (average yarns finer than 35s).			*10			10	2	5	
25	51	All other combed, part combed and fine carded fabrics (average carded yarns finer than 35s) except seersuckers and dotted swiss.						10	2	5	
26		All other combed, part combed and fine carded fabrics not elsewhere specified in distribution table 1.								10	

TABLE II—CARDED GRAY GOODS

Ref. No.	Form CPA 658-B (June 14, 1946) item numbers	Fabrics	Minimum percentages for third quarter, 1946 set-asides (see par. (h) (1) of order							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for apparel defined in par. (b)(3)	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
			par. (c)	par. (d)	par. (f) (1)	par. (f) (1)	par. (f) (2)	par. (g) (1)	par. (g) (2)	par. (j) (2)	par. (e)
1	2	3	4	5	6	7	8	9	10	11	12
27	5–12 on Form CPA–658A	Flat duck (including enameling duck)	40							5	75
28	20 on Form CPA–658A	Hose and belting duck	100								100
29	21 on Form CPA–658A	Filter cloth (duck yarns)	100								100
30	23 on Form CPA–658A	Chafer fabrics	100								100
31	1–8	Osnaburgs	32	55				1¾	1¼	2	80
32	12	Soft filled sheetings under 42"	40				5	11	2	5	
33	13	Soft filled sheetings, 42" and wider	60						2	5	
34	14–17, 19	Class A sheetings under 42"	14	55	*6		5	4	4	2	75
35	18, 20	Class A sheetings, 42" and wider	40						4	5	25
36	21	Class B sheetings; 40" 48 x 40–3.25 yd	7½	55			10	10½	2	2	50
37	22	Class B sheetings; 40" 48 x 40–3.75 yd	12	55			5	9	3	2	
38	23	Class B sheetings; 37" 48 x 44–4.00 yd	12	55			5	9	4	2	
39	24	Class B sheetings; 40" 44 x 40–4.25 yd	10	30			10	15	5	5	5
40	25	Class B sheetings; 31" 48 x 44–5.00 yd	12	55				9	4	2	50
41	26	Class B sheetings; pro rata widths to above under 42".	7½	55			10	10½	2	2	50
42	27	Class B sheetings; pro rata widths to above, 42" and wider.	60					15		5	25
43	28	All other Class B sheetings under 42"	7½	55			10	10½	2	2	50
44	29	All other Class B sheetings, 42" and wider	60					15		5	25
45	30–33	Class C sheetings: 36"–64 x 64–3.50 yd.; 36"–60 x 52, 56 x 56–4.00 yd.; 36"–48 x 40, 44 x 40–5.50 yd.; 36"–44 x 40, 40 x 40–6.05 to 6.15 yd.	24	20	*11	*10	5	14	1	2	25
46	34	Class C sheetings: 40"–64 x 64–3.15 yd	45	20			5	15		2	25
47	35	Class C sheetings: 40"–60 x 52, 56 x 56–3.60 yd	45	20			5	15		2	25
48	36	Class C sheetings: 40"–56 x 48–4.30 yd	100								
49	37, 38	Class C sheetings: 40"–44 x 40–5.50 yd., 40"–36 x 40–5.55 yd.	45	20			5	14	1	2	25

See footnotes at end of table.

TABLE II—CARDED GRAY GOODS—continued

Ref. No.	Form CPA 658-B (June 14, 1946) item numbers	Fabrics	Minimum percentages for third quarter, 1946 set-asides (see par. (h) (1) of order)							Balance beyond set-asides subject to ratings	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Cotton components for apparel defined in par. (b) (3)	Exports			
					Apparel	Piece goods		Exports (not to Canada)	Canadian exports		
			par. (c)	par. (d)	par. (f)(1)	par. (f)(1)	par. (f)(2)	par. (g)(1)	par. (g) (2)	par. (j) (2)	par. (e)
1	2	3	4	5	6	7	8	9	10	11	12
50	39	Class C sheetings: 40½"-74 x 86-2.80 to 2.90 yd. (Mead's cloth).	100								
51	40, 42	All other Class C sheetings under 42"	24	20	*11	*10	5	14	1	2	25
52	41, 43	All other Class C sheetings, 42" and wider	40					12		5	25
53	44-47	Bed sheetings, 42" and wider						11½	2½	5	
54	49	Carded poplins (sheeting yarns)			*25			10	1	5	
55	50	Three leaf herringbone twills (except jeans)			*2			12½	2½	5	
56	51-54	Drills under 42"	30		*2			12½	2	5	30
57	55	Drills, 42" and wider	80						3	2	40
58	56	Jeans (plain and herringbone)	25		*5			13	1	5	30
59	57	Three leaf pocketing twills (sheeting yarn constructions).					100				
60	58	Three leaf silesia twills (sheeting yarn constructions).					100				
61	59-62	Four leaf twills under 42"			*4			13	1	5	
62	63, 64, 66	Four leaf twills and sateens, 42" and wider	80							2	30
63	65, 67, 68	Sateens under 42"; gabardines (carded); "all other" carded twills and sateens N. E. C.						13	2	5	
64	69	Birdseye diaper cloth						2	½	5	
65	71	Plain print cloths: 39" 80 x 80-4.00 yd. and pro rata	30		*33	*14		5	1	8	
66	72	Plain print cloths: 39" 68 x 64-4.85 yd. and pro rata	15	(**)	*33	*14	10	8	4	5	
67	73	Plain print cloths: 39" 68 x 72-4.75 yd. and pro rata	55		*22	*10			1	2	
68	74	Plain print cloths: 38½" 64 x 56-5.50 yd. and pro rata.	15	(**)	*33	*14	10	10	4	5	50
69	75	Plain print cloths: 38½" 64 x 60-5.35 yd. and pro rata.	55		*22	*10			1	2	
70	76	Plain print cloths: 36½" 60 x 48-6.25 yd. and pro rata.	15	(**)	*33	*14	10	9	3	6	50
71	77	All other plain print cloth constructions under 36"	40	(**)			10	13	2	5	25
72A	78	All other plain print cloth constructions 36" and wider, 80 sley and higher (except Ref. No. 72B below)	15	(**)	*33	*14	8	13	2	5	25
72B	78	Plain print cloths: 40" 80 x 84-3.65 yd., 40" 80 x 92-3.50 yd.	40					13	2	5	10
73	79	All other plain print cloth constructions 36" and wider, under 80 sley.	15	(**)	*33	*14	8	13	2	5	50
74	80	Pajama checks						4	1	50	
75	81	Gauze diaper cloth						1½	1	5	
76	82	All other fancy print cloths					20	12	3	5	
77	88-91	Carded broadcloths			*65			12	2	5	
78	92	Carded poplins (print cloth yarns)			*65			9	3	5	
79	93-96	Three leaf twills (print cloth yarns)					100				
80	97-101, 103, 104	Denims (except sport denims), pinstripes, pinchecks, hickory stripes, etc.						7	1	5	
81	102	Sport denims			*80			7	1	2	
82	105-109	Cottonades and suiting coverts, whipcords and Bedford cords.						13	2	5	
83	110	Ginghams, checks and plaids				*60		11	4	2	
84	111, 112	Seersuckers, checks and plaids, stripes			*10			11	4	5	
85	113-117	Colored yarn suitings—all cotton, cotton and rayon.			*15			14	1	5	
86	118-121	Shirting coverts; 36" 3.90 yd. chambrays and colored yarn shirtings.						14	1	5	
87	122	All other chambrays and colored yarn shirtings			*60	*15		13	2	2	
88	123	Bed tickings	75					6	3	2	
89	124	Turkish or terry-woven toweling						9	1	10	
90	125	Huck, damask and Jacquard woven toweling						3	1	10	
91	126	Dish toweling, twill and other plain woven toweling.						7	1	10	
92	128	Outing flannels			*35	*10		11	3	2	
93	129, 130	Work shirt flannels						12½	1½	5	
94	131	Canton flannels (glove and mitten)			*85			1		2	
95	133	Interlining flannels					50	7	1	5	
96	134	Moleskins and suedes						8	7	5	
97	135	All other napped fabrics except blankets						15		5	
98	136	Crib blankets and blanketing						5	1	5	
99	137-139	Blankets and blanketing other than crib, all cotton, cotton and rayon, and containing less than 25% by weight of wool.						13	2	5	
100	142, 143	Bedspread fabrics, woven style						2½	3½	5	
101	146-148	Drapery, upholstery and tapestry fabrics						1¾	2¼	7	
102	151-153	Corduroys						5½	3½	5	
103	154, 155	Velvets, velveteens, plushes and other pile fabrics						6	1	5	
104	156	Table damask, covers, cloths and napkins						2½	3½	5	
105	161	Carded oxfords			*75			13	2	10	
106	162	All other carded cotton woven fabrics except carded oxfords.						14	1	5	
107		All other carded cotton woven fabrics reported on Form CPA 658-A or B not elsewhere specified in distribution table II.								10	

*The M-328B program figures in Columns 6 and 7 are included for purposes of explanation and are not controlling, if inconsistent with Order M-328B or its schedules or directions.

**The set-aside of plain print cloths (reference numbers 66, 68, 70, 71, 72A, 73) for industrial and agricultural purposes may also be used to fill orders certified for the manufacturer of bags controlled by Order M-221.

INTERPRETATION 1: Revoked Oct. 1, 1945.

INTERPRETATION 2: Revoked Apr. 1, 1946.

(vii) Hospital sheeting and supplies.

(viii) Shoes.

(ix) Surgical tape, bandages and dressings.

(x) Varnished cambric for electrical insulation.

(2) Any purchaser may certify that fabrics will be used in the gray if the fabrics are to be starched, napped, or combined or both, but not if the fabrics are to be bleached, dyed, printed, or otherwise finished.

(3) Manufacturers of coated fabrics may certify that the fabrics which they order for coating will be used in the gray only if the fabrics are to be coated without being bleached, dyed, printed, or otherwise finished (except starching, napping or combining).

(f) *Apparel set-asides.* (1) *Set aside of cotton fabrics for M–328B programs.* The provisions of Order M–328B and its schedules and directions provide for set-asides of certain fabrics for apparel and piece goods. The percentages shown for these set-asides in the attached tables (columns 6 and 7) are included only for purposes of explanation and are not controlling.

(2) *Set-aside for cotton components for apparel.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery only on orders certified for use as cotton components for apparel as defined in paragraph (b) (3) above, an amount computed from Column 8 of the attached tables in accordance with paragraph (h) (1) of this order. This set-aside is in addition to the quantities of cotton fabric set-aside for apparel under Order M–328B.

(g) *Exports of cotton fabrics.* (1) *Set-aside for export (other than to Canada).* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery for export (not including export to Canada), an amount computed from Column 9 of the attached tables in accordance with paragraph (h) (1) of this order. Fabrics set aside under this paragraph shall not be delivered on orders for eventual export by the United States Army, Navy, Maritime Commission, War Shipping Administration, American Red Cross, or any U. S. military exchange or service department as defined in Priorities Regulation 17.

(2) *Set aside for export to Canada.* Each producer shall set aside from his production of each cotton fabric during each calendar quarter, for delivery for export to the Dominion of Canada, an amount computed from Column 10 of the attached tables in accordance with paragraph (h) (1) of this order. Deliveries for export to Canada may not be charged to the set-aside of paragraph (g) (1) above, irrespective of whether there is a percentage specified for Canada in Column 10 of the attached tables.

(3) *Scope of export set-aside.* The export set-asides are for cotton fabrics to be exported in the gray, in the finished state, as piece goods as shorts, seconds, or mill ends (except remnants under 10 yards in length), or in any of the following forms: bedsheets, pillow cases, blankets, towels, diapers, face cloths, table "linen", or clothing.

(4) *Special export rules for wide combed cotton fabrics (Table I).* In calculating export-set-asides of cotton fabrics in the attached Table I the producer may exclude his production of cotton fabrics wider than 42½". However, deliveries on certified export orders of cotton fabrics wider than 42½" may be credited against the producer's export set-aside of cotton fabrics less than 42½" wide within the same reference number in column 1 of the attached Table I (or, in the case of drills, twills and sateens, deliveries on certified export orders of any of these fabrics wider than 42½" may be credited against the producer's export set-aside of any drill, twill or sateen less than 42½" wide).

(5) *Certifying orders for replacement of exported cotton fabrics.* Purchase orders may be certified "for export" under this order when the cotton fabrics (or other items listed in paragraph (g) (3) above) being ordered either will be exported as certified, or else will replace in inventory other cotton fabrics (or items) of like description which have been exported as certified within the previous 90 days.

(h) *General provisions for set-asides—* (1) *Quantities to be set aside and carry-overs from previous quarters.* (i) The total quantity of each cotton fabric subject to set-aside during the third quarter of 1946 for each specified purpose is the sum of the undelivered balance required to be set aside for that purpose during the previous quarters, plus the amount required to be set aside from third quarter production for that purpose.

(ii) Undelivered balances of set-asides from the second quarter of 1946 are to be calculated on the basis of actual production during the second quarter, in accordance with the provisions of this order as amended April 26, 1946.

(iii) Set-asides from production during the third quarter of 1946 shall be determined by applying the required percentages to a figure equal to total production during the second quarter of 1946, except in the case of 100% set-asides covered by subparagraph (iv) below. A producer may appeal under paragraph (m) if his third quarter production does not equal the total amount of the required third quarter set-asides based on second quarter production.

(iv) If "100" percent appears in any column from 4 through 10 of the attached tables, the set-aside applies to 100 percent of actual production during the third quarter of 1946.

(v) References to "each cotton fabric" in set-aside provisions refer to cotton fabrics having the same Reference Number in the attached tables. References to "production" include what a producer weaves or has woven for his account, and excludes what he weaves for the account of others.

(2) *Deliveries in excess of required set-asides.* Deliveries in excess of the quantity required to be set aside for any purpose may not be credited against the set-aside for any other purpose, nor against the next quarter's set-aside for the same purpose. The set-aside for each purpose is a minimum required quantity, and does not prevent additional quantities being delivered from production which has not been set aside for other purposes.

(3) *Shorts, seconds, remnants and mill ends.* Shorts, seconds, remnants and mill ends must be included in total production for the purpose of determining set-asides. Deliveries of gray or finished shorts, seconds, remnants and mill ends may be credited as deliveries against set-asides in the same way as other cotton fabrics, except that deliveries of remnants less than 10 yards in length may not be credited against any export set-aside.

(4) *Cotton fabric products.* A producer may charge against the applicable set-aside the cotton fabric which he uses to make cotton fabric products (such as sheets, towels, diapers, etc.), if he delivers the products on orders which meet the terms of the set-aside. However, in the case of export set-asides the permitted products are limited by paragraph (g) (3).

Certificates

(i) *Purchase order certificates for cotton fabrics—*(1) *When certificate required, and restrictions on use or resale of fabric received on certification.* No producer may deliver cotton fabrics which he is required to set aside under this order except on purchase orders with certificates stating that the fabrics ordered will be used or resold for purposes meeting the set-aside provisions. A person who has obtained cotton fabrics on certification may use them only as certified, and may resell them only on orders similarly certified (this does not apply to the use or resale by a finisher of the shorts, seconds, remnants or mill ends which result from his normal finishing operations). However, he may resell at retail without certification from the buyer unless he knows or has reason to believe that the buyer will not use the fabric for the certified purpose.

Delivery shall not be made on any order which the seller knows or has reason to believe is falsely certified, or on any uncertified order which is required to be certified, even though the order is rated MM or CC.

The certification requirements of this order do not apply to distribution of cotton fabrics set aside for apparel and piece-goods under M–328B programs. These fabrics must be delivered in ac-

OBSOLETE as of 1-22-47

M-317C

JUNE 3, 1946
[As Amended]

CIVILIAN PRODUCTION ADMINISTRATION

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317C, as Amended June 3, 1946]

COTTON SALE YARN PRODUCTION AND DISTRIBUTION

§ 3290.371 *Supplementary Order M-317C*—(a) *What this order does.* This order states the special rules for production and distribution of cotton sale yarn. The production requirements relate to both the kinds and quantities of cotton sale yarn to be produced, and also controls dyeing and blending operations. The distribution requirements relate to set-asides for specified purposes, the certificates of use which must be filed with purchase orders in order to obtain set-aside cotton sale yarn, and the effect and use of preference ratings. The set-aside percentage figures are shown at the end of this order. Cotton sale yarn was formerly subject to Supplementary Order M-317B, revoked August 20, 1945.

(b) *Definitions.* (1) "Cotton yarn" means yarn containing 50% or more by weight of cotton or cotton waste or any combination of the two, spun on roving, ring, tube twister or converted twister spindles, or produced on the woolen system. The term includes gray, bleached, mercerized, colored, glazed or polished yarn, whether single, ply, twisted or braided, and including thread, sash cord, rope, twine and cordage (for example, tying, sail or seine twine, and cotton tire cords, including cotton tire cord held together loosely or by one or more picks).

(2) "Cotton sale yarn" means cotton yarn offered by the producer for sale to, or produced for the account of, any person not under common ownership or control with the producer.

(3) "Producer" means any person who operates spindles in the production of cotton sale yarn in the forty-eight States or the District of Columbia, for his own account or for the account of another.

Production Directions

(c) *Kinds of cotton sale yarn to be produced.* (1) Each spindle which on December 31, 1945 (or the last prior date when the spindle was in operation) produced cotton sale yarn in any of the following groups, may be operated only to produce cotton sale yarn in that same group, beginning May 1, 1946.

Group No.	Form CPA 658-E 4/6/46 item numbers	Did produce—may produce only
1	1 through 12	Carded yarns, single and ply other than machine knitting all counts.
2	13 through 16	Carded machine knitting yarns, single and ply, all counts.
3	17	Carded mop yarns.
4	18	Speeder spun or roving yarns other than mop yarns.
5	19	Carded insulating yarns, waste, part waste and tinged.
6	20	Hose cord (tube twist only).
7	21	Carded cordage, rope and twine yarns.
8	22	Carded thread yarns
9	23	Other carded yarns.
10	24 through 32	Combed yarns, single and ply, other than machine knitting all counts.
11	33 through 44	Combed machine knitting yarns, single and ply all counts.
12	45	Combed thread yarns.
13	46	Other combed yarns.
14	54, 55	Cords and rope (braided, solid and hollow); and twisted rope.
15	56	Seine twine, hawser cord and other cabled cord.
16	57 through 60	Tying and wrapping twines, unpolished, polished; sewing twines; all other twines
17		50% cotton-50% wool mixed or blended yarns (effective on and after July 1, 1946 for the purpose of paragraphs (c) and (d) of this order)

(2) The above provision applies to all kinds of spindles used in the production of cotton sale yarn, and applies regardless of any change of ownership or control of any spindle after December 31, 1945 (or the last prior date when the spindle was in operation).

(d) *Minimum quantity of cotton sale yarn to be produced and delivered.* (1) Each person in the business of producing cotton yarn after May 1, 1946, shall produce and deliver the following quantities of the cotton sale yarns specified in paragraph (c) above:

(i) During the period May 1 through June 30, 1946, not less than the smaller of the following: 80% (i. e., ⅔ of 120%) of the poundage of cotton sale yarn which he delivered in the fourth calendar quarter of 1945; or two-thirds of the poundage of cotton sale yarn which he delivered in the calendar quarter between January 1, 1944 and December 31, 1945, inclusive, in which he delivered the most cotton sale yarn.

(ii) During any calendar quarter after June 30, 1946, not less than the smaller of the following: 120% of the poundage of cotton sale yarn which he delivered in the fourth calendar quarter of 1945; or 100% of the poundage of cotton sale yarn which he delivered in the calendar quarter between January 1, 1944 and December 31, 1945, inclusive, in which he delivered the most cotton sale yarn.

(2) A producer who operates spindles acquired by him on or after January 1, 1944, for the production of any cotton yarn must include deliveries by the former operator of cotton sale yarn produced on these spindles between January 1, 1944 and December 31, 1945, inclusive (except deliveries by the former operator to the new producer), for the purpose of computing poundages to be delivered after May 1, 1946.

(e) *Special provisions regarding production directions*—(1) *Production at a loss.* In cases of appeal for suspension of the requirements of paragraph (c) or (d) on the ground that compliance will result in production at a loss, an application for price relief on that ground must first be filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy filed with the CPA appeal. If the CPA appeal is granted, the requirement of these paragraphs for changes in production or for increases above current production will be suspended until the decision by the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

(2) *Interchange of spindle production.* A mill which has some spindles which are subject to paragraph (c), and other spindles which are not, may interchange the production of equal numbers of similar spindles between the two groups in order to facilitate plant operations, *Provided*, That the interchange does not have the effect of reducing production of the required kinds and quantities of cotton sale yarn.

(f) *Dyed yarn restrictions*—(1) *Permanent dyes.* During the period June 3 through June 30, 1946, inclusive, and during each calendar quarter after that, no producer shall deliver a greater proportion of dyed cotton sale yarn (not including fugitive dyes or tints) compared to his total deliveries of dyed and

NOTE: Item 17 added June 3, 1946.

natural cotton sale yarn, than the proportion he delivered in 1941.

(2) *Fugitive dyes.* During the period June 3 through June 30, 1946, inclusive, and during each calendar quarter after that, no person shall deliver a greater proportion of cotton sale yarn dyed with a "fugitive dye" or "fugitive tint" which can be completely removed by normal commercial washing and scouring, compared to his total deliveries of dyed and natural cotton sale yarn, than the proportion he delivered in 1941.

(3) *Persons who did not deliver dyed yarn in 1941.* Except as specifically authorized in writing by the Civilian Production Administration, a producer shall not deliver permanent-dyed cotton sale yarn if he did not deliver any in 1941, and a producer or other person shall not deliver fugitive-dyed cotton sale yarn if he did not deliver any in 1941. Application for authorization should be made by letter in triplicate addressed to the Civilian Production Administration, Textile Division, Washington 25, D. C., Ref.: M-317C, and should contain the following information: (i) the kind of dyed cotton sale yarn (permanent or fugitive) for which authorization is requested (separate applications should be filed for fugitive and permanent dyed yarns); (ii) the poundage of such dyed yarn which the applicant wishes to deliver during the balance of the current calendar quarter, and how much during the next calendar quarter; (iii) the poundage of all dyed and natural cotton sale yarn which he expects to deliver during the next calendar quarter; (iv) the poundage of dyed yarn (of the kind requested) which he delivered in the peak year from 1942 through 1945, specifying the peak year; (v) the poundage of dyed yarn (of the kind requested) which he was specifically authorized to deliver by the War Production Board while Supplementary Order M-317B was in effect; (vi) the kinds and quantity of dyeing equipment owned by the applicant, when it was acquired, and whether it was acquired to fill war contracts (specify only dyeing equipment suitable for the kind of dyed yarn requested).

Authorizations will be issued as fairly and equitably as possible on the basis of this information, and also considering the national economic stabilization policies and the need for dyed yarns, and may be issued to cover the balance of the quarter in which the application is filed, and each quarter after that. Authorizations issued on appeal from paragraph (f) of this order as in effect before June 3, 1946, remain effective for the purpose of this paragraph.

(g) *Blended yarn spindle limitation.* On and after May 1, 1946, no person shall operate at any one time a greater number of spindles in the production of blended cotton sale yarn than the maximum number of spindles which he operated in such production at any one time during the fourth calendar quarter of 1945. A "blended" yarn is one which is composed partly (at least 50%) of cotton fibers and partly of other fibers, whether blended or mixed, but does not include combinations of 50% cotton and 50% wool.

Set-Asides

(h) *Set-aside for knit outerwear, underwear and hosiery.* Each producer shall set aside from his production of each cotton sale yarn during the period May 1 through June 30, 1946, inclusive, and during each calendar quarter after that, an amount not less than the percentage specified in column 4 of the appendix, for delivery only on orders certified for ultimate use in knit outerwear, knit underwear or knit hosiery.

(i) *Set-aside for woolen and worsted fabrics.* Each producer shall set aside from his production of each cotton sale yarn during the period May 1 through June 30, 1946, inclusive, and during each calendar quarter after that, an amount not less than the percentage specified in column 5 of the appendix, for delivery only on orders certified for ultimate use in woolen and worsted fabrics.

(j) *Set-aside for agricultural and industrial uses and for making certain products.* Each producer shall set aside from his production of each cotton sale yarn during the period May 1 through June 30, 1946, inclusive, and during each calendar quarter after that, an amount not less than the percentage specified in column 6 of the appendix, for delivery only on orders certified for any of the following purposes:

(1) To make fabrics listed in Order L-99 "May Produce Only" column of Schedule A and B; or

(2) To make the following broad-woven fabrics (12" or more in width): wind resistant fabric; corduroy; furniture upholstery fabric; or upholstery fabric for transportation equipment; or

(3) To make braided products or narrow woven fabrics (less than 12" in width), except decorative ribbons, decorative tapes or decorative braids; or

(4) For "agricultural or industrial purposes", meaning any of the following purposes for which cotton sale yarn may be used, whether directly or as a component in the manufacture of items required for that purpose (but not including yarn used to make woven fabrics):

(i) Maintenance, repair, and operating supplies or capital equipment for any manufacturing, extractive (including mining and commercial fishing), agricultural, public utility or public transportation operation.

(ii) Production materials to be used in the manufacture of the following: vehicles (including aircraft); building materials; construction machinery; tires; elastic yarn; elastic fabric; rubber hose and belts; footwear; thread; twine; cordage; rope; furniture; dual (purpose) sleeping equipment; and electrical, industrial, agricultural, food processing or transportation equipment.

(k) *Additional set-aside for paragraph (h), (i) and (j) purposes.* (1) Each producer shall set aside from his production of each cotton sale yarn during the period May 1 through June 30, 1946, inclusive, and during each quarter after that, an amount not less than the percentage specified in column 7 of the appendix, for delivery only on orders certified for any of the following purposes:

Knit outerwear, knit underwear and knit hosiery; or
Woolen or worsted fabrics; or
Fabrics listed in Order L-99 "May Produce Only" column of Schedule A or B; or
Wind resistant broad-woven fabric; or
Corduroy broad-woven fabric; or
Furniture upholstery broad-woven fabric; or
Upholstery for transportation equipment broad-woven fabric; or
Braided products or narrow woven fabrics (less than 12" in width), except ribbons, decorative tapes, or decorative braids; or
"Agricultural or industrial purposes" as defined in paragraph (j) (4) above.

(2) This set-aside is in addition to the specific set-asides for the same purposes in paragraph (h), (i) and (j) above, and may be distributed among purchase orders certified for those purposes in any proportion, *Provided,* That when rated these orders are accepted and filled in accordance with Priorities Regulation No. 1.

(l) *Set-aside for export.* Each producer shall set aside from his production of each cotton sale yarn during the period May 1 through June 30, 1946, inclusive, and during each calendar quarter after that an amount not less than the percentage specified in column 8 of the appendix, for delivery only on orders certified for export as yarn (including export to Canada). Yarn set aside under this paragraph shall not be delivered on orders for eventual export by the United States Army, Navy, Maritime Commission, War Shipping Administration, American Red Cross, or any U. S. military exchange or service department as defined in Priorities Regulation 17.

(m) *General provisions for set-asides*—(1) *Explanation of terms.* The term "each cotton sale yarn" in the above set-aside provisions refers to each group of cotton sale yarns having the same Reference Number in column 1 of the appendix. The "periods" referred to in the following subparagraph (2) and (3) are the initial set-aside period May 1 through June 30, 1946, and each calendar quarterly set-aside period after that.

(2) *Quantities to be set aside and carry-overs from previous periods.* The undelivered balance of the total quantity required to be set aside for any purpose during any period shall be added to the percentage of production during the next period which must be set aside for that purpose. The sum of the carry-over plus the required percentage of current production constitutes the total quantity of

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M–328, as amended November 13, 1945]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

Section 3290.118 *Conservation Order M–328* is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M–328*—(a) *Definitions.* The term "textile, clothing and related products" includes the following items:

1. Animal bristles and hair.
2. Clothing, footwear (including safety shoes, hats, gloves, and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber, or fabrics). However, this does not include rubber footwear, professional rubber gloves, or the following items when such items are specifically designed and used to furnish protection against occupational hazards (other than weather):
   - Asbestos clothing.
   - Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
   - Metal mesh gloves, aprons and sleeves.
   - Other safety leather gloves or mittens, but only if steel-stitched or steel-reinforced.
   - Plastic and fiber safety helmets.
   - Safety belts and harnesses.
   - Safety clothing impregnated or coated for the purposes of making the same resistant against fire, acids or other chemicals or abrasives.
   - Safety industrial leather clothing other than gloves or mittens.
   - Safety industrial rubber gloves and hoods, and linemen's rubber gloves and sleeves.
3. Cotton, wool and synthetic yarns and blends of the foregoing.
4. Woven, felted, knitted and braided fabrics of cotton, wool or synthetic yarns and blends of the foregoing, including but not limited to:
   - Bedsheets.
   - Pillow cases.
   - Blankets.
   - Towels.
   - Diapers.
   - Face cloths.
   - Table "linens."
5. Dyestuffs, which means organic coloring matter even though the matter itself appears colorless. The term does not include inorganic pigments extended or otherwise processed with resinates, with dispersing agents, or with other substantially colorless organic material.
6. The following metal shoe findings:
   - Arch supports.
   - Box toes and caps.
   - Heel rims and plates.
   - Heel washers.
   - Shoe shanks.
   - Toe rims and plates.
   - Steel wire shoe nails.
7. Hides, skins, furs and leather and products made primarily therefrom.
8. Manila, agave, istle, hemp (cannabis sativa), jute, coir yarn and other fibers, suitable for cordage (rope and twine), and cordage products made primarily therefrom.
9. Mops.
10. Slide fasteners.
11. Sponges, marine and loofa.
12. Textile fibers (animal, vegetable, or synthetic, including curled istle) and products made primarily from textile fibers or textiles. This does not include fabrics after they have been coated or impregnated, fire hose, fire hose jackets, sisal processors' mill waste or sisal bagasse.
13. Steel tacks (except thumb tacks).
14. Synthetic rubber thread and products made therefrom.

(b) *CPA may issue directions.* The Civilian Production Administration may issue published directions, or specific directions to individual producers or processors of textile, clothing and related products, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no person shall produce, fabricate, process, deliver or accept delivery contrary to these directions.

(c) *Applicability of regulations.* Except as otherwise provided in this order or any direction under it, this order and such direction and all transactions affected thereby are subject to all applicable regulations of the Civilian Production Administration.

(d) *Appeals.* (1) Any appeal from the provisions of this order or of any direction to it shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(2) An appeal for suspension of a production direction dealing with any textile, clothing or related products may be made (whether or not such direction is issued under this order) on the ground that compliance with the action will result in production at a loss: *Provided,* That an application for price relief on that ground is first filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy is filed with the CPA appeal. If the CPA appeal is granted, requirements of a direction for increases above current production will be suspended until the decision of the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

(3) No direction or order relating to textile, clothing or related products (whether or not it refers to Order M–328) shall be deemed to require the furnishing of materials or facilities to the Civilian Production Administration. If a direction requires the furnishing of materials or facilities to a contracting agency or to its contractors, or the production of a specified amount of a material or product, or restricts all or a part of a person's production or inventory to specified purposes, and if the person affected cannot get firm orders to cover the materials, facilities, production or inventory involved, he may appeal, and the Civilian Production Administration will grant appropriate relief.

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

(f) *Communications.* All reports to be filed hereunder and communications concerning this order or any direction under it shall, unless otherwise directed, be addressed to the Civilian Production Administration, Textile Division, Washington 25, D. C., Ref: M–328.

(g) *Reports.* Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time request with respect to textile, clothing and related products, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 13th day of November 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST OF DIRECTIONS TO ORDER M–328 AS OF NOVEMBER 13, 1945

All published Directions to Order M–328, issued before November —, 1945, have been revoked, except those listed below:

Direction 3. Production of laundry nets.

Direction 12. Production of work glove jersey knitted fabrics.

Direction 18. CC ratings for textiles and related items.

Direction 25. Expiration of individual instruments to named persons, issued prior to July 1, 1945, under paragraph (c) of Order M–328, and certain other individual instruments with respect to manufacture, sale, distribution, or delivery of items on Schedule A of Order M–328.

Direction 26. Rated orders for cotton or synthetic finished piece goods in conflict with MPR 127 of Office of Price Administration.

Direction 27. Sequence of filling rated export orders.

Direction 28. Sales, delivery, and use of certain rayon fabrics as linings in men's and boys' clothing.

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M–328, Revocation of Interpretation 1]

RATINGS OF TWINE AND WRAPPING MATERIALS

Interpretation 1 to Conservation Order M–328 is hereby revoked.

Issued this 13th day of November 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, as Amended May 16, 1946]

SPECIAL PROGRAMS: TEXTILE, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, Leather and related products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

Scope

Par.

(a) Explanation.

Definitions

(b) (1) Special programs.
(b) (2) Priorities assistance.
(b) (3) Manufacturers.
(b) (4) Base period.
(b) (5) Base period manufacturers.
(b) (6) Price.
(b) (7) Item.
(b) (8) Order of purchase order.
(b) (9) Veteran.

Obtaining Priorities Assistance

(c) How to apply for priorities assistance.
(d) Policy in granting priorities assistance.
(e) Advance use of CC ratings for second quarter of 1946.

Use of Priorities Assistance

(f) Rules applicable to manufacturers granting priorities assistance.
(g) Application and extension of preference ratings.

Miscellaneous Provisions

(h) Set-asides and certificates.
(i) Equitable distribution by manufacturers.
(j) Records and reports.
(k) Applicability of regulations.
(l) Appeals.
(m) Violations.
(n) Communications.

§ 3290.120 *Conservation Order M-328B*—(a) *Explanation.* This order (including the schedules and supplements) states the rules under which apparel and other textile end-product manufacturers may get preference ratings to make listed essential items under special programs. It also provides a method for retail sellers of over-the-counter piece goods to get certain fabrics. Set-asides are also established on producers of certain cotton, rayon and wool fabrics to channel them to the above uses. This Order M-328B states the general rules including those relating to the obtaining of priorities assistance and the use of such priorities assistance after it has been obtained. Other rules may be specified for a special program in a schedule of this order. If the rules set forth in a schedule differ from those specified in this order the provisions of the schedule govern.

(b) *Definitions.* For the purpose of this order and its schedules,

(1) "Special program" means a program approved by the Civilian Production Administration for the production with priorities assistance and the distribution of any item on a schedule of this order.

(2) "Priorities assistance" includes preference ratings, allocations and directions.

(3) "Manufacturer" means any person engaged in the United States in manufacturing for sale any item listed in a schedule of this order from material which has not been supplied directly or indirectly by the person acquiring the item.

A person is also deemed a "manufacturer" for the purpose of using a preference rating under this order, if he is engaged in the business of selling and having manufactured in the United States for his account an item listed in a schedule of this order from material which he owns or material which he directly or indirectly supplies to a contractor or contractors. In no event shall more than one person be deemed a "manufacturer" of the same units which one person fabricates in whole or in part and for which another person supplies the material.

(4) "Base period" means the past period of production which a manufacturer uses as a base in applying for priorities assistance under this order.

(5) "Base period manufacturer" means a manufacturer who applies for priorities assistance to make an item of the same class of material (cotton, rayon or wool) of which he was a manufacturer in the base period for sale at or below any price specified in the applicable schedule of this order.

(6) "Price" means the list price of the manufacturer to an unaffiliated purchaser. A purchaser is deemed affiliated with a manufacturer if he is an owned or controlled outlet or is an outlet which owns, controls or is subject to common control with the manufacturer. A manufacturer who sells directly to consumers or to an affiliated purchaser may use two-thirds of the retail selling price as a manufacturer's equivalent selling price in applying for priorities assistance.

(7) "Item" means the article produced for civilian sale of the type, size, price and other description listed in a schedule.

(8) The terms "orders" or "purchase orders" include orders between branches or divisions of a company as well as orders from other companies.

(9) "Veteran" means any person who was in the Army, Navy, Marine Corps, Coast Guard or Merchant Marine on or after September 16, 1940, and was discharged or released under conditions other than dishonorable after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(c) *How to apply for priorities assistance.* (1) Applications for the second quarter of 1946 must be filed on Form CPA-3732 with the Textile Division, Civilian Production Administration, Washington 25, D. C. and should be postmarked not later than April 23, 1946, except that a veteran who was discharged from the military service on or after March 1, 1946, may file his application at any time before June 1, 1946. Also, if any item is added to a schedule during that quarter, applications for that item may be filed within 20 days after the item is added. Copies of the application form CPA-3732 and other CPA forms used under this order may be procured by writing to the Civilian Production Administration, Washington 25, D. C.

(2) Each applicant must show on Form CPA-3732 his base period and base period production of an item under the following rules:

(i) If he was in business during at least 6 months of 1943 or 1944, he may apply for the items of which he was a manufacturer in any calendar quarter of either year, but must use the same quarter as his base period for all items under a single schedule to this order.

(ii) If he entered business after July 1, 1944, he may apply for the items of which he was a manufacturer in any calendar quarter after that. If he did not have a previous production record of an item and was initially granted priorities assistance under this order for the first quarter of 1946, he may use the production authorized for that quarter as his base period production even though he was unable to manufacture the item or items for which he was granted priorities assistance in that quarter. In any event he must use the same quarter as his base period for all items under a single schedule of this order.

(iii) If he is a veteran who closed his business when he entered the military service, he may use as his base period the last full calendar quarter in which he was a manufacturer of the items before his entry into military service.

(3) An applicant who produced on his own facilities in 1943, 1944 or 1945 textile products for the military services and who before then produced on his own facilities items listed on a schedule to this order may use as his base period the better of the two calendar quarters preceding the quarter when he started military production. If such a manufacturer increased his own facilities to produce military textile products, he may be eligible for a military credit, and should therefore attach a letter to his application on Form CPA-3732 showing all the following:

(i) The quantity of each textile product which he made for his own account in the better of the two calendar quarters preceding the quarter in which he first made textile products for the military services;

(ii) The average number of sewing machines he used in making each textile product reported under (i) above; and

(iii) The total number of sewing machines he operated in his best quarter during which he made textile products for the military services.

(4) An applicant who did not make an item applied for before the fourth quarter of 1945 must send with his application on Form CPA–3732 a certified or photostatic copy of the document furnished to him by the Office of Price Administration establishing his maximum average price for the category which includes that item, or his ceiling price. For items not covered by any price regulation which requires specific applications for a ceiling price or highest price line, the following certificate (signed as provided in Priorities Regulation 7) must be furnished instead:

The undersigned certifies, subject to the criminal penalties of section 35 (A) of the United States Criminal Code, that he has met all the requirements of the Office of Price Administration for establishing ceiling prices for the items listed on the accompanying application.

(5) An applicant who does not own or control the facilities on which it is proposed to manufacture items applied for, must submit with his application form a signed statement from each person who owns or controls the facilities on which the items are to be produced. This statement must contain the following information:

(i) Each operation to be performed for the applicant.

(ii) The maximum quantity of each item applied for which he has agreed to produce for the applicant.

(iii) That he in fact owns the facilities or controls them under a rental or lease contract.

(6) A veteran should submit with his application a certified or photostatic copy of his discharge papers or other written evidence of his military service.

(d) *Policy in granting priorities assistance.* Within the available supply of materials for which ratings may be assigned, the following policy will apply:

(1) Base period manufacturers will generally be granted priorities assistance in proportion to their base period production of an item. Where an applicant is eligible for military credit under paragraph (c) (3), priorities assistance to him may be increased up to or above his base period production, in proportion to any additional facilities he acquired for the purpose of producing textile products for the military services. However, a manufacturer who qualifies under paragraph (d) (3) below may be granted priorities assistance for additional yardage to give him sufficient material to operate at a minimum economic rate.

(2) Applications from persons who are not base period manufacturers of an item will be denied, except where the applicant qualifies under paragraph (d) (3) below. Applicants (including Veterans) who do so qualify, may be given priorities assistance for sufficient material to enable them to operate at a minimum economic rate.

(3) To qualify under paragraph (d) (1) or (d) (2) above for priorities assistance to operate at a minimum economic rate, an applicant must meet both the following conditions:

(i) His total proposed production of all textile products (including items under M–328B programs) does not exceed an annual rate, based on sales, of $250,000 and

(ii) The facilities with which the items will be produced are owned by the applicant, or are leased to him and the facilities are operated by the applicant and the employees are paid by him; provided that in any case the facilities were not used during any quarter beginning with the 4th quarter of 1945 more than 10% for the account of persons who supplied the applicant with materials.

(e) *Advance use of CC ratings for second quarter of 1946.* A manufacturer may apply a CC rating for the second quarter of 1946 before the Civilian Production Administration assigns him a CC rating for that quarter only under the following rules:

(1) A manufacturer who received an allocation for the first quarter of 1946 for an item which is also on the preference rating schedule for the second quarter of 1946 in Schedules C, F, J or K, may immediately apply a CC rating for fabrics specified for that item under the following rules:

(i) He must file his application on Form CPA–3732 for that item by April 23, 1946.

(ii) He must not use this advance CC rating for more than 70% of the yardage of body fabric he was authorized under Directions 9 or 10 to M–328B to receive on CC rated orders in the first quarter of 1946 for an item on Schedule C, J or K. For an item on Schedule F he may not use this advance CC rating for more than 70% of the yardage for which he was assigned CC ratings on Form CPA–3732.

(iii) In placing orders under this advance authorization, a manufacturer must show on Form CPA–4412 (which he must file in accordance with paragraph (g) below) the case number which he was assigned for the first quarter of 1946, unless otherwise directed in writing by the Civilian Production Administration.

(2) A base period manufacturer who did not receive an allocation for the first quarter of 1946 for an item may apply a CC rating for the purchase of fabrics in the second quarter of 1946 for that item as soon as the Civilian Production Administration assigns him a case number in writing after receipt of his application on Form CPA–3732 for that item. He may apply this advance CC rating only for fabrics for which he makes application. He may not use this rating for a total yardage of fabrics of more than 50% of the total yardage of fabric he used in making that item in the base period.

(3) Fabrics purchased on an advance authorization under paragraphs (e) (1) or (e) (2) above shall be deducted by the manufacturer from the total quantity for which priorities assistance is granted pursuant to his application on Form CPA–3732. If the applicant does not receive a grant for the entire quantity thus rated, he shall upon notification of his grant by the Civilian Production Administration immediately unrate or cancel orders for any undelivered quantities which are in excess of his grant.

(f) *Rules applicable to manufacturers granted priorities assistance.* (1) A manufacturer who is assigned a preference rating under a schedule of this order may use that rating only to get the fabrics specified and may not use the fabrics for any purpose except to make the item for which the rating was assigned.

(2) All persons receiving priorities assistance for any quarter under a schedule of this order must as far as practicable complete in that quarter all the items for which assistance was given. A manufacturer may, however, use valid CC ratings to get in the second quarter of 1946 any undelivered cotton, rayon, or wool fabric for which he was assigned a CC rating under this order and for which he was unable to get delivery in the first quarter of 1946.

(3) All items produced from material obtained with a rating assigned under a special program shall meet the same basic specifications, including standards of quality and workmanship, used by the applicant during the base period in producing such items for sale at the same prices, taking into account any subsequent adjustments by the Office of Price Administration.

(4) No manufacturer who uses a rating assigned under a schedule of this order may accept delivery of any finished material which is suitable for an item for which priorities assistance has been granted whether rated or unrated if together with material on hand it will give him more than the smaller of the following:

(i) A practicable minimum working inventory, or

(ii) The quantity required by him during the next 45 days on the basis of his current or scheduled rate of production. Such material on hand includes material wherever located if title has passed to the manufacturer except material in transit to him from his supplier.

No manufacturer who uses a rating assigned under a schedule of this order may make an item if his inventory of the item in the form in which he sells it is or will be more than a practicable minimum working inventory or the quantity which he produced during the previous 21 working days, whichever is less.

(5) Items produced from material procured with priorities assistance shall, to the extent called for by the customers' orders, be made in the same size ranges and in the same proportion of size ranges and assortment of sizes as the manufacturer produced in the base period. If he did not produce the item in the base period, he must comply with the size ranges and assortments of sizes which the Civilian Production Administration may specify for the particular item.

(6) Every manufacturer who is entitled to use a CC rating under this order to get fabric in any quarter must apply

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PART I

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PART 1046—SUPPLIERS

[Limitation Order L–63, as Amended Mar. 12, 1946]

SUPPLIERS' INVENTORIES

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

§ 1046.1 *Suppliers' Inventory Limitation Order L–63*—(a) *Definitions.* (1) "Supplies" means all the supplies listed below:

(i) Automotive supplies
(ii) Automotive replacement batteries.
(iii) Aviation supplies.
(iv) Builders' supplies.
(v) Construction supplies.
(vi) Dairy supplies.
(vii) Electrical supplies.
(viii) Farm supplies.
(ix) Foundry supplies.
(x) Grain elevator supplies.
(xi) Hardware supplies.
(xii) Industrial supplies.
(xiii) Plumbing and heating supplies.
(xiv) Refrigeration supplies.
(xv) Restaurant supplies.
(xvi) Textile mill supplies.
(xvii) Transmission supplies.
(xviii) Welding and cutting supplies.

NOTE: Items (iii) to (xviii), inclusive, formerly (ii) to (xvii), redesignated Mar. 12, 1946.

even though such items or materials may be "consumers' goods" within the meaning of that term as used in Limitation Order L–219; but supplies shall not be deemed to include any of the items or materials set forth in List A.

(2) "Supplier" means any person (other than a producer) located in the 48 states or the District of Columbia, whose business consists, in whole or in part, of the sale from stock or inventory of supplies "Supplier" includes wholesalers, distributors, jobbers dealers, retailers, branch warehouses of producers and other persons performing a similar function.

(3) "Producer' means any person including any branch, division or section of any enterprise, which manufactures, processes, fabricates, assembles or otherwise physically changes any material

(4) "Sales" means sales from stock including consigned stocks and excluding direct shipments (i. e., excluding sales made by a supplier of supplies which such supplier has never received delivery of but has ordered from the producer thereof with instructions that they be shipped directly to the supplier's customer)

(5) "Seasonal lines" means any line of supplies in which a minimum of 40% of the supplier's total annual sales are made during a period of 90 days or less

(6) "Maximum permissible inventory' means:

(i) In the case of a supplier located in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, an inventory (owned or consigned to him) of supplies of a total dollar value at cost (by physical or book inventory, at the option of the supplier) equal to the sales of such supplies at net sales figures, shipped from his inventory, during the four preceding calendar months

(ii) In the case of a supplier located in the District of Columbia or any of the forty-eight states not enumerated in paragraph (a) (6) (i) above, an inventory (owned or consigned to him) of supplies of a total dollar value at cost (by physical or book inventory, at the option of the supplier) equal to sales of such supplies at net sales figures shipped from his inventory during the three preceding calendar months.

(b) *Limitation of supplier's inventories.* (1) Except as provided in paragraph (b) (3) (4) (5), and (6) no supplier shall accept any delivery of supplies from any person which will effect an increase in the inventories of the supplier above his maximum permissible inventory; and

(2) Except as provided in paragraphs (b) (3) (4) (5) and (6) no person shall make to any supplier any delivery of supplies which such person knows or has reason to believe will effect an increase in such supplier's inventory of supplies above the supplier's maximum permissible inventory

(3) Any supplier, regardless of where located, shall be permitted to purchase and store an amount of seasonal lines equal to those which he purchased in the peak period of a comparable period of the previous year, but this peak period shall not exceed 120 days.

(4) A supplier may accept delivery of supplies which will increase his stock above the maximum permissible inventory, if such supplier's inventory of supplies is at the time of delivery less than his maximum permissible inventory and the delivery of the minimum quantity of such supplies that can be commercially procured.

(5) A supplier may accept delivery of specific items of supplies when his stock of all items in the aggregate exceeds, or will by virtue of such acceptance exceed, his maximum permissible inventory, but only to the extent necessary to bring such supplier's inventory of those specific items (owned or consigned to him) up to a total dollar value equal to the sales of such items shipped from such supplier's inventories during the preceding month.

(6) The Civilian Production Administration may, from time to time, exempt specified suppliers or classes of suppliers from the provisions of this order, subject to such restrictions as the Civilian Production Administration may impose. Application for exemption should be made by letter.

(7) The provisions of this order shall not apply to any supplier whose total inventory at cost, including consigned stocks, of all supplies is less than $35,000.

(8) Any person who wishes to establish an initial inventory of supplies with a value at cost of more than $35,000, including consigned stocks, may apply for authorization to do so by filing a letter in triplicate stating the value of the inventory for which he requests authorization, the class of supplies he desires to purchase, the type of business he is entering and any other facts he considers pertinent to his case. All such applications will be processed on an equitable basis. Any amount authorized shall become his maximum permissible inventory for the next four complete calendar months in the case of a supplier located in the area covered by paragraph (a) (6) (i), above, or for the next three complete calendar months in the case of a supplier located in the area covered by paragraph (a) (6) (ii), above. After this period, his maximum permissible inventory is determined by the provisions of paragraph (a) (6) (i) or paragraph (a) (6) (ii), as the case may be.

(c) *Provisions of other orders.* (1) No provision of this order shall be construed to permit the accumulation of inventories of any item of material in contravention of the provisions of any other applicable order or regulation of the Civilian Production Administration. Specifically, a supplier may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation.

(2) All restrictions of this order, including the above restriction to paragraph (c) (1), apply to materials listed in Table 3 of Priorities Regulation 32, as well as to all other items normally accepted into a supplier's inventory. Consequently, such materials are not exempt from any of the restrictions of this order.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(e) *Records and reports.* Each supplier (other than those who are exempt under paragraph (b) (6) or (b) (7)) must keep an up-to-date record of his

total net monthly sales of supplies from stock, and his total inventory of supplies at the end of each month. He need not keep a separate record of his sales and inventory of each type of supplies. A record of his sales and inventory of all kinds of supplies in the aggregate will be satisfactory. In preparing his sales record he should use net selling prices. including sales from consigned stock and excluding direct shipments His inventory record may be based either on book inventory or physical count Inventory valuations must be at cost and must include consigned stock The sales and inventory data required by this paragraph must be preserved for a period of at least two years, available for inspection by authorized representatives of the Civilian Production Administration. This record keeping plan has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Subject to the approval of the Bureau of the Budget, the Civilian Production Administration may at any time ask for the submission of this data.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the Civilian Production Administration, as amended from time to time.

(g) *Communications.* All communications concerning this order shall be addressed to Civilian Production Administration, Wholesale and Retail Branch, Washington 25, D. C., Ref.: L-63.

(h) [Deleted Feb. 15, 1946.]

Issued this 12th day of March 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The types of material set forth below are not deemed to be supplies within the meaning of paragraph (a) (1) Accordingly these materials may be excluded from the monthly report required by paragraph (e) and are not subject to the inventory restrictions required by paragraph (b) provided that sales of such materials are not included in computing maximum permissible inventory as defined in paragraph (a). (6)

(1) The following general products and merchant trade products:

GENERAL STEEL PRODUCTS

	Types of steel included		
	Carbon	Stainless	Other alloy
Ingots, blooms, billets, slabs, tube rounds, die blocks, sheet and tin bars	X	X	X
Structural shapes and piling	X	-----	X
Plates (universal and sheared including skelp)	X	X	X
Rails and track accessories	X	-----	X
Hot rolled bars—except concrete reinforcing bars but including forged, galvanized, and wrought iron bars	X	X	X
Cold finished bars	X	X	X
Tool steel, including drill rod	X	-----	X
Mechanical tubing	X	X	X
Pressure tubing	X	X	X
Wire rods (for wire drawing only)	X	X	X
Sheet and strip, hot rolled	X	X	X
Sheets and strip, cold reduced	X	X	X
Tin mill black plate	X	-----	-----
Sheets and strip, all other (except tin plate, short ternes, and galvanized)	X	-----	-----
Wheels and axles (including steel tires and rims)	X	-----	X
Castings (rough castings only)	X	X	X
Concrete reinforcing bars (unfabricated)	X	-----	-----

MERCHANT TRADE PRODUCTS

Standard and line pipe, water well tubular products, and couplings (includes steel and wrought iron pipe).
Oil country casing, tubing, and drill pipe and coupiines
Tin plate and terne plate (short ternes).
Galvanized, lead coated, or painted sheets and strip (including galvanized flat sheets purchased for the manufacture of roofing and siding), formed roofing and siding (painted, black, galvanized, or lead coated) valley, ridge roll, and flashing.
Wire rope and strand.
Nails (cut and wire), fence and netting staples.
Wire, drawn.
Wire bale ties
Wire (barbed and twisted), and wire fence (woven or welded).
Wire netting
Fence posts.
Welded wire concrete reinforcing fabric.

(2) [Deleted Jan. 29, 1946.]

(3) Automotive replacement parts: For the purpose of this order "automotive replacement parts" means any part or assembly and the components entering into such parts and assemblies produced for use in the repair, maintenance or improvement of light, medium and heavy motor trucks, truck trailers, passenger carriers, off-the-highway motor vehicles, motorized fire equipment and passenger automobiles. The term includes attachment third axles but does not include tires, tubes, batteries or items which are not standard equipment on new vehicles.

(4) Replacement parts specially designed to fit only one model and brand of machinery or equipment. and adaptable to no other use: *Provided,* That in no event shall the supplier accept delivery of any such parts where his inventory thereof is, or will by virtue of such delivery become in excess of six times his sales of such parts during the second preceding calendar month;

(5) [Deleted Jan. 29, 1946.]

(6) Any material which is subject to rationing by the Office of Price Administration;

(7) [Deleted Jan. 29, 1946.]

(8) [Deleted Jan. 29, 1946.]

(9) [Deleted Jan. 29, 1946.]

(10) Industrial materials and finished products sold to the supplier by a special sale under Priorities Regulation No. 13

(11) Repair and replacement parts for commercial and industrial refrigeration equipment

(12) Electric mangles
Electric water heaters
Mechanical refrigerators
Musical instruments (including pianos and organs)
Radio receiving sets
Phonographs
Radio and phonograph combinations
Ranges—gas and electric
Sewing machines
Vacuum cleaners
Washing machines

INTERPRETATION 1

"Supplies' as listed in paragraph (a) (1) of Limitation Order L-63 do not include seeds, plants, livestock, fertilizer, clocks, watches, sporting goods, furniture, pottery, china, or glassware (Issued May 15, 1942.)

SUBJECT: L-357, Amended 11-15-46 1/
Sales Restrictions for Certain Plumbing and Heating Equipment Made for FPHA Projects

This Limitation Order applies to manufacturers and suppliers and is related to Direction 11 to PR-33, which explains the authorized order procedure for earmarked products.

L-357 has been revised to insure, through a more specific definition in paragraph (b), utilization in FPHA re-use projects of all plumbing and heating equipment made from iron and steel obtained through the special priorities assistance extended to the manufacturers.

1/ Supersedes L-357, dated 7-24-46

SUBJECT: L-357, Amended 12-10-46 1/
Sales Restrictions for FPHA Earmarked Equipment

This Limitation Order applies to manufacturers and suppliers, and is related to Direction 11 to PR-33, which explains the "authorized order" procedure for products manufactured and earmarked for FPHA re-use projects.

L-357 has been revised to provide in paragraph (c) a method whereby FPHA can formally release producers from obligations and commitments, and authorize them to sell their FPHA-earmarked products to persons other than FPHA or its contractors.

1/ Supersedes L-357, dated 11-15-46.

Superseded 11-15-46

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L–357]

SALES RESTRICTIONS FOR CERTAIN PLUMBING AND HEATING EQUIPMENT MADE FOR FPHA PROJECTS

§ 3288.91 *Limitation Order L–357*—(a) *What this order does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act, the Federal Public Housing authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending the completion of permanent housing units under the Veterans' Emergency Housing Program. As explained in Direction 11 to Priorities Regulation 33, contractors will need special assistance in getting some of the building materials necessary for these units. Direction 11 to PR 33 provides for certain types of special assistance to contractors. In addition, under the emergency provisions of Direction 12 and 13 to Order M–21, the Civilian Production Administration is also furnishing steel and iron castings to some producers of certain plumbing and heating equipment to be made specifically for use in FPHA temporary re-use housing projects. This Limitation Order is necessary to insure that the plumbing and heating equipment built with this special assistance is made available for the FPHA projects.

(b) *Definition.* For the purposes of this order, "earmarked product" means any cooking range, ice refrigerator, shower stall, space heater, or water heater which is (1) manufactured for FPHA temporary re-use housing projects under an agreement between the producer and the FPHA and (2) made with steel or iron obtained for this purpose through special authorization under Direction 12 or 13 to Order M–21.

(c) *Restrictions on producers' sales of earmarked products.* No producer of "earmarked products" may sell or deliver them except on "authorized orders" from suppliers or FPHA contractors.

(d) *Restriction on suppliers' sales of earmarked products.* No distributor, jobber, dealer or other supplier who obtains "earmarked products" may sell or deliver them except on "authorized orders" from other suppliers or FPHA contractors.

(e) *"Authorized orders" for contractors.* In general, it is expected that where a contractor needs any cooking ranges, ice refrigerators, shower stalls, space heaters, or water heaters for an FPHA temporary re-use housing project, he will ordinarily be supplied, on "authorized orders", from the production earmarked for such projects. To get "earmarked products" for an FPHA project, a contractor should present his proposed purchase orders to the FPHA project engineer (or other representative designated by the FPHA). The authorized FPHA representative may then place the following endorsement on each purchase order:

> Authorized order, under Direction 11 to PR 33 and Order L–357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
> Signature and title of authorized FPHA representative

This endorsement makes an order an "authorized order". An authorized order is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which earmarked products may be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPHA arrangements with the producers may provide for direct sale of this item by producers to FPHA contractors, on authorized orders.

(f) *How suppliers get earmarked products.* A distributor, jobber, dealer, or other supplier may get earmarked products to fill authorized orders only by placing an "authorized order" with his source of supply. If he does not know a source of supply for earmarked products, he can get information through the local FPHA office. He may place authorized orders only when he has received authorized orders from his customers. He may then place one or more authorized orders totalling no more than the authorized orders he has to fill. To make his purchase order an "authorized order", he must endorse on it the following certification:

> The items ordered herewith are to fill authorized orders, under Direction 11 to PR 33 and Order L–357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
> Name of firm
>
> By ---
> Authorized official

An order so endorsed by a supplier is an "authorized order".

(g) *Communications.* Contractors should address all communications concerning this order to the FPHA project engineer or to such other FPHA official as may be designated by that agency. Communications by other persons for information as to sources of supply and FPHA arrangements with producers should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A). All other communications should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: L–357.

Issued this 24th day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPHA regional or field office concerning this order should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address
Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, 24 School Street, Boston 8, Mass.
Region II—Delaware, Maryland,[1] New Jersey, New York, Pennsylvania, 270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, 201 North Wells Street, Chicago 6, Ill.
Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia[1], Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.
Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, 1411 Electric Building, Fort Worth 2, Tex.
Region VI—Arizona, California, Nevada, Utah, Hawaii, 760 Market Street, San Francisco 2, Calif.
Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska, Skinner Building, 5th Avenue and Union Streets, Seattle, Wash.
Region VIII—Kentucky, Ohio, Michigan, West Virginia, 2073 East Ninth Street, Cleveland 15, Ohio.
Metropolitan District of Columbia, etc.—District of Columbia, Virginia,[1] Maryland,[1] Puerto Rico, Virgin Islands, Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

[1] The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

Superseded 12-1-46

CIVILIAN PRODUCTION ADMINISTRATION

L-357
NOV. 15, 1946
[As Amended]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L–357, as Amended Nov. 15, 1946]

SALES RESTRICTIONS FOR CERTAIN PLUMBING AND HEATING EQUIPMENT MADE FOR FPHA PROJECTS

§ 3288.91 *Limitation Order L–357*—(a) *What this order does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending the completion of permanent housing units under the Veterans' Emergency Housing Program. As explained in Direction 11 to Priorities Regulation 33, contractors will need special assistance in getting some of the building materials necessary for these units. Direction 11 to PR 33 provides for certain types of special assistance to contractors. In addition, under various procedures, the Civilian Production Administration also has been furnishing special steel and iron assistance to some producers of certain plumbing and heating equipment to be made specifically for use in FPHA temporary re-use housing projects. This Limitation Order is necessary to insure that the plumbing and heating equipment built with this special assistance is made available for the FPHA projects.

(b) *Definition.* For the purposes of this order, "earmarked product" means any cooking range, ice refrigerator, shower stall, space heater, or water heater which is (1) manufactured for FPHA temporary re-use housing projects under an agreement between the producer and the FPHA and (2) made with steel or iron obtained through special assistance given specifically for this purpose by the Civilian Production Administration (special authorization under Direction 12 or 13 to Order M–21, CC rating, MM ratings, or otherwise).

(c) *Restrictions on producers' sales of earmarked products.* No producer of "earmarked products" may sell or deliver them except on "authorized orders" from suppliers or FPHA contractors.

(d) *Restriction on suppliers' sales of earmarked products.* No distributor, jobber, dealer or other supplier who obtains "earmarked products" may sell or deliver them except on "authorized orders" from other suppliers or FPHA contractors.

(e) *"Authorized orders" for contractors.* In general, it is expected that where a contractor needs any cooking ranges, ice refrigerators, shower stalls, space heaters, or water heaters for an FPHA temporary re-use housing project, he will ordinarily be supplied, on "authorized orders", from the production earmarked for such projects. To get "earmarked products" for an FPHA project, a contractor should present his proposed purchase orders to the FPHA project engineer (or other representative designated by the FPHA). The authorized FPHA representative may then place the following endorsement on each purchase order:

> Authorized order, under Direction 11 to PR 33 and Order L–357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
> Signature and title of authorized FPHA representative

This endorsement makes an order an "authorized order". An authorized order is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which earmarked products may be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPHA arrangements with the producers may provide for direct sale of this item by producers to FPHA contractors, on authorized orders.

(f) *How suppliers get earmarked products.* A distributor, jobber, dealer, or other supplier may get earmarked products to fill authorized orders only by placing an "authorized order" with his source of supply. If he does not know a source of supply for earmarked products, he can get information through the local FPHA office. He may place authorized orders only when he has received authorized orders from his customers. He may then place one or more authorized orders totalling no more than the authorized orders he has to fill. To make his purchase order an "authorized order", he must endorse on it the following certification:

> The items ordered herewith are to fill authorized orders, under Direction 11 to PR 33 and Order L–357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
> Name of firm
>
> By ---
> Authorized official

An order so endorsed by a supplier is an "authorized order".

(g) *Communications.* Contractors should address all communications concerning this order to the FPHA project engineer or to such other FPHA official as may be designated by that agency. Communications by other persons for information as to sources of supply and FPHA arrangements with producers should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A). All other communications should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: L–357.

Issued this 15th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPHA regional or field office concerning this order should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address
Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.
Area served and office address—Continued
Region II—Delaware, Maryland,[1] New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Misscuri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.
Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia[1]—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.
Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.
Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.
Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Streets, Seattle, Wash.
Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.
Metropolitan District of Columbia, etc.—District of Columbia, Virginia,[1] Maryland,[1] Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

[1] The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L–357, as Amended Dec. 10, 1946]

SALES RESTRICTIONS FOR CERTAIN PLUMBING AND HEATING EQUIPMENT MADE FOR FPHA PROJECTS

§ 3288.91 *Limitation Order L–357*—(a) *What this order does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending the completion of permanent housing units under the Veterans' Emergency Housing Program. As explained in Direction 11 to Priorities Regulation 33, contractors will need special assistance in getting some of the building materials necessary for these units. Direction 11 to PR 33 provides for certain types of special assistance to contractors. In addition, under various procedures, the Civilian Production Administration also has been furnishing special steel and iron assistance to some producers of certain plumbing and heating equipment to be made specifically for use in FPHA temporary re-use housing projects. This Limitation Order is necessary to insure that the plumbing and heating equipment built with this special assistance is made available for the FPHA projects.

(b) *Definition.* For the purposes of this order, "earmarked product" means any cooking range, ice refrigerator, shower stall, space heater, or water heater which is (1) manufactured for FPHA temporary re-use housing projects under an agreement between the producer and the FPHA and (2) made with steel or iron obtained through special assistance given specifically for this purpose by the Civilian Production Administration (special authorization under Direction 12 or 13 to Order M–21, CC rating, MM ratings, or otherwise).

(c) *Provisions for producers of earmarked products*—(1) *Sales restriction.* No producer of "earmarked products" may sell or deliver them except (i) on "authorized orders" from suppliers or FPHA contractors, (ii) on orders placed by the FPHA itself, or (iii) as provided for in paragraph (c) (2) below.

(2) *Release from sales restrictions.* If a producer receives formal notification from the FPHA that it will not require any specified part of his completed or expected production of "earmarked products," that part is released from the sales restrictions of this order. Formal notification from the FPHA must be in writing, over the signature of an Assistant Commissioner of that agency and containing a statement in substantially the following language:

> This is a formal notification under Order L–357, releasing the quantities specified above from the sales restrictions of that order.

The effect of such a release is as follows:

(i) The released quantities may be sold without regard to the sales restrictions of this order but subject to any other applicable CPA orders and regulations.

(ii) In some cases, the release may apply to quantities of a particular product not yet put into production. In such a case, any materials obtained with special assistance for that production must be used only to produce either a product of the same general type or any product listed on Schedule A to Priorities Regulation 33. When produced, the quantities covered by the release may be sold without regard to the sales restrictions of this order but subject to any other applicable CPA orders and regulations.

(d) *Restriction on suppliers' sales of earmarked products.* No distributor, jobber, dealer or other supplier who obtains "earmarked products" may sell or deliver them except on "authorized orders" from other suppliers or FPHA contractors.

(e) *"Authorized orders" for contractors.* In general, it is expected that where a contractor needs any cooking ranges, ice refrigerators, shower stalls, space heaters, or water heaters for an FPHA temporary re-use housing project, he will ordinarily be supplied, on "authorized orders", from the production earmarked for such projects. To get "earmarked products" for an FPHA project, a contractor should present his proposed purchase orders to the FPHA project engineer (or other representative designated by the FPHA). The authorized FPHA representative may then place the following endorsement on each purchase order:

> Authorized order, under Direction 11 to PR 33 and Order L–357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
> Signature and title of authorized FPHA representative

This endorsement makes an order an "authorized order". An authorized order is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which earmarked products may be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPHA arrangements with the producers may provide for direct sale of this item by producers to FPHA contractors, on authorized orders.

(f) *How suppliers get earmarked products.* A distributor, jobber, dealer, or other supplier may get earmarked products to fill authorized orders only by placing an "authorized order" with his source of supply. If he does not know a source of supply for earmarked products, he can get information through the local FPHA office. He may place authorized orders only when he has received authorized orders from his customers. He may then place one or more authorized orders totalling no more than the authorized orders he has to fill. To make his purchase order an "authorized order", he must endorse on it the following certification:

> The items ordered herewith are to fill authorized orders, under Direction 11 to PR 33 and Order L–357, for earmarked products to be used in FPHA temporary re-use housing projects.
>
> ---
> Name of firm
>
> By ---
> Authorized official

An order so endorsed by a supplier is an "authorized order".

(g) *Communications.* Contractors should address all communications concerning this order to the FPHA project engineer or to such other FPHA official as may be designated by that agency. Communications by other persons for information as to sources of supply and FPHA arrangements with producers should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A). All other communications should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: L–357.

Issued this 10th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPHA regional or field office concerning this order should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at

whichever of the following addresses is appropriate:

Area served and office address
Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.
Region II—Delaware, Maryland,[1] New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.
Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia [1]—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.
Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.
Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.
Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Streets, Seattle, Wash.
Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.
Metropolitan District of Columbia, etc.—District of Columbia, Virginia,[1] Maryland,[1] Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

[1] The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

Superseded 12-10-46

SUBJECT: L-358, dated 10-3-46 1/
Softwood Plywood

This Limitation Order governs the production, reserves, set-asides, the usage of softwood plywood, and prescribes how ratings and certified orders may be applied or exhausted to effect deliveries.

Paragraph (f) covers use of Certified and HH rated orders by housing contractors. The amount of softwood plywood which may be used in a house or apartment has been raised to 600 square feet, with no restrictions on how that amount is used. HH rated orders are to be placed with distributors, and certified orders for not less than carload lots may be placed with manufacturers.

To avoid any misinterpretation, especially with reference to paragraph (c) (6), a certified order is not considered a rated order. When a contractor places a certified order for softwood plywood, he must use the form of certification shown in paragraph (j) (1). Paragraph (L) (1) explains the relative status of certified orders.

Paragraph (L) (8) provides that directives may be issued by the CPA. One of the principal reasons for including directive authority is to give special assistance to FPHA's temporary veterans' housing projects as provided in Direction 11 to PR-33.

Other points of general interest relative to L-358 provide that:

(1) Plywood manufacturers' output must be at least 46% construction plywood and at least 4% door plywood (par. c-1);
(2) Manufacturers must hold 40% of their monthly construction plywood production for AAA, MM, or certified orders, and must reserve 60% of uncertified and unrated orders from distributors (par. c-2 and 3);
(3) Distributors may place uncertified and unrated orders with manufacturers, and must reserve 85% of their supply for certified and rated orders (par. d-1);
(4) Distributors receiving certified orders may in turn place certified orders with manufacturers to fill such orders (par. d-2); and
(5) Rated orders for plywood are extendible, except to manufacturers (par. L-2).

1/ Supersedes Direction 1A to PR-33, dated 9-11-46. This is a new insert, and an entry should be made in the Index for Part I, Section 5.

Superseded 2-10-47

OBSOLETE

SUBJECT: L-358, dated 11-19-46 1/
Softwood Plywood

This Limitation Order governs the production, reserves, set-asides, and usage of softwood plywood, and prescribes how ratings and certified orders may be applied or extended to effect deliveries.

This amendment places a restriction on the use of MM ratings, providing that not more than 5% of a manufacturer's production or 10% of a distributor's receipts of plywood each month may be delivered on MM-rated orders.

Paragraph (f) covers use of certified and HH rated orders by housing contractors. The amount of softwood plywood which may be used in a house or apartment is 600 square feet, measured on a 3/8" basis with no restrictions on how that amount is used. HH rated orders are to be placed with distributors, and certified orders for not less than carload lots may be placed with manufacturers.

To avoid any misinterpretation, especially in reference to paragraph (c)(6), a certified order is not considered a rated order. When a contractor places a certified order for softwood plywood, he must use the form of certification shown in paragraph (j)(1). Paragraph (L)(1) explains the relative status of certified orders.

Paragraph (L)(8) provides that directives may be issued by the CPA. One of the principal reasons for including directive authority is to give special assistance to FPHA's temporary veterans' housing projects as provided in Direction 11 to PR-33.

Other points of general interest relative to L-358 provide that:

(1) Plywood manufacturers' output must be at least 46% construction plywood and at least 4% door plywood (par. c-1);
(2) Manufacturers must hold 40% of their monthly construction plywood production for AAA, MM, or certified orders, and must reserve 60% for uncertified and unrated orders form distributors (par. c-2 and 3);
(3) Distributors may place uncertified and unrated orders with manufacturers, and must reserve 85% of their supply for certified and rated orders (par. d-1);
(4) Distributors receiving certified orders may in turn place certified orders with manufacturers to fill such orders (par. d-2); and
(5) Rated orders for plywood are extendible, except to manufacturers (par. L-2).

1/ Supersedes L-358, dated 10-3-46

SUBJECT: L-358, Amended 1-28-47 1/
Softwood Plywood

This Limitation Order applies to the production and distribution of softwood plywood, and explains how ratings and certified orders may be applied or extended to effect deliveries.

The significant provisions affecting FPHA activities are contained in paragraph (f), which covers the use of certified orders and HH-rated orders by housing contractors. HH-rated orders are to be placed with distributors, and certified orders for not less than carload lots may be placed with manufacturers.

A certified order is different from a rated order. When a contractor places a certified order for softwood plywood, he must use the form of certification shown in paragraph (i).

The former restriction limiting use of construction plywood to 600 feet per house or dwelling unit has been eliminated.

Paragraph (j)(8) provides that the CPA may issue directives, which are one of the types of special assistance afforded to FPHA re-use projects as provided in Direction 11 to PR-33.

1/ Supersedes L-358, dated 11-19-46.

Superseded 11-19-46

CIVILIAN PRODUCTION ADMINISTRATION

Corrected Copy

L-358
OCT. 3, 1946
Corrected Copy

PART 3283—LUMBER AND LUMBER PRODUCTS

[Limitation Order L–358]

SOFTWOOD PLYWOOD

There is a shortage in the supply of softwood plywood for defense for private account and for export. Softwood plywood is suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings, and priorities for deliveries of softwood plywood are established in Schedule A to Priorities Regulation 33. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 3283.149 *Limitation Order L–358*—(a) *What this order does.* This order provides that manufacturers of softwood plywood must produce and reserve a percentage of their production in construction and door panel grades. A part of the reserve must be delivered to distributors on unrated and uncertified orders, and the balance on MM orders and on certified orders from distributors and manufacturers of certain housing products and certain other essential items. This order supersedes Direction 1A to PR–33 which has been revoked. Specific authorizations and directives issued by CPA under Direction 1A remain valid and certified orders placed under Direction 1A shall be considered certified orders under this order, except as stated below.

All measurements and computations of softwood plywood shall be in square footage measured on a 3/8" basis.

(b) *Definitions for the purpose of this direction.* (1) "Softwood plywood" means laminated veneers of any species of softwood united with a bonding agent to produce board.

(2) "Construction plywood" means plywood of one or more softwood panels, 12 feet and shorter and without external sealer treatment of the following grades: Interior (Moisture resistant) type as follows: 1/4" sanded or 5/16" unsanded wallboard; 3/8" sanded or 7/16" unsanded wallboard; 1/4" sanded or 5/16" unsanded sound one side plypanel; 3/8" sanded or 7/16" unsanded sound one side plypanel; 5/16" sheathing; 3/8" sheathing; 1/2" sheathing and 5/8" sheathing; and Exterior type 1/4" sanded or 5/16" unsanded sound one side plypanel 3/8" sanded or 7/16" unsanded sound one side plypanel.

(3) "Door plywood" means softwood plywood Interior (Moisture resistant) and Exterior type without external sealer treatment of 1/4" sound two sides door plypanel.

(4) "Certified order" means any order for the delivery of softwood plywood bearing the certificate prescribed in paragraph (j) (1) or that specified in Direction 1A to PR 33.

Softwood Plywood Manufacturers

(c) *Softwood plywood manufacturers' reserve production.* The following conditions govern the amount of construction plywood and door plywood softwood plywood manufacturers shall produce and reserve for distributors and certified or rated orders:

(1) Each softwood plywood manufacturer shall manufacture (i) at least 46% of his monthly production of softwood plywood in the form of construction plywood of which not more than 20% of the construction plywood may be in exterior type and (ii) at least 4% of his monthly production of softwood plywood in the form of door plywood.

The CPA may from time to time change such percentages by amendments published in the FEDERAL REGISTER before the first day of any month.

(2) Every softwood plywood manufacturer must hold 40% of his total production of construction plywood in square footage in each month for delivery only on AAA, MM or certified orders. When a plywood manufacturer has accepted such orders for construction plywood for this amount, he must not accept additional rated or certified orders for construction plywood produced in that month. In addition he may deliver only on AAA or on uncertified and unrated orders from distributors that portion of his reserve which is not required to fill AAA, MM or certified orders received in the month it was produced.

(3) A softwood plywood manufacturer must reserve 60% of his total production of construction plywood in each month for delivery only on uncertified and unrated orders from distributors.

(4) A softwood plywood manufacturer must hold his total production of door plywood in each month for delivery on AAA or on certified orders from door manufacturers or distributors. In addition he may deliver only on AAA or on uncertified and unrated orders from distributors any portion of his reserve of door plywood which is not required to fill certified orders received in the month in which it was produced.

(5) Any softwood plywood produced or delivered on MM rated or on certified orders from persons authorized under paragraph (i) below may be credited by the manufacturer to his reserve production of construction plywood on a 3/8" basis even though the softwood plywood delivered was not of construction plywood grades.

(6) AAA and MM ratings are the only ratings which are valid against a softwood plywood manufacturer for construction plywood and AAA ratings are the only ratings valid against him for door plywood. Orders for such plywood bearing other ratings must be treated by him as unrated.

Distributors

(d) The following provision tells how distributors who buy and stock softwood plywood for resale as plywood at wholesale or retail may place orders for construction or door plywood, and how they may sell it:

(1) A distributor may place uncertified and unrated orders for construction or door plywood with a plywood manufacturer. Every distributor must reserve 85% of the construction or door plywood received each month on such orders for delivery only on rated and certified orders, until the end of the second calendar month after receipt. When a distributor has accepted such orders to the extent of his reserve in any month he need not accept any more certified or rated orders (except AAA) to be filled from the construction or door plywood received in that month on uncertified and unrated orders. In addition, he may deliver on uncertified and unrated (except AAA) orders any construction or door plywood from his reserve which at the end of the second calendar month after receipt is not required to fill rated or certified orders received before that time.

(2) A distributor who has received a certified order for construction or door plywood may place a certified order with a plywood manufacturer to get the construction or door plywood which will be delivered to his customer subject to applicable inventory regulations. A distributor may not place a certified order with a producer for replacement of inventory.

Prefabricators and House Trailer Manufacturers

(e) The following provisions tell how prefabricators or house trailer manufacturers may place with a plywood manufacturer or distributor certified orders for construction plywood.

(1) A prefabricator or a house trailer manufacturer may place certified orders with a plywood manufacturer or a distributor for construction plywood in the amount for which he has received priorities assistance on Form CPA–4415, Form NHA–14–53 or on Form NHA–14–44. A prefabricator or house trailer manufacturer must order, accept delivery of and use construction plywood in accordance with the provisions of Direction 8 or Direction 13 to Priorities Regulation 33.

Builders

(f) *Housing contractors.* The following provisions tell how a builder (applicant) or a general contractor directly authorized by such builder to use the HH rating for the whole job, but not a subcontractor authorized to use the HH rating for part of the job, may place certified orders or HH rated orders with a plywood manufacturer or distributor for construction plywood:

(1) A builder or his general contractor may place with a distributor but not with a softwood plywood manufacturer HH rated orders for construction plywood under the provisions of Schedule A to PR–33. A builder or his general contractor purchasing in not less than carload lots, may place certified orders for mill shipment delivery each month with a softwood plywood manufacturer or a distributor in an amount not in excess of the total amount of construction plywood needed for the housing accom-

modations for which he has received priorities assistance. A housing contractor may not apply the HH rating or use a certificate for an amount in excess of 600 square feet per house or apartment.

Cabinet Manufacturers

(g) *Cabinet manufacturers.* The following provisions tell how a cabinet manufacturer may obtain authority to place certified orders with a plywood manufacturer or a distributor for construction plywood for use only in drawer bottoms of built-in kitchen cabinets and how the cabinets must be sold:

(1) A cabinet manufacturer wishing to place certified orders with a plywood manufacturer or a distributor for construction plywood to be used in the manufacture of drawer bottoms for kitchen cabinets, shall apply to the CPA for authority to place such orders. A cabinet manufacturer who has received a fourth quarter 1946 authorization under Direction 1A to PR-33 need not apply for that quarter. He must apply at least 20 days before the first day of the quarter by letter stating: (i) average monthly consumption of construction plywood in drawers only; (ii) average anticipated monthly production of kitchen cabinets in units to be produced in the period for which authorization is requested and (iii) total requirements in $\frac{3}{8}$" basis of construction plywood for drawers for built-in kitchen cabinets in item (ii) above. Such application will be processed equitably. A cabinet manufacturer must not specify delivery dates (at plant or warehouse) on certified orders more than 30 days before he needs the construction plywood for incorporation into the kitchen cabinet drawers. Furthermore, the cabinet manufacturer must not place certified orders for construction plywood calling for delivery date later than during the third calendar month after the purchase order was placed.

(2) A cabinet manufacturer must use the construction plywood received on certified orders in the production of built-in kitchen cabinets suitable for housing. The cabinets manufactured from the construction plywood must be held for sale as millwork under paragraph (f) (2) of Direction 1 to PR-33.

Door Manufacturers

(h) The following provisions tell how a door manufacturer may obtain authority to place certified orders with a plywood manufacturer or distributor for door plywood for use only in standard house doors:

(1) A door manufacturer wishing to place certified orders with a plywood manufacturer or a distributor for door plywood to be used in the manufacture of standard house doors must apply to CPA for authority to place such orders. Application may be made on Form CPA-4524 in accordance with its instructions. The application must be filed before October 25, 1946 for the fourth quarter of 1946, and for calender quarters thereafter must be filed at least 20 days before the first day of the quarter. Such applications will be processed equitably. A door manufacturer must not specify delivery dates (at plant or warehouse) on certified orders more than 30 days before he needs the door plywood for incorporation into the standard house doors. Furthermore, a door manufacturer must not place certified orders for door plywood calling for delivery later than the third calendar month after the purchase order is placed.

(2) Orders of door manufacturers certified under Direction 1A to PR-33 are valid certified orders until October 31, 1946. All such orders must after November 1, 1946 be treated as uncertified orders unless door manufacturers furnish the certificate required by paragraph (j) (1) below with a serial number.

(3) A door manufacturer must use all the door plywood received on certified orders in the manufacture of standard house doors. A door so manufactured must be held for sale as millwork under paragraph (f) (2) of Direction 1 to PR 33.

Other Users of Softwood Plywood

(i) *Other users of softwood plywood.* The following provisions tell how persons requiring softwood plywood for use in the manufacture of farm equipment, tobacco hogsheads, insulated trucks and trailers, busses and railroad box-cars may apply for authority to place certified orders for softwood plywood. Any person requiring softwood plywood for such uses may apply for authority to place certified orders for softwood plywood. CPA may grant authority to place certified orders for softwood plywood within the amounts available where it is established that no substitute material is obtainable. Application may be made on Form CPA-4494 in accordance with its instructions.

Certification

(j) *Certification.* (1) An order for construction or door plywood may be certified only by endorsing or attaching the following form of certificate on the purchase order, sales ticket or other order calling for the delivery of softwood plywood:

> The undersigned certifies to the supplier and to the CPA that he is a _____ (distributor or qualified manufacturer) and that the quantities of softwood plywood covered by this order (together with all other certified orders placed with this or other suppliers for softwood plywood for delivery in the months specified in this order) do not exceed the amounts he has been allowed under Order L-358 with the provisions of which he is familiar.
>
> Date_____
>
> _____
>
> Signature
>
> _____
>
> Serial number

(2) Certificate must be signed manually or as explained in PR 7. However, the standard form described in that regulation cannot be used in place of the certificate described above. The certificate required in this order cannot be waived under paragraph (f) of PR 7. All persons except distributors must insert a serial number in the place provided in the certificate. An order bearing a certificate without a serial number where required must be treated as an uncertified and unrated order.

MM Rated Orders

(k) *Certification.* (1) Consumers, including government agencies, placing MM rated orders for softwood plywood must endorse on them the certificate required in Directive 41 with the additional words: "Certified for Softwood Plywood."

Miscellaneous

(l) *Miscellaneous.* The following provisions generally affecting all persons ordering softwood plywood should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this order are subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 as if they were rated orders. The order of precedence where orders are received by a plywood manufacturer is: (i) AAA; (ii) MM; (iii) certified. The order of precedence where orders are received by distributors, cabinet manufacturers and door manufacturers is as follows: (i) AAA; (ii) MM; (iii) CC, HH and certified orders which are all three of equal value.

(2) *Extension of rated orders.* Any person who has received a rated order for the delivery of construction or door plywood may extend the rating to his suppliers (except to a plywood manufacturer) to get plywood which he will deliver on that order subject to applicable inventory regulations. If a person has made delivery of construction or door plywood on a rated order, he may extend the rating to his suppliers (except to a plywood manufacturer) to replace the amount in his inventory subject to applicable inventory regulations. A door or cabinet manufacturer who has received a rated order for doors or cabinets or who has delivered them on a rating, may not extend the rating for construction or door plywood for incorporation into the doors or cabinets. These rules supersede paragraphs (d) and (d-1) of Priorities Regulation 3 on the extension of ratings.

(3) *Applicability of regulations.* Except as otherwise required by this order Priorities Regulations 1 and 3 and Schedule A to PR 33 govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed.

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

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency designated by CPA, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject

to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Appeals.* Any appeal from the provisions of this order shall be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: L–358, stating the particular provisions appealed from and stating fully the grounds for the appeal.

(7) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(8) *Directives.* The Civilian Production Administration may issue directives to plywood manufacturers, cabinet manufacturers, door manufacturers or distributors to set aside specific quantities or percentages of production or shipments for persons placing certified or rated orders. CPA may also allocate the production or shipments to specified persons for specified uses and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any person of particular items of softwood plywood, cabinets, or doors. Directives according to their terms may take precedence over rated or certified orders. They may be issued for the satisfaction of Veterans' Emergency Housing Program and other essential civilian requirements, including Temporary Re-Use Housing under Direction 11 to PR 33, and in order to carry out more fully the purposes of this order.

Issued this 3d day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

★GPO—CPA 18451A—p. 3

Superseded 1-28-47

OBSOLETE

PART 3283—LUMBER AND LUMBER PRODUCTS

[Limitation Order L-358, as Amended Nov. 19, 1946]

SOFTWOOD PLYWOOD

There is a shortage in the supply of softwood plywood for defense for private account and for export. Softwood plywood is suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings, and priorities for deliveries of softwood plywood are established in Schedule A to Priorities Regulation 33. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 3283.149 *Limitation Order L-358*—(a) *What this order does.* This order provides that manufacturers of softwood plywood must produce and reserve a percentage of their production in construction and door panel grades. A part of the reserve must be delivered to distributors on unrated and uncertified orders, and the balance on MM orders and on certified orders from distributors and manufacturers of certain housing products and certain other essential items. This order supersedes Direction 1A to PR-33 which has been revoked. Specific authorizations and directives issued by CPA under Direction 1A remain valid and certified orders placed under Direction 1A shall be considered certified orders under this order, except as stated below.

All measurements and computations of softwood plywood shall be in square footage measured on a 3/8" basis.

(b) *Definitions for the purpose of this order.* (1) "Softwood plywood" means laminated veneers of any species of softwood united with a bonding agent to produce board.

(2) "Construction plywood" means plywood of one or more softwood panels, 12 feet and shorter and without external sealer treatment of the following grades: Interior (Moisture resistant) type as follows: 1/4" sanded or 5/16" unsanded wallboard; 3/8" sanded or 7/16" unsanded wallboard; 1/4" sanded or 5/16" unsanded sound one side plypanel; 3/8" sanded or 7/16" unsanded sound one side plypanel; 5/16" sheathing; 3/8" sheathing; 1/2" sheathing and 5/8" sheathing; and Exterior type 1/4" sanded or 5/16" unsanded sound one side plypanel 3/8" sanded or 7/16" unsanded sound one side plypanel.

(3) "Door plywood" means softwood plywood Interior (Moisture resistant) and Exterior type without external sealer treatment of 1/4" sound two sides door plypanel.

(4) "Certified order" means any order for the delivery of softwood plywood bearing the certificate prescribed in paragraph (j) (1) or that specified in Direction 1A to PR 33.

Softwood Plywood Manufacturers

(c) *Softwood plywood manufacturers' reserve production.* The following conditions govern the amount of construction plywood and door plywood softwood plywood manufacturers shall produce and reserve for distributors and certified or rated orders:

(1) Each softwood plywood manufacturer shall manufacture (i) at least 46% of his monthly production of softwood plywood in the form of construction plywood of which not more than 20% of the construction plywood may be in exterior type and (ii) at least 4% of his monthly production of softwood plywood in the form of door plywood.

The CPA may from time to time change such percentages by amendments published in the FEDERAL REGISTER before the first day of any month.

(2) Every softwood plywood manufacturer must hold 40% of his total production of construction plywood in square footage in each month for delivery only on AAA, MM or certified orders. When a plywood manufacturer has accepted such orders for construction plywood for this amount, he must not accept additional rated or certified orders for construction plywood produced in that month. In addition he may deliver only on AAA or on uncertified and unrated orders from distributors that portion of his reserve which is not required to fill AAA, MM or certified orders received in the month it was produced.

(3) A softwood plywood manufacturer must reserve 60% of his total production of construction plywood in each month for delivery only on uncertified and unrated orders from distributors.

(4) A softwood plywood manufacturer must hold his total production of door plywood in each month for delivery on AAA or on certified orders from door manufacturers or distributors. In addition he may deliver only on AAA or on uncertified and unrated orders from distributors any portion of his reserve of door plywood which is not required to fill certified orders received in the month in which it was produced.

(5) Any softwood plywood produced or delivered on MM rated or on certified orders from persons authorized under paragraph (i) below may be credited by the manufacturer to his reserve production of construction plywood on a 3/8" basis even though the softwood plywood delivered was not of construction plywood grades.

(6) AAA and MM ratings are the only ratings which are valid against a softwood plywood manufacturer for construction plywood and AAA ratings are the only ratings valid against him for door plywood. Orders for such plywood bearing other ratings must be treated by him as unrated.

Distributors

(d) The following provision tells how distributors who buy and stock softwood plywood for resale as plywood at wholesale or retail may place orders for construction or door plywood, and how they may sell it:

(1) A distributor may place uncertified and unrated orders for construction or door plywood with a plywood manufacturer. Every distributor must reserve 85% of the construction or door plywood received each month on such orders for delivery only on rated and certified orders, until the end of the second calendar month after receipt. When a distributor has accepted such orders to the extent of his reserve in any month he need not accept any more certified or rated orders (except AAA) to be filled from the construction or door plywood received in that month on uncertified and unrated orders. In addition, he may deliver on uncertified and unrated (except AAA) orders any construction or door plywood from his reserve which at the end of the second calendar month after receipt is not required to fill rated or certified orders received before that time.

(2) A distributor who has received a certified order for construction or door plywood may place a certified order with a plywood manufacturer to get the construction or door plywood which will be delivered to his customer subject to applicable inventory regulations. A distributor may not place a certified order with a producer for replacement of inventory.

Prefabricators and House Trailer Manufacturers

(e) The following provisions tell how prefabricators or house trailer manufacturers may place with a plywood manufacturer or distributor certified orders for construction plywood.

(1) A prefabricator or a house trailer manufacturer may place certified orders with a plywood manufacturer or a distributor for construction plywood in the amount for which he has received priorities assistance on Form CPA-4415, Form NHA-14-53 or on Form NHA-14-44. A prefabricator or house trailer manufacturer must order, accept delivery of and use construction plywood in accordance with the provisions of Direction 8 or Direction 13 to Priorities Regulation 33.

Builders

(f) *Housing contractors.* The following provisions tell how a builder (applicant) or a general contractor directly authorized by such builder to use the HH rating for the whole job, but not a subcontractor authorized to use the HH rating for part of the job, may place certified orders or HH rated orders with a plywood manufacturer or distributor for construction plywood:

(1) A builder or his general contractor may place with a distributor but not with a softwood plywood manufacturer HH rated orders for construction ply-

wood under the provisions of Schedule A to PR–33. A builder or his general contractor purchasing in not less than carload lots, may place certified orders for mill shipment delivery each month with a softwood plywood manufacturer or a distributor in an amount not in excess of the total amount of construction plywood needed for the housing accommodations for which he has received priorities assistance. A housing contractor may not apply the HH rating or use a certificate for an amount in excess of 600 square feet per house or apartment.

Cabinet Manufacturers

(g) *Cabinet manufacturers.* The following provisions tell how a cabinet manufacturer may obtain authority to place certified orders with a plywood manufacturer or a distributor for construction plywood for use only in drawer bottoms of built-in kitchen cabinets and how the cabinets must be sold:

(1) A cabinet manufacturer wishing to place certified orders with a plywood manufacturer or a distributor for construction plywood to be used in the manufacture of drawer bottoms for kitchen cabinets, shall apply to the CPA for authority to place such orders. A cabinet manufacturer who has received a fourth quarter 1946 authorization under Direction 1A to PR-33 need not apply for that quarter. He must apply at least 20 days before the first day of the quarter by letter stating: (i) average monthly consumption of construction plywood in drawers only; (ii) average anticipated monthly production of kitchen cabinets in units to be produced in the period for which authorization is requested and (iii) total requirements in ⅜" basis of construction plywood for drawers for built-in kitchen cabinets in item (ii) above. Such application will be processed equitably. A cabinet manufacturer must not specify delivery dates (at plant or warehouse) on certified orders more than 30 days before he needs the construction plywood for incorporation into the kitchen cabinet drawers. Furthermore, the cabinet manufacturer must not place certified orders for construction plywood calling for delivery date later than during the third calendar month after the purchase order was placed.

(2) A cabinet manufacturer must use the construction plywood received on certified orders in the production of built-in kitchen cabinets suitable for housing. The cabinets manufactured from the construction plywood must be held for sale as millwork under paragraph (f) (2) of Direction 1 to PR–33.

Door Manufacturers

(h) The following provisions tell how a door manufacturer may obtain authority to place certified orders with a plywood manufacturer or distributor for door plywood for use only in standard house doors:

(1) A door manufacturer wishing to place certified orders with a plywood manufacturer or a distributor for door plywood to be used in the manufacture of standard house doors must apply to CPA for authority to place such orders. Application may be made on Form CPA–4524 in accordance with its instructions. The application must be filed before October 25, 1946 for the fourth quarter of 1946, and for calender quarters thereafter must be filed at least 20 days before the first day of the quarter. Such applications will be processed equitably. A door manufacturer must not specify delivery dates (at plant or warehouse) on certified orders more than 30 days before he needs the door plywood for incorporation into the standard house doors. Furthermore, a door manufacturer must not place certified orders for door plywood calling for delivery later than the third calendar month after the purchase order is placed.

(2) Orders of door manufacturers certified under Direction 1A to PR–33 are valid certified orders until October 31, 1946. All such orders must after November 1, 1946 be treated as uncertified orders unless door manufacturers furnish the certificate required by paragraph (j) (1) below with a serial number.

(3) A door manufacturer must use all the door plywood received on certified orders in the manufacture of standard house doors. A door so manufactured must be held for sale as millwork under paragraph (f) (2) of Direction 1 to PR 33.

Other Users of Softwood Plywood

(i) *Other users of softwood plywood.* The following provisions tell how persons requiring softwood plywood for use in the manufacture of farm equipment, tobacco hogsheads, insulated trucks and trailers, busses and railroad box-cars may apply for authority to place certified orders for softwood plywood. Any person requiring softwood plywood for such uses may apply for authority to place certified orders for softwood plywood. CPA may grant authority to place certified orders for softwood plywood within the amounts available where it is established that no substitute material is obtainable. Application may be made on Form CPA–4494 in accordance with its instructions.

Certification

(j) *Certification.* (1) An order for construction or door plywood may be certified only by endorsing or attaching the following form of certificate on the purchase order, sales ticket or other order calling for the delivery of softwood plywood:

> The undersigned certifies to the supplier and to the CPA that he is a ---------- (distributor or qualified manufacturer) and that the quantities of softwood plywood covered by this order (together with all other certified orders placed with this or other suppliers for softwood plywood for delivery in the months specified in this order) do not exceed the amounts he has been allowed under Order L– 358 with the provisions of which he is familiar.
>
> Date----------
> ----------
> Signature
> ----------
> Serial number

(2) Certificate must be signed manually or as explained in PR 7. However, the standard form described in that regulation cannot be used in place of the certificate described above. The certificate required in this order cannot be waived under paragraph (f) of PR 7. All persons except distributors must insert a serial number in the place provided in the certificate. An order bearing a certificate without a serial number where required must be treated as an uncertified and unrated order.

MM Rated Orders

(k) *Restrictions on filling MM rated orders.* (1) A plywood manufacturer may not accept for delivery in any month orders rated MM for softwood plywood for more than 5% of his production of softwood plywood for that month.

(2) A distributor may not accept for delivery in any month orders rated MM for more than 10% of the softwood plywood received in that month.

(3) MM rated orders, accepted but unfilled on November 25, 1946, must be treated by plywood manufacturers and distributors as unrated orders to the extent that they call for delivery of more softwood plywood than the amount for which they are required to accept MM rated orders under this paragraph (k).

Miscellaneous

(l) *Miscellaneous.* The following provisions generally affecting all persons ordering softwood plywood should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this order are subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 as if they were rated orders. The order of precedence where orders are received by a plywood manufacturer is: (i) AAA; (ii) MM; (iii) certified. The order of precedence where orders are received by distributors, cabinet manufacturers and door manufacturers is as follows: (i) AAA; (ii) MM; (iii) CC, HH and certified orders which are all three of equal value.

(2) *Extension of rated orders.* Any person who has received a rated order for the delivery of construction or door plywood may extend the rating to his suppliers (except to a plywood manufacturer) to get plywood which he will deliver on that order subject to applicable inventory regulations. If a person has made delivery of construction or door plywood on a rated order, he may extend the rating to his suppliers (except to a plywood manufacturer) to replace the amount in his inventory subject to applicable inventory regulations. A door or cabinet manufacturer who has received a rated order for doors or cabinets or who has delivered them on a rating, may not extend the rating for construction or door plywood for incorporation into the doors or cabinets. These rules supersede paragraphs (d) and (d–1) of Priorities Regulation 3 on the extension of ratings.

(3) *Applicability of regulations.* Except as otherwise required by this order Priorities Regulations 1 and 3 and Schedule A to PR 33 govern the use of ratings and the acceptance, scheduling and filling of orders. All other appli-

cable regulations and orders of the Civilian Production Administration must be observed.

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

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency designated by CPA, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Appeals.* Any appeal from the provisions of this order shall be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: L–358, stating the particular provisions appealed from and stating fully the grounds for the appeal.

(7) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(8) *Directives.* The Civilian Production Administration may issue directives to plywood manufacturers, cabinet manufacturers, door manufacturers or distributors to set aside specific quantities or percentages of production or shipments for persons placing certified or rated orders. CPA may also allocate the production or shipments to specified persons for specified uses and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any person of particular items of softwood plywood, cabinets, or doors. Directives according to their terms may take precedence over rated or certified orders. They may be issued for the satisfaction of Veterans' Emergency Housing Program and other essential civilian requirements, including Temporary Re-Use Housing under Direction 11 to PR 33, and in order to carry out more fully the purposes of this order.

Issued this 19th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revoked 3-31-47

OBSOLETE

PART 3283—LUMBER AND LUMBER PRODUCTS

[Limitation Order L–358, as Amended Jan. 28, 1947]

SOFTWOOD PLYWOOD

There is a shortage in the supply of softwood plywood for defense for private account and for export. Softwood plywood is suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings, and priorities for deliveries of softwood plywood are established in Schedule A to Priorities Regulation 33. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 3283.149 *Limitation Order L–358*—(a) *What this order does.* This order provides that manufacturers of softwood plywood must produce and reserve a percentage of their production in construction and door panel grades. A part of the reserve must be delivered to distributors on unrated and uncertified orders, and the balance on rated orders and on certified orders from distributors and manufacturers of certain housing products and certain other essential items.

All measurements and computations of softwood plywood shall be in square footage measured on a ⅜'' rough basis.

(b) *Definitions for the purpose of this order.* (1) "Softwood plywood" means laminated veneers of any species of softwood united with a bonding agent to produce board.

(2) "Construction plywood" means plywood of one or more softwood panels, 12 feet and shorter of the following grades: Interior (Moisture resistant) type as follows: ¼'' sanded or $\frac{5}{16}$'' unsanded wallboard; ⅜'' sanded or $\frac{7}{16}$'' unsanded wallboard; ¼'' sanded or $\frac{5}{16}$'' unsanded sound one side plypanel; ⅜'' sanded or $\frac{7}{16}$'' unsanded sound one side plypanel; $\frac{5}{16}$'' sheathing; ⅜'' sheathing; ½'' sheathing and ⅝'' sheathing; and Exterior type ¼'' sanded or $\frac{5}{16}$'' unsanded sound one side plypanel ⅜'' sanded or $\frac{7}{16}$'' unsanded sound one side plypanel.

(3) "Door plywood" means softwood plywood Interior (Moisture resistant) and Exterior type of ¼'' sound two sides door plypanel.

(4) "Certified order" means any order for the delivery of softwood plywood bearing the certificate prescribed in paragraph (i).

Softwood Plywood Manufacturers

(c) *Softwood plywood manufacturers' reserve production.* The following conditions govern the amount of construction plywood and door plywood softwood plywood manufacturers shall produce and reserve for distributors and certified or rated orders:

(1) Each softwood plywood manufacturer shall manufacture (i) at least 46% of his monthly production of softwood plywood in the form of construction plywood, and (ii) at least 4% of his monthly production of softwood plywood in the form of door plywood.

(2) Every softwood plywood manufacturer must hold 50% of his total production of construction plywood in square footage in each month for delivery only on AAA, MM or certified orders. When a plywood manufacturer has accepted such orders for construction plywood for this amount, he must not accept additional rated or certified orders for construction plywood produced in that month. In addition he may deliver only on AAA or on uncertified and unrated orders from distributors that portion of his reserve which is not required to fill AAA, MM or certified orders received in the month it was produced.

(3) A softwood plywood manufacturer must reserve 50% of his total production of construction plywood in each month for delivery only on uncertified and unrated orders from distributors.

(4) A softwood plywood manufacturer must hold his total production of door plywood in each month for delivery on AAA or on certified orders from door manufacturers or distributors. In addition he may deliver only on AAA or on uncertified and unrated orders from distributors any portion of his reserve of door plywood which is not required to fill certified orders received in the month in which it was produced.

(5) Any softwood plywood produced or delivered on MM rated or on certified orders from persons authorized under paragraph (h) below may be credited by the manufacturer to his reserve production of construction plywood on a ⅜'' basis even though the softwood plywood delivered was not of construction plywood grades.

(6) AAA and MM ratings are the only ratings which are valid against a softwood plywood manufacturer for construction plywood and AAA ratings are the only ratings valid against him for door plywood. Orders for such plywood bearing other ratings must be treated by him as unrated.

Distributors

(d) The following provision tells how distributors who buy and stock softwood plywood for resale as plywood at wholesale or retail may place orders for construction or door plywood, and how they may sell it:

(1) A distributor may place uncertified and unrated orders for construction or door plywood with a plywood manufacturer. Every distributor must reserve 75% of each shipment of construction or door plywood received after February 1, 1947 for delivery only on rated and certified orders for 15 days after receipt. When a distributor has accepted such orders to the extent of his reserve for any shipment he need not accept any more certified or rated orders (except AAA) to be filled from the construction or door plywood received in that shipment. In addition, he may deliver on uncertified and unrated (except AAA) orders any construction or door plywood from his reserve which at the end of the 15 days after receipt is not required to filll rated or certified orders received before that time. Plywood received by a distributor before February 1, 1947 which he had to reserve under this order as amended November 19, 1946 need not be reserved for rated and certified orders after February 15, 1947.

(2) A distributor who has received a certified order for construction or door plywood may place a certified order with a plywood manufacturer to get the construction or door plywood which will be delivered to his customer subject to applicable inventory regulations. A distributor may not place a certified order with a producer for replacement of inventory.

Prefabricators

(e) *Prefabricators.* A prefabricator may place certified orders calling for delivery in the first calendar quarter of 1947 with a plywood manufacturer or a distributor for construction plywood in the amount for which he has received priorities assistance on Form NHA–14–53. A prefabricator must order, accept delivery of and use construction plywood in accordance with the provisions of Direction 8 to Priorities Regulation 33 and Housing Expeditor Priorities Regulation 6.

Builders

(f) *Housing contractors.* The following provisions tell how a builder (applicant) or a general contractor directly authorized by such builder to use the HH rating for the whole job, but not a subcontractor authorized to use the HH rating for part of the job, may place certified orders or HH rated orders with a plywood manufacturer or distributor for construction plywood:

(1) A builder or his general contractor may place with a distributor but not with a softwood plywood manufacturer HH rated orders for construction plywood under the provisions of Schedule A to PR–33. A builder or his general contractor purchasing in not less than carload lots, may place certified orders for mill shipment delivery each month with a softwood plywood manufacturer or a distributor in an amount not in ex-

cess of the total amount of construction plywood needed for the housing accommodations for which he has received priorities assistance.

NOTE: Former paragraphs (g) and (h) deleted, new paragraph (g) added, and former paragraphs (i) and (j) redesignated (h) and (i), Jan. 28, 1947.

Cabinet and Door Manufacturers

(g) *Cabinet and door manufacturers.* Authorizations issued to cabinet and door manufacturers for the first quarter of 1947 remain valid, and cabinet and door manufacturers may place certified orders with a plywood manufacturer or a distributor for delivery in the first calendar quarter of 1947 for the quantities for which authorizations have been granted. Construction or door plywood received on certified orders must be used in the manufacture of built-in kitchen cabinets suitable for housing or standard doors which must be sold on rated orders in accordance with Priorities Regulation 1.

Other Users of Softwood Plywood

(h) *Other users of softwood plywood.* The following provisions tell how persons requiring softwood plywood for use in the manufacture of farm equipment, tobacco hogsheads, insulated trucks and trailers, busses and railroad box-cars may apply for authority to place certified orders for softwood plywood. Any person requiring softwood plywood for such uses may apply for authority to place certified orders for softwood plywood. CPA may grant authority to place certified orders for softwood plywood within the amounts available where it is established that no substitute material is obtainable. Application may be made on Form CPA–4494 in accordance with its instructions.

Certification

(i) *Certification.* (1) An order for construction or door plywood may be certified only by endorsing or attaching the following form of certificate on the purchase order, sales ticket or other order calling for the delivery of softwood plywood:

> The undersigned certifies to the supplier and to the CPA that he is a _____ (distributor or qualified manufacturer) and that the quantities of softwood plywood covered by this order (together with all other certified orders placed with this or other suppliers for softwood plywood for delivery in the months specified in this order) do not exceed the amounts he has been allowed under Order L–358 with the provisions of which he is familiar.
>
> Date_____
>
> _____
> Signature
>
> _____
> Serial number

(2) Certificate must be signed manually or as explained in PR 7. However, the standard form described in that regulation cannot be used in place of the certificate described above. The certificate required in this order cannot be waived under paragraph (f) of PR 7. All persons except distributors must insert a serial number in the place provided in the certificate. An order bearing a certificate without a serial number where required must be treated as an uncertified and unrated order.

NOTE: Former paragraph (k) deleted and former paragraph (l) redesignated (j) Jan. 28, 1947.

Miscellaneous

(j) *Miscellaneous.* The following provisions generally affecting all persons ordering softwood plywood should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this order are subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 as if they were rated orders. The order of precedence where orders are received by a plywood manufacturer is: (i) AAA; (ii) MM; (iii) certified. The order of precedence where orders are received by distributors, cabinet manufacturers and door manufacturer is as follows: (i) AAA; (ii) MM; (iii) CC, HH and certified orders which are all three of equal value.

(2) *Extension of rated orders.* Any person who has received a rated order for the delivery of construction or door plywood may extend the rating to his suppliers (except to a plywood manufacturer) to get plywood which he will deliver on that order subject to applicable inventory regulations. If a person has made delivery of construction or door plywood on a rated order, he may extend the rating to his suppliers (except to a plywood manufacturer) to replace the amount in his inventory subject to applicable inventory regulations. A door or cabinet manufacturer who has received a rated order for doors or cabinets or who has delivered them on a rating, may extend the rating to his suppliers (except to a plywood manufacturer) for the amount of construction or door plywood used or to be used in the manufacture of the doors or cabinets. These rules supersede paragraphs (d) and (d–1) of Priorities Regulation 3 on the extension of ratings.

(3) *Applicability of regulations.* Except as otherwise required by this order Priorities Regulations 1 and 3 and Schedule A to PR 33 govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed.

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

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency designated by CPA, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Appeals.* Any appeal from the provisions of this order shall be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: L–358, stating the particular provisions appealed from and stating fully the grounds for the appeal.

(7) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(8) *Directives.* The Civilian Production Administration may issue directives to plywood manufacturers, cabinet manufacturers, door manufacturers or distributors to set aside specific quantities or percentages of production or shipments for persons placing certified or rated orders. CPA may also allocate the production or shipments to specified persons for specified uses and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any person of particular items of softwood plywood, cabinets, or doors. Directives according to their terms may take precedence over rated or certified orders. They may be issued for the satisfaction of Veterans' Emergency Housing Program and other essential civilian requirements, including Temporary Re-Use Housing under Direction 11 to PR 33, and in order to carry out more fully the purposes of this order.

(k) *Effective date.* Order L–358 as amended January 28, 1947 shall become effective February 1, 1947. Order L–358 as amended November 19, 1946 shall remain in effect until February 1, 1947.

Issued this 28th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 1-20-47

SUBJECT: L-359, dated 10-18-46 1/
Lumber, Hardwood Flooring and Millwork

This Order governs the production of lumber, and explains how housing construction lumber, hardwood flooring and millwork is to be ordered, and how delivery on such orders must be made. Its purpose is to make a greater flow of lumber through normal distribution channels, and larger quantities available for HH ratings.

Under the limited extendibility methods provided in this order, distributors may use one of three methods (whichever provides the most lumber) to place certified orders with sawmills for housing construction lumber. The distributor may choose to certify for: (a) an amount equal to the rated orders placed with him, plus 33-1/3 percent; (b) an amount equal to 5 percent of his inventory on January 1, 1942; or (c) two carloads per quarter.

If a distributor certifies for, or imports, more than two carloads a quarter of housing construction lumber, he must hold 75 percent of his receipts for certified and rated orders until the end of the following month. If a distributor certifies for, or imports, two carloads or less per quarter, he must reserve 75 percent of such receipts for certified and rated orders each month.

One hundred percent of all residential hardwood flooring is to be reserved indefinitely for veterans' housing, military hospitals, and emergency priorities. Rated orders placed on a distributor are extendible to his supplies to fill the order or replace the distributor's inventory, subject to applicable inventory restrictions.

Every millwork manufacturer must reserve indefinitely for certified or rated orders 85 percent of the millwork he produces.

Paragraph (h) explains that prime contractors are to place HH-rated orders for housing construction lumber with distributors, except that orders for carload lots may be placed with sawmills or office wholesalers.

When HH-rated orders fail to secure their requirements, FPHA contractors can obtain special assistance under the provisions of Direction 11 to PR-33. For other projects and FPHA needs which do not qualify under that Direction, the provisions of L-359 apply.

In computing requirements of and before ordering hardwood lumber, reference should be made to Order VHP-2, which prohibits its use for certain items of construction.

1/ Supersedes Direction 1 to PR-33, dated 8-28-46. This Order is a new insert, and an entry should be made in the Index for PART I, Section 5.

NHA
FPHA
1-20-47

Amended 2-10-47

CANCELLED

Bulletin 14

PART I - Section 5.4

SUBJECT: L-359, Amended 12-31-46 1/
Lumber, Hardwood Flooring and Millwork

This Order controls the production and distribution of lumber, housing construction lumber, hardwood flooring, and millwork. This amendment modifies the previous controls over these materials, and provides that rated orders bearing housing and other priorities will be honored.

Sawmills are still required to produce at least 50 per cent of their total softwood lumber output in the form of housing construction lumber. A sawmill operator is no longer required to produce any hardwood flooring lumber, but what he does produce may be sold only to hardwood flooring manufacturers or their suppliers.

Sawmills and distributors are no longer required to hold housing construction lumber or hardwood flooring lumber for a set period of time, and lumber may be delivered on unrated orders where such deliveries do not interfere with deliveries on rated orders.

Provisions governing authority to procure housing construction lumber, millwork, and hardwood flooring have not changed. FPHA contractors can still place HH ratings for the quantity of these materials for which they have received priorities assistance. Ratings, when authorized to be used for hardwood flooring, may be used to obtain any suitable hardwood flooring, rather than just residential hardwood flooring.

In computing requirements of and before ordering hardwood lumber, reference should be made to Order VHP-2, which prohibits its use for certain items of construction.

1/ Supersedes L-359, dated 10-18-46.

OBSOLETE

SUBJECT: L-359, Amended 1-28-47 1/
Lumber, Hardwood Flooring and Millwork

This Order controls the production and distribution of lumber, housing construction lumber, hardwood flooring, and millwork. The changes effected in this amendment apply to the extension of ratings by distributors and office wholesalers.

Provisions governing authority to procure housing construction lumber, millwork, and hardwood flooring have not been changed. FPHA contractors can still place HH ratings for the quantity of these materials for which they have received priorities assistance. Ratings, when authorized to be used for hardwood flooring, may be used to obtain any suitable hardwood flooring, rather than just residential hardwood flooring.

When computing requirements and preparing orders for hardwood lumber, reference should be made to Order VHP-2, which prohibits its use for certain items of construction.

1/ Supersedes L-359, dated 12-31-46.

Superseded 12-31-46

L-359

DEC. 31, 1946
[As Amended]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Limitation Order L–359, as Amended Dec. 31, 1946]

LUMBER, HARDWOOD FLOORING AND MILLWORK

There is a shortage in the supply of lumber, hardwood flooring and millwork for defense, for private account and for export. Lumber, millwork and hardwood flooring are necessary for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings, and special priorities for the deliveries of lumber, millwork, and hardwood flooring for these purposes are established in Schedule A to Priorities Regulation 33 (11 F. R. 14263). This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 3285.153 *Limitation Order L–359*—(a) *What this order does.* This order provides that sawmills shall produce a percentage of their total production of softwood lumber in housing construction lumber. It applies to all sawmills and to lumber suppliers, manufacturers of millwork, hardwood flooring and house trailers, prefabricators and builders and other consumers who have been assigned priorities assistance. Rated orders must be accepted and filled as provided in Priorities Regulation 1 (11 F. R. 8002). However, a ceiling is provided for rated orders and the filling of unrated orders is permitted where the filling of such orders will not interfere with the filling of rated orders.

Definitions

(b) *Definitions for the purpose of this order.*

(1) "Lumber" means any sawed lumber of any species, size, or grade, including rough, surfaced on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except (i) shingles, slabs and round edge lumber; (ii) mine and railway cross ties nine feet or less in length; (iii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Housing construction lumber" means softwood lumber in the form of flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, shop and lath.

(3) "Hardwood flooring lumber" means Grades 2 and 3a common, of rough Oak, Hard Maple, Beech and Birch in 5/8, 4/4 and 5/4 thicknesses; and Grades 2 and 3 common, of rough Pecan in 5/8, 4/4 and 5/4 thicknesses.

(4) "Millwork" means only sash, windows, doors, interior and exterior frames for the foregoing, combination doors and garage doors; storm sash and storm doors; window, sash and door screens; porch columns, louvres and newels; standing interior trim for doors and windows and cased openings; crown, bed, cove, brick, screen, panel, band and cornice mouldings; quarter, half and full rounds; window and door steps; nosing; screen, sash, sill and frame stock; hook strip, corner and glass bead; chair, porch and hand rails; shelf cleat; panel strips; stools and aprons; lattice; drip cap and water table; back bank, cap trim, floor and base moulding; astragals, and baluster stock; mantels; built-in kitchen cabinets, medicine cases, china cabinets, ironing boards and linen closets.

(5) "Sawmill" means: (i) a person operating any mill or plant, stationary or portable, that produces lumber. The term includes a person who has logs manufactured into lumber by a sawmill, except a person who has less than 5,000 feet a quarter of his own logs sawed into lumber for his own use; (ii) a person operating any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of logs and lumber which it receives, into an item which is defined as lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard, even though owned by a sawmill, engaged in either retail or wholesale business and even though it may process, for the servicing of special orders from consumers, more than 25 percent of the lumber it receives.

(6) "Distributor" means any person who buys and stocks millwork or hardwood flooring for resale and lumber for resale as lumber either at wholesale or retail. The term "distributor" also includes any establishment owned or operated by a sawmill where lumber is sold at either wholesale or retail. A distributor who has two or more distinct and separate yards must for the purpose of this order, consider each yard a "distributor".

(7) "Cut-stock manufacturer" means a person who supplies from his production plant stock surfaced 2-sides, cut to approximate net sizes for the manufacture of doors, sash, check rail and plane rail windows, exterior frames and inside jambs. Cut-stock for doors, windows and sash consists of stock cut to approximate net sizes S2S and not further machined for stiles, rails, bars, muntins, meeting rails and facings for door stiles. Cut-stock for frame parts consists of stock cut to approximate net sizes S2S and not further machined for pulley stiles, blind and parting stops, outside casings, sills, drip cap and brick mould.

Sawmills

(c) *Sawmills*—(1) *Softwood lumber.* Each sawmill shall manufacture at least 50% of its total monthly production of softwood lumber in the form of housing construction lumber. 85% of all 8/4 and thinner Douglas Fir shop and Western Pine shop including No. 3 clears must be sold only to millwork and cut-stock manufacturers or to persons who certify in writing they will sell to millwork or cut-stock manufacturers. A sawmill need not accept or fill rated orders for more than 50% of its total production of softwood lumber in any month. It may not fill MM rated orders for more than 5% of its total production of softwood lumber in any month.

(2) *Hardwood lumber.* Each sawmill shall sell only to hardwood flooring manufacturers, or to persons who certify in writing they will sell to hardwood flooring manufacturers, all the hardwood flooring lumber it produces.

(3) *Seasoning.* Where it is the customary practice of a sawmill to season lumber by air drying, and the lumber is properly piled for seasoning and carried in inventory for this purpose, such lumber will not be considered as produced until seasoned for the customary period.

(4) *Orders must be accepted or rejected promptly.* A sawmill must accept or reject rated orders in writing within 5 days of receipt. Reasons for rejection of a rated order must be stated.

Distributors

(d) *Distributors.* (1) A distributor is authorized to apply an HH rating on orders for delivery each quarter for housing construction lumber for the greater of the following amounts:

(i) an amount of housing construction lumber not exceeding 15% of the amount of footage in inventory of all softwood lumber as of January 1, 1942, or

(ii) two carloads of housing construction lumber at the rate of not more than one carload in any month of the quarter.

Distributors who apply a rating under (i) or (ii) above must use the certificate provided in paragraph (i) below.

(2) Instead of applying an HH rating as provided in paragraph (d) (1) above, a distributor may in any quarter extend HH ratings for the amount of housing construction lumber which he will deliver or has delivered on HH rated orders accepted by him for delivery in that quarter. Rated orders placed with a distributor before October 1, 1946, may not be extended.

(3) A distributor must sell only to millwork or cut-stock manufacturers, or persons who certify that they will sell only to millwork or out-stock manufacturers, 85% of all 8/4 and thinner Douglas Fir shop and Western Pine shop including No. 3 clears received in any quarter on unrated orders.

(4) A distributor need not use more than 50 percent of the softwood lumber received in any quarter on HH rated orders placed under paragraph (d) (1) (i) or (ii) to fill rated orders.

(5) A distributor need not use more than 50 percent of the lumber he receives in any quarter on unrated orders to fill rated orders.

(6) A distributor may not fill MM rated orders for more than 10 percent of his total receipts in any quarter of softwood lumber.

Millwork and Cut-Stock Manufacturers

(e) *Millwork and cut-stock manufacturers—(1) Extension of HH ratings.*

(i) A millwork or cut-stock manufacturer who receives HH rated orders may extend the HH rating to his supplier for the housing construction lumber or cut-stock to be incorporated or used in the millwork or cut-stock to be delivered on HH rated orders.

(ii) Where a millwork or cut-stock manufacturer has already delivered millwork or cut-stock on an HH rated order, he may extend the rating for the amount of housing construction lumber or cut-stock he used in the manufacture of the millwork or cut-stock delivered on the HH rated order.

(2) A millwork manufacturer need not accept or fill rated orders for millwork manufactured from lumber received on unrated orders.

Hardwood Flooring Manufacturers

(f) *Hardwood flooring manufacturers—(1) Extension of ratings.* (i) A hardwood flooring manufacturer who receives HH rated orders may extend the HH rating to his supplier for the hardwood flooring lumber to be incorporated or used in the hardwood flooring to be delivered on HH rated orders.

(ii) Where a hardwood flooring manufacturer has already delivered hardwood flooring on HH rated orders, he may extend the HH rating for the amount of hardwood flooring lumber he used in the manufacture of the hardwood flooring delivered on HH rated orders.

(2) A hardwood flooring manufacturer need not accept or fill rated orders for hardwood flooring manufactured from hardwood flooring lumber received on unrated orders.

Builders, Prefabricators and House Trailer Manufacturers

(g) *Builders, prefabricators and house trailer manufacturers.* A builder, prefabricator or house trailer manufacturer may place HH rated orders for a quantity of housing construction lumber, millwork or hardwood flooring for which he has received priorities assistance. While Schedule A to Priorities Regulation 33 lists residential hardwood flooring only, HH ratings may be used by the above persons to obtain any suitable hardwood flooring.

Integrated Operations

(h) *Integrated operations.* A person having integrated operations which are subject to this order must treat each operation as a separate unit. Each unit must conform to all the applicable provisions of this order.

Certificate for Application of Rating by Distributors

(i) *Certificate for application of rating by distributors.* (1) A distributor applying an HH rating to an order for housing construction or hardwood flooring lumber under paragraph (d) (1) (i) or (ii) must endorse on or attach to the purchase order, sales ticket or other delivery orders, the following certificate:

VETERANS' EMERGENCY HOUSING PROGRAM

I certify to the U. S. Government that N HH rating has been assigned for the materials covered by this order. The quantities covered by this order (together with the quantities called for by all other rated HH or certified orders placed with this or other suppliers for softwood lumber for delivery in the quarter specified in this order) do not exceed the amount permitted under Limitation Order L–359 with the provisions of which I am familiar.

Date ---------- ----------
(Signature)
(Distributor).

(2) The certificate must be signed manually or as explained in Priorities Regulation 7 (9 F. R. 721). However, the standard form described in that regulation may not be used in place of certificate described in this order. The certification required by this order may not be waived under paragraph (f) of Priorities Regulation 7.

Miscellaneous

(j) The following provisions generally affect all persons operating under this order and should be carefully read:

(1) *Extension of ratings.* Rules for extendibility of the HH ratings are set out in paragraph (d), (e) and (f). The extendibility of all other ratings is governed by the rules of Priorities Regulation 3 (10 F. R. 13807).

(2) *Treatment of certified orders.* Any person who before January 1, 1947, has received an order certified under Order L–359, dated October 18, 1946 (11 F. R. 12287), must treat such order as an HH rated order. Any person authorized to place HH ratings under this order must reduce the quantity of lumber for which he placed the HH ratings by the quantity of his unfilled certified orders for lumber on January 1, 1947.

(3) *Applicability of regulations.* Except as otherwise required by this order, Priorities Regulations 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this order.

(4) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States 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 priorities control and may be deprived of priorities assistance.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency designated by the Civilian Production Administration such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Directives.* The Civilian Production Administration may issue directives requiring sawmills, millwork manufacturers, cut-stock manufacturers or hardwood flooring manufacturers or distributors to set aside specific quantities or percentages of production or shipment for persons placing rated orders. CPA may also allocate production or shipment to specified persons for specified uses, and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any persons of particular items of lumber, millwork, cut-stock or hardwood flooring. Directives according to their terms may take precedence over rated orders. They may be issued for the satisfaction of Veterans' Emergency Housing Program and other essential requirements, and in order to carry out more fully the purposes of this order.

(7) *Appeals.* An appeal from the provisions of this order should be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: L–359, or to the Civilian Production Administration, Portland, Oregon, Ref.: L–359, when made by persons in the states of Washington, Oregon, California, Idaho, Wyoming, Montana, Nevada, Utah, Colorado, Arizona, New Mexico, or South Dakota, stating the particular provision appealed from and stating fully the grounds for the appeal.

(8) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(9) *Effective date.* This amended version of Order L–359 shall become effective January 1, 1947. Order L–359 dated October 18, 1946, shall remain in effect until January 1, 1947.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Superseded 1-28-47

OBSOLETE

CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

L–359

OCT. 18, 1946

Corrected Copy

PART 3285—LUMBER AND LUMBER PRODUCTS

[Limitation Order L–359]

LUMBER, HARDWOOD FLOORING AND MILLWORK

There is a shortage in the supply of lumber, hardwood flooring and millwork for defense, for private account and for export. Lumber, millwork and hardwood flooring are necessary for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings, and special priorities for the deliveries of lumber, millwork, and hardwood flooring for these purposes are established in Schedule A to Priorities Regulation 33. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 3285.153 *Limitation Order L–359*—(a) *What this order does.* This order provides that sawmills shall produce a percentage of their total production of lumber in housing construction lumber and hardwood flooring lumber which is to be held for certified and rated orders from distributors and manufacturers of certain housing products, and other items. It applies to all sawmills and to lumber suppliers, manufacturers of millwork, hardwood flooring and house trailers; prefabricators, builders and other consumers who have been assigned priorities assistance. This order will supersede Direction 1 to PR–33 on November 1, 1946. Specific authorizations and directives issued by CPA under Direction 1 remain valid and certified orders placed under Direction 1 shall be considered certified orders under this order.

DEFINITIONS

(b) *Definitions for the purpose of this order.* (1) "Lumber" means any sawed lumber of any species, size, or grade, including rough, surfaced on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except (i) shingles, slabs and round edge lumber; (ii) mine and railway cross ties nine feet or less in length; (iii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Housing construction lumber" means softwood lumber in the form of flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, shop and lath.

(3) "Hardwood flooring lumber" means Grades 2 and 3a common, of rough Oak, Hard Maple, Beech and Birch in 5/8, 4/4 and 5/4 thicknesses; and Grades 2 and 3 common, of rough Pecan in 5/8, 4/4 and 5/4 thicknesses.

(4) "Residential hardwood flooring" means hardwood flooring of 25/32" thickness or less manufactured from Grades 2 and 3a common Oak, Hard Maple, Beech and Birch and Grades 2 and 3 common of Pecan.

(5) "Millwork" means only sash, windows, doors, interior and exterior frames for foregoing, combination doors and garage doors; storm sash and storm doors; window, sash and door screens; porch columns, louvres and newels; standing interior trim for doors and windows and cased openings; crown, bed, cove, brick, screen, panel, band and cornice mouldings; quarter, half and full rounds; window and door stops; nosing; screen, sash, sill and frame stock; hook strip, corner and glass bead; chair, porch and hand rails; shelf cleat; panel strips; stools and aprons; lattice; drip cap and water table; back bank, cap trim, floor and base moulding; astragals, and baluster stock; mantels; built-in kitchen cabinets, medicine cases, china cabinets, ironing boards and linen closets.

(6) "Sawmill" means: (i) a person operating any mill or plant, stationary or portable, that produces lumber. The term includes a person who has logs manufactured into lumber by a sawmill, except a person who has less than 5,000 feet a quarter of his own logs sawed into lumber for his own use; (ii) a person operating any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of logs and lumber which it receives, into an item which is defined as lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard, even though owned by a sawmill, engaged in either retail or wholesale business and even though it may process, for the servicing of special orders from consumers, more than 25 percent of the lumber it receives.

(7) "Distributor" means any person who buys and stocks millwork or hardwood flooring for resale and lumber for resale as lumber either at wholesale or retail. The term "distributor" also includes any establishment owned or operated by a sawmill where lumber is sold at either wholesale or retail. A distributor who has two or more distinct and separate yards must for the purpose of this order, consider each yard a "distributor".

(8) "Hardwood flooring manufacturer" means a person that produces kiln dried end matched hardwood flooring or 5/16" strip flooring. However, the term does not include a person who has lumber manufactured into flooring on a custom basis.

(9) "Cut-stock manufacturer" means a person who supplies from his production plant stock surfaced 2-sides, cut to approximate net sizes for the manufacture of doors, sash, check rail and plane rail windows, exterior frames and inside jambs. Cut-stock for doors, windows and sash consists of stock cut to approximate net sizes S2S and not further machined for stiles, rails, bars, muntins, meeting rails and facings for door stiles. Cut-stock for frame parts consists of stock cut to approximate net sizes S2S and not further machined for pulley stiles, blind and parting stops, outside casings, sills, drip cap and brick mould.

(10) "Certified order" is any order for the delivery of lumber bearing the certificate described in paragraph (1).

SAWMILLS

(c) *Sawmill reserve production.* The following provisions govern the amount of housing construction lumber and hardwood flooring lumber, sawmills shall produce and reserve for certified and rated orders:

(1) *Softwoods.* (i) Each sawmill shall manufacture at least 50% of his monthly production of softwood in the form of housing construction lumber which shall be reserved for shipment on certified or rated orders. A sawmill may not include in his total production logs custom sawed for another person. Such other person, if a sawmill as defined in paragraph (b) (6) above is subject to this order.

(ii) Every sawmill must hold his reserve of housing construction lumber, including all 8/4 and thinner Western Pine shop including No. 3 clears and Fir shop produced, until the last day of the month following the month in which produced, for delivery on certified or rated orders. A sawmill's production of shop grades of Western Pine and Fir must be held for shipment only on certified orders from millwork manufacturers, cut-stock manufacturers or suppliers of millwork and cut-stock manufacturers. The order of precedence for filling certified and rated orders is given in paragraph (m) (1) below. When a sawmill has accepted certified or rated orders for housing construction lumber to the extent of his reserve, he need not accept additional certified or rated orders (except AAA) for housing construction lumber produced in that month. A sawmill, however, may not accept for delivery in any month orders rated MM for housing construction lumber for more than 10 percent of his reserve production of housing construction lumber for that month. Appeals for release of reserve production from the holding provisions of this paragraph will be granted only on showing of exceptional and unusual hardship. All such appeals should be filed under paragraph (m) (7) and not later than the 15th day of the month following the month in which produced.

(2) *Hardwoods.* (i) Each sawmill shall in each month manufacture that portion of all Oak and Hard Maple logs that will produce the standard Grades of 2 and 3a common lumber and that portion of all Pecan logs that will produce the standard Grades of 2 and 3 common lumber in thicknesses of 5/8, 4/4 and 5/4 which shall be reserved for shipment on AAA rated orders or certified orders from hardwood flooring manufacturers.

(ii) Each sawmill shall in each month manufacture at least 25 percent of that portion of all Beech and Birch logs that will produce the standard Grades of 2 and 3a common lumber in thicknesses of 5/8, 4/4 and 5/4 which shall be reserved for shipment on AAA rated orders or certified orders from hardwood flooring manufacturers.

(3) *Seasoning.* Where it is the customary practice of a sawmill to season lumber by air drying, and the lumber is properly piled for seasoning and carried in inventory for this purpose, such lumber will not be considered as produced until seasoned for the customary period.

(4) *Free movement between sawmills.* This order does not prevent the free movement of softwood or hardwood lumber between sawmills. However, a sawmill that delivers all or any part of his lumber to another sawmill must still manufacture the percentage required of his softwood or hardwood production into housing construction lumber or hardwood flooring lumber. A sawmill receiving housing construction lumber or hardwood flooring lumber from another sawmill must hold such lumber for sale on certified or rated orders in addition to his own reserve production. A sawmill delivering housing construction lumber or hardwood flooring lumber to another sawmill may credit against his reserve production the amount of housing construction lumber or hardwood flooring lumber so delivered.

(5) *Orders must be accepted or rejected promptly.* A sawmill must accept or reject certified or rated orders, in writing within 5 days of receipt. Reasons for rejection of a certified or rated order must be stated.

DISTRIBUTORS

(d) *Distributors.* The following provisions tell how distributors may place certified orders for housing construction lumber and how lumber so obtained may be sold:

(1) Any distributor may place certified orders for delivery each month for housing construction lumber with his supplier for one of the following amounts, whichever is greater: (i) an amount of housing construction lumber not exceeding 5 percent of the amount in footage of his inventory of all softwood lumber as of January 1, 1942, or (ii) two carloads of housing construction lumber in any calendar quarter at the rate of not more than one carload in any month of the quarter, or (iii) 133⅓ percent of the amount of housing construction lumber called for by certified or rated orders accepted by the distributor for delivery in the month in which delivery is requested of the sawmill but not in excess of 13 percent of the distributor's inventory in footage of softwood lumber on January 1, 1942.

(2) Every distributor placing certified orders for more than two carloads a quarter or importing more than two carloads of housing construction lumber a quarter, must reserve until the end of the month following receipt, 75 percent of all housing construction lumber received on certified orders and 75 percent of all housing construction lumber he imports, for delivery only on certified and rated orders. Thus, lumber received on certified orders or imported in October must be held for certified and rated orders until the last day of November.

(3) Every distributor placing certified orders for two carloads or less a quarter or importing two carloads or less of housing construction lumber a quarter, must reserve until the end of the month 75 percent of all housing construction lumber received on certified orders and 75 percent of all housing construction lumber he imports, for delivery only on certified and rated orders.

(4) Every distributor must include in the 75 percent reserved all Western Pine shop including No. 3 clears and Fir shop lumber for sale only to millwork and cut-stock manufacturers or their suppliers on certified or rated orders. A distributor, however, may not accept for delivery in any month orders rated MM for more than 10 percent of the housing construction lumber reserved in that month.

(5) A distributor may not use a rating (except AAA) to get housing construction lumber from a supplier to fill rated orders for housing construction lumber, and he may not use a rating (except AAA) to replace in inventory housing construction lumber delivered from inventory on rated orders.

(6) A distributor who has received a rated order for millwork or residential hardwood flooring may extend the rating to his suppliers to get millwork or residential hardwood flooring which he will deliver on that order. If a distributor has made delivery of millwork or residential hardwood flooring on a rated order, he may extend the rating to his suppliers to replace it in his inventory subject to applicable inventory regulations.

OFFICE WHOLESALER

(e) *Office wholesaler.* An office wholesaler who buys lumber for resale without stocking it, receiving certified or rated orders for housing construction lumber, hardwood flooring lumber, millwork or residential hardwood flooring, may place certified orders with, or may extend the rating to, his supplier for direct mill shipment on such orders in not less than carload lots in an amount not in excess of the amount called for by the certified or rated orders which he has received. Certified orders for Western Pine shop including No. 3 clears or Fir shop may be placed for delivery only to millwork and cut-stock manufacturers.

MILLWORK AND CUT-STOCK MANUFACTURERS

(f) *Millwork and cut-stock manufacturers.* The following provisions tell how millwork and cut-stock manufacturers may place certified orders for housing construction lumber and how such lumber shall be used, and the millwork and cut-stock sold:

(1) Any millwork or cut-stock manufacturer may place certified orders for delivery in each month for housing construction lumber or cut-stock for an amount in footage not exceeding 11 percent of the amount in footage of softwood lumber consumed by him in the manufacture of millwork or cut-stock in the year 1940.

(2) A millwork manufacturer must use all housing construction lumber or cut-stock received on certified orders for the manufacture of millwork. Every millwork manufacturer must reserve 85 percent of the millwork so manufactured in any month for delivery only on certified or rated orders. However, he may not accept for delivery in any month orders rated MM for more than 10 percent of the quantity reserved in any one month.

(3) A cut-stock manufacturer must use all housing construction lumber received on certified orders for the manufacture of cut-stock. Every cut-stock manufacturer must reserve the cut-stock so manufactured for delivery only on AAA or certified orders from millwork manufacturers or their suppliers.

(4) A millwork manufacturer placing certified orders under paragraph (f) (1) above for delivery of housing construction lumber, or cut-stock, who receives a rated order (except AAA) for millwork, may not extend the rating to a supplier to get housing construction lumber.

(5) A person not authorized as a millwork manufacturer to place certified orders under paragraph (f) (1) above, who receives rated orders for millwork, may extend the rating to his supplier, except to a sawmill, to get housing construction lumber to be incorporated in the millwork which he will deliver on that order, subject to the applicable inventory regulations.

HARDWOOD FLOORING MANUFACTURERS

(g) *Hardwood flooring manufacturers.* The following provisions tell how hardwood flooring manufacturers may place certified orders for hardwood flooring lumber and how such lumber shall be used and the hardwood flooring sold:

(1) Hardwood flooring manufacturers may place certified orders for delivery each month for an amount not to exceed 10 percent of the amount of hardwood flooring lumber consumed in the manufacture of hardwood flooring in the year 1940.

(2) A hardwood flooring manufacturer shall use the hardwood flooring lumber he receives on certified orders for the manufacture of hardwood flooring. Every hardwood flooring manufacturer must reserve all residential hardwood flooring for delivery only on AAA, MM, or HH rated or certified orders. The MM rated order to be eligible must contain a statement that the hardwood flooring is to be used for Veterans, Army or Navy hospitals.

(3) Hardwood flooring manufacturers receiving rated orders for hardwood flooring may not extend the ratings (except AAA) to a supplier to get hardwood flooring lumber.

(4) HH rated or certified orders may not be used by anybody to obtain any hardwood flooring except residential hardwood flooring

BUILDERS

(h) *Builders.* A builder (applicant) or a general contractor authorized by such builder to use the HH rating for the whole job, but not a subcontractor authorized to use the HH rating for part of the job, may place HH rated orders for housing construction lumber with a distributor, or, for not less than carload lots, with a sawmill or an office wholesaler. He may place such orders for an

amount in footage not in excess of the total lumber required to meet his construction schedule for housing for which he has received priorities assistance. Rated orders may be placed with a sawmill only to the extent that other rated orders have not been placed with distributors for authorized amounts. The builder or his general contractor must order, accept delivery of and use the housing construction lumber in conformity with PR–33 and HEPR–5.

PREFABBICATORS AND HOUSE TRAILER MANUFACTURERS

(i) *Prefabricators and house trailer manufacturers.* The following provisions tell how a prefabricator or a house trailer manufacturer may place certified orders for authorized quantities of all or some of the materials covered by this order.

(1) A prefabricator or a house trailer manufacturer may place certified orders for housing construction lumber and millwork. A prefabricator, but not a house trailer manufacturer, may place certified orders for residential hardwood flooring. Such persons may place certified orders for amounts not in excess of the amounts authorized, for their quarterly production schedules on Form NHA–14–53 or CPA–4415 (for prefabricators) or Form NHA–14–44 (for house trailer manufacturers). A prefabricator or house trailer manufacturer must order, accept delivery of, and use the housing construction lumber, millwork and residential hardwood flooring in accordance with the provisions of Directions 8 and 13 to Priorities Regulation 33.

(2) A prefabricator or house trailer manufacturer may not apply or extend an HH rating for housing construction lumber, millwork or hardwood flooring.

INTEGRATED OPERATIONS

(j) *Integrated operations.* A person having integrated operations which are subject to this order must treat each operation as a separate unit. Each unit must conform to all the applicable provisions of this order.

NEWCOMERS

(k) *Newcomers.* Any person not a distributor or a millwork, cut-stock or hardwood flooring manufacturer during the base period applicable to such persons, who wants permission to place certified orders for housing construction lumber or hardwood flooring lumber, may apply to CPA by letter in duplicate stating how much housing construction lumber or hardwood flooring lumber he needs each month, proximity of his place of business to similar businesses, and any other information to help the CPA decide what amount of housing construction lumber or hardwood flooring lumber is needed by him to engage in business. Such application will be processed in an equitable manner.

CERTIFICATION ON ORDERS

(l) *Certification on orders.* (1) To certify an order the following certificate must be endorsed on or attached to the purchase order, sales ticket or other delivery orders:

"The undersigned certifies to the supplier and to the Civilian Production Administration that he is a_____and that the quantities of_____covered by this order (together with the quantities called for by all other certified orders placed with this or other suppliers for the particular material for delivery in the month specified in this order) do not exceed the amount permitted under Limitation Order L–359 with the provisions of which he is familiar.

Date_____ _____
Signature

_____
Serial Number

(2) Certificates must be signed manually or as explained in Priorities Regulation 7. However, the standard form described in that regulation may not be used in place of certificate described in this order. The certification required by this order may not be waived under paragraph (f) of Priorities Regulation 7. The Serial Number must be inserted by persons holding authorizations on Form CPA–4386, Form CPA–4415, Form NHA–14–53. Form NHA–14–56, or on Form NHA–14–44 in the place provided in the certificate. Orders placed verbally must be confirmed immediately and the confirmation must bear the appropriate certificate.

MISCELLANEOUS

(m) The following provisions generally affect all persons operating under this order and should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this order shall be subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 except as modified in this order. The order of precedence is (subject to any provisions limiting the quantity of orders that need be accepted) as follows:

(i) At sawmill; (i) AAA: (ii) MM; (iii) certified; (iv) CC and HH;

(ii) At a supplier other than a sawmill; (i) AAA; (ii) MM; (iii) CC, HH, and certified orders which are all three of equal value.

(2) *Extension of preference ratings.* For the purpose of this order the extendibility or ratings (except AAA) is governed by paragraphs (d), (e), (f), (g), (h) and (i) which rules supersede paragraphs (d) and (d–1) of Priorities Regulation 3. A person extending a rating must use the certificate required in that regulation.

(3) *Applicability of regulations.* Except as otherwise required by this order, Priorities Regulation 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this order.

(4) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States 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 priorities control and may be deprived of priorities assistance.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency designated by the Civilian Production Administration such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Directives.* The Civilian Production Administration may issue directives requiring sawmills, millwork manufacturers, cut-stock manufacturers or hardwood flooring manufacturers or distributors to set aside specific quantities or percentages of production or shipment for persons placing certified or rated orders. CPA may also allocate production or shipment to specified persons for specified uses, and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any persons of particular items of lumber, millwork, cut-stock or hardwood flooring. Directives according to their terms may take precedence over rated or certified orders. They may be issued for the satisfaction of Veterans' Emergency Housing Program and other essential requirements, and in order to carry out more fully the purposes of this order.

(7) *Appeals.* An appeal from the provisions of this order should be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington, 25, D. C., Ref: L–359, or to the Civilian Production Administration, Portland, Oregon, Ref: L–359, when made by persons in the States of Washington, Oregon, California, Idaho, Wyoming, Montana, Nevada, Utah, Colorado, Arizona, New Mexico or South Dakota, stating the particular provision appealed from and stating fully the grounds for the appeal.

(8) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(9) *Effective date.* This order shall become effective November 1, 1946.

Issued this 18th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Revoked 3-31-47.

OBSOLETE

L-359

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

JAN. 28, 1947
[As Amended]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Limitation Order L-359, as Amended Jan. 28, 1947]

LUMBER, HARDWOOD FLOORING AND MILLWORK

There is a shortage in the supply of lumber, hardwood flooring and millwork for defense, for private account and for export. Lumber, millwork and hardwood flooring are necessary for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings, and special priorities for the deliveries of lumber, millwork, and hardwood flooring for these purposes are established in Schedule A to Priorities Regulation 33. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 3285.153 *Limitation Order L-359*—(a) *What this order does.* This order provides that sawmills shall produce a percentage of their total production of softwood lumber in housing construction lumber. It applies to all sawmills and to lumber suppliers, manufacturers of millwork, hardwood flooring and house trailers, prefabricators and builders and other consumers who have been assigned priorities assistance. Rated orders must be accepted and filled as provided in Priorities Regulation 1. However, a ceiling is provided for rated orders and the filling of unrated orders is permitted where the filling of such orders will not interfere with the filling of rated orders.

Definitions

(b) *Definitions for the purpose of this order.*

(1) "Lumber" means any sawed lumber of any species, size, or grade, including rough, surfaced on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except (i) shingles, slabs and round edge lumber; (ii) mine and railway cross ties nine feet or less in length; (iii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Housing construction lumber" means softwood lumber in the form of flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, shop and lath.

(3) "Hardwood flooring lumber" means Grades 2 and 3a common, of rough Oak, Hard Maple, Beech and Birch in 5/8, 4/4 and 5/4 thicknesses; and Grades 2 and 3 common, of rough Pecan in 5/8, 4/4 and 5/4 thicknesses.

(4) "Millwork" means only sash, windows, doors, interior and exterior frames for the foregoing, combination doors and garage doors; storm sash and storm doors; window, sash and door screens; porch columns, louvres and newels; standing interior trim for doors and windows and cased openings; crown, bed, cove, brick, screen, panel, band and cornice mouldings; quarter, half and full rounds; window and door steps; nosing; screen, sash, sill and frame stock; hook strip, corner and glass bead; chair, porch and hand rails; shelf cleat; panel strips; stools and aprons; lattice; drip cap and water table; back bank, cap trim, floor and base moulding; astragals, and baluster stock; mantels; built-in kitchen cabinets, medicine cases, china cabinets, ironing boards and linen closets.

(5) "Sawmill" means: (i) a person operating any mill or plant, stationary or portable, that produces lumber. The term includes a person who has logs manufactured into lumber by a sawmill, except a person who has less than 5,000 feet a quarter of his own logs sawed into lumber for his own use; (ii) a person operating any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of logs and lumber which it receives, into an item which is defined as lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard, even though owned by a sawmill, engaged in either retail or wholesale business and even though it may process, for the servicing of special orders from consumers, more than 25 percent of the lumber it receives.

(6) "Distributor" means any person who buys and stocks millwork or hardwood flooring for resale and lumber for resale as lumber either at wholesale or retail. The term "distributor" also includes any establishment owned or operated by a sawmill where lumber is sold at either wholesale or retail. A distributor who has two or more distinct and separate yards must for the purpose of this order, consider each yard a "distributor".

(7) "Cut-stock manufacturer" means a person who supplies from his production plant stock surfaced 2-sides, cut to approximate net sizes for the manufacture of doors, sash, check rail and plane rail windows, exterior frames and inside jambs. Cut-stock for doors, windows and sash consists of stock cut to approximate net sizes S2S and not further machined for stiles, rails, bars, muntins, meeting rails and facings for door stiles. Cut-stock for frame parts consists of stock cut to approximate net sizes S2S and not further machined for pulley stiles, blind and parting stops, outside casings, sills, drip cap and brick mould.

Sawmills

(c) *Sawmills*—(1) *Softwood lumber.* Each sawmill shall manufacture at least 50% of its total monthly production of softwood lumber in the form of housing construction lumber. 85% of all 8/4 and thinner Douglas Fir shop and Western Pine shop including No. 3 clears must be sold only to millwork and cut-stock manufacturers or to persons who certify in writing they will sell to millwork or cut-stock manufacturers. A sawmill need not accept or fill rated orders for more than 50% of its total production of softwood lumber in any month. It may not fill MM rated orders for more than 5% of its total production of softwood lumber in any month.

(2) *Hardwood lumber.* Each sawmill shall sell only to hardwood flooring manufacturers, or to persons who certify in writing they will sell to hardwood flooring manufacturers, all the hardwood flooring lumber it produces.

(3) *Seasoning.* Where it is the customary practice of a sawmill to season lumber by air drying, and the lumber is properly piled for seasoning and carried in inventory for this purpose, such lumber will not be considered as produced until seasoned for the customary period.

(4) *Orders must be accepted or rejected promptly.* A sawmill must accept or reject rated orders in writing within 5 days of receipt. Reasons for rejection of a rated order must be stated.

Distributors

(d) *Distributors.* (1) A distributor is authorized to apply an HH rating on orders for delivery each quarter for housing construction lumber for the greater of the following amounts:

(i) an amount of housing construction lumber not exceeding 15% of the amount of footage in inventory of all softwood lumber as of January 1, 1942, or

(ii) two carloads of housing construction lumber at the rate of not more than one carload in any month of the quarter.

Distributors who apply a rating under (i) or (ii) above must use the certificate provided in paragraph (i) below.

(2) Instead of applying an HH rating as provided in paragraph (d) (1) above, a distributor may in any quarter extend HH ratings for the amount of housing construction lumber which he will deliver or has delivered on HH rated orders accepted by him for delivery in that quarter. Rated orders placed with a distributor before October 1, 1946, may not be extended.

(3) A distributor must sell only to millwork or cut-stock manufacturers, or persons who certify that they will sell only to millwork or cut-stock manufacturers, 85% of all 8/4 and thinner Douglas Fir shop and Western Pine shop including No. 3 clears received in any quarter on unrated orders.

(4) A distributor need not use more than 50 percent of the softwood lumber received in any quarter on HH rated orders placed under paragraph (d) (1) (i) or (ii) to fill rated orders.

(5) A distributor need not use more than 50 percent of the lumber he receives in any quarter on unrated orders to fill rated orders.

(6) A distributor may not fill MM rated orders for more than 10 percent of

his total receipts in any quarter of softwood lumber.

(7) A distributor may extend HH ratings for the amount of millwork or hardwood flooring which he will deliver or has delivered on HH rated orders.

Millwork and Cut-Stock Manufacturers

(e) *Millwork and cut-stock manufacturers*—(1) *Extension of HH ratings.* (i) A millwork or cut-stock manufacturer who receives HH rated orders may extend the HH rating to his supplier for the housing construction lumber or cut-stock to be incorporated or used in the millwork or cut-stock to be delivered on HH rated orders.

(ii) Where a millwork or cut-stock manufacturer has already delivered millwork or cut stock on an HH rated order, he may extend the rating for the amount of housing construction lumber or cut-stock he used in the manufacture of the millwork or cut-stock delivered on the HH rated order.

(2) A millwork manufacturer need not accept or fill rated orders for millwork manufactured from lumber received on unrated orders.

Hardwood Flooring Manufacturers

(f) *Hardwood flooring manufacturers*—(1) *Extension of ratings.* (i) A hardwood flooring manufacturer who receives HH rated orders may extend the HH rating to his supplier for the hardwood flooring lumber to be incorporated or used in the hardwood flooring to be delivered on HH rated orders.

(ii) Where a hardwood flooring manufacturer has already delivered hardwood flooring on HH rated orders, he may extend the HH rating for the amount of hardwood flooring lumber he used in the manufacture of the hardwood flooring delivered on HH rated orders.

(2) A hardwood flooring manufacturer need not accept or fill rated orders for hardwood flooring manufactured from hardwood flooring lumber received on unrated orders.

Builders and Prefabricators

(g) *Builders and prefabricators.* A builder or prefabricator may place HH rated orders for a quantity of housing construction lumber, millwork or hardwood flooring for which he has received priorities assistance. While Schedule A to Priorities Regulation 33 lists residential hardwood flooring only, HH ratings may be used by the above persons to obtain any suitable hardwood flooring. A builder or prefabricator placing an HH rated order should use the certificate provided in paragraph (i) of Schedule A to Priorities Regulation 33.

Integrated Operations

(h) *Integrated operations.* A person having integrated operations which are subject to this order must treat each operation as a separate unit. Each unit must conform to all the applicable provisions of this order.

Certificate for Application of Rating by Distributors

(i) *Certificate for application of rating by distributors.* (1) A distributor applying an HH rating to an order for housing construction lumber under paragraph (d) (1) (i) or (ii) must endorse on or attach to the purchase order, sales ticket or other delivery orders, the following certificate:

VETERANS' EMERGENCY HOUSING PROGRAM

I certify to the U. S. Government that HH rating has been assigned for the materials covered by this order. The quantities covered by this order (together with the quantities called for by all other rated HH or certified orders placed with this or other suppliers for softwood lumber for delivery in the quarter specified in this order) do not exceed the amount permitted under Limitation Order L–359 with the provisions of which I am familiar.

Date ---------- ----------
(Signature)
(Distributor).

(2) The certificate must be signed manually or as explained in Priorities Regulation 7. However, the standard form described in that regulation may not be used in place of certificate described in this order. The certification required by this order may not be waived under paragraph (f) of Priorities Regulation 7.

NOTE: Present paragraph (j) added and former paragraph (j) redesignated (k) Jan. 28, 1947.

Office Wholesaler

(j) *Office wholesaler.* An office wholesaler who buys housing construction lumber, hardwood flooring lumber, millwork or hardwood flooring for resale without stocking it, may extend an HH rating to his supplier, for direct mill shipment of such orders in not less than carload lots, in an amount not in excess of the amount called for by the rated orders which he has received.

Miscellaneous

(k) The following provisions generally affect all persons operating under this order and should be carefully read:

(1) *Extension of ratings.* Rules for extendibility of HH ratings are set out in paragraph (d), (e), (f) and (j). The extendibility of all other ratings is governed by the rules of Priorities Regulation 3.

(2) *Treatment of certified orders.* Any person who before January 1, 1947, has received an order certified under Order L–359, dated October 18, 1946, must treat such order as an HH rated order. Any person authorized to place HH ratings under this order must reduce the quantity of lumber for which he places HH ratings by the quantity of his unfilled certified orders for lumber on January 1, 1947.

(3) *Applicability of regulations.* Except as otherwise required by this order, Priorities Regulations 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this order.

(4) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States 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 priorities control and may be deprived of priorities assistance.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency designated by the Civilian Production Administration such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Directives.* The Civilian Production Administration may issue directives requiring sawmills, millwork manufacturers, cut-stock manufacturers or hardwood flooring manufacturers or distributors to set aside specific quantities or percentages of production or shipment for persons placing rated orders. CPA may also allocate production or shipment to specified persons for specified uses, and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any persons of particular items of lumber, millwork, cut-stock or hardwood flooring. Directives according to their terms may take precedence over rated orders. They may be issued for the satisfaction of Veterans' Emergency Housing Program and other essential requirements, and in order to carry out more fully the purposes of this order.

(7) *Appeals.* An appeal from the provisions of this order should be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: L–359, or to the Civilian Production Administration, Portland, Oregon, Ref.: L–359, when made by persons in the states of Washington, Oregon, California, Idaho, Wyoming, Montana, Nevada, Utah, Colorado, Arizona, New Mexico, or South Dakota, stating the particular provision appealed from and stating fully the grounds for the appeal.

(8) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(9) [Deleted Jan. 28, 1947.]

Issued this 28th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART I

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PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R–1, as Amended, Mar. 1, 1946]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of natural rubber and other materials entering into the production of rubber products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

Sec.

4600.01 Definitions of certain terms.

GENERAL RESTRICTIONS ON CONSUMPTION OF RAW MATERIALS

4600.02 Authorized consumption.
4600.03 Permitted uses.

PURCHASE PROCEDURE

4600.04 Purchase requests for natural rubber, natural rubber latex, butyl or chlorinated natural rubber

DELIVERIES, INVENTORIES, AND IMPORTATION

4600.05 Restrictions on delivery of materials.
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MISCELLANEOUS

4600.12 Reports.
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Appendix I—General permitted uses of raw materials and permitted products. (No longer printed separately but printed at the end of this order).
Appendix II—Manufacturing regulations. (Printed separately).
Appendix III—Revoked May 30, 1945.
Appendix IV—Tire Allotment Plan. Revoked September 7, 1945.
Appendix V—Sorting and packing of scrap tire parts. [Revoked Dec. 27, 1945.]

Purpose of this order. Rubber Order R–1 embraces the Civilian Production Administration regulations covering the acquisition and consumption of raw materials, purchase procedure, delivery and importation, and special regulations covering the acquisition of tires and tubes for original equipment and for replacement.

Appendix I, which is printed at the foot of Order R–1, establishes general permitted uses for raw materials and special restrictions or provisions for the use of raw materials in the manufacture of specified products.

Appendix II, which is printed separately, establishes manufacturing regulations for various end products set out in lists applicable to the particular product.

DEFINITIONS

§ 4600.01 *Definition of certain terms.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber including guayule and natural rubber latex. It does not mean or include reclaimed rubber, scrap rubber, balata, chilte, gutta-percha, gutta siak, gutta jelutong or pontianac.

(b) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(c) "Reclaimed rubber" means any vulcanizable material derived from the processing or treatment of scrap rubber, but excluding reclaimed residue or "mud" Reclaimed residue or "mud" means dried and recovered sludge consisting of a mixture of partially hydrolyzed cellulose, finely divided rubber and other waste products of the digester process of reclaiming rubber.

(d) "Scrap rubber" means any material which results from or is incident to the processing of rubber or synthetic rubber in the manufacture or repair of any product including any unvulcanized scrap rubber containing fabric and any defectively processed materials or products which are not usable for a purpose for which they are designed. The term also means any finished product or part thereof made in whole or in part from rubber or synthetic rubber which through wear, deterioration or obsolescence has served its purpose in its present state.

The term does not include (1) a pneumatic tire or tire casing which can be made serviceable under present limited operating conditions for a use for which it was designed, by means of a temporary or permanent repair or by retreading or recapping in accordance with recorganized commercial practice, *Provided*, that pneumatic tires designated by the United States Army as "C–2" tires or designated by the United States Navy as "A" tires, and sold under the warranty that they will be used only as scrap, are designated for the purpose of this Rubber Order as scrap and may only be used as such; (2) any other product which is still usable for a primary purpose for which it was designed; (3) any residual piece of uncured tire cord friction (cord end) which is of sufficient size to be usable as new material in the manufacture of tire patches or in the repair of tires.

(e) "Synthetic rubber" includes Neoprene (all types including latex), Butyl (GR–I) all grades; all Butadiene polymer and copolymer types including latex, including but not limited to GR–S types, such as Hycar OS and Styraloy; and all Butadiene-Acrylonitrile types, such as Hycar, Perbunan, Chemigum, Butaprene, Thiokol RD and GR–A.

(f) "Tube butyl" means specification GR–I and GR–I–50P; non-tube butyl means all other types of butyl except butyl plant clean-up material.

(g) "Chlorinated natural rubber" means the reaction product of chlorine and natural rubber.

(h) "Consume" means to fabricate, process, stamp, cut or in any manner make any substantial change in the form, shape or chemical composition of natural rubber, natural rubber latex, synthetic rubber, or reclaimed rubber.

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

GENERAL RESTRICTIONS ON CONSUMPTION OF RAW MATERIALS

§ 4600.02 *Authorized consumption.* No person shall consume any of the following materials for permitted uses without first obtaining authorization to do so from the Civilian Production Administration on Form CPA–3662.

Natural rubber.
Natural rubber latex.
Butyl.
Chlorinated natural rubber.

No person shall consume in any one calendar month, any materials listed above except in the amounts and for the purposes authorized on Form CPA–3662 and in accordance with applicable manufacturing regulations specified in Appendix II, and except as provided in § 4600.11 below. In addition these materials may be consumed for experimental use without authorization to the extent permitted in Appendix I. However, the use of natural rubber or natural rubber latex for experimental manufacture of cements of any types is not permitted.

Applications for authority to consume any of the materials listed above must be made by filing Form CPA–3662 for each calendar month, with the Rubber Division, Civilian Production Administration, Washington 25, D. C. Applica-

tions on Form CPA–3662 to use these materials in any one month must be filed not later than the 10th day of the preceding month.

Chlorinated natural rubber. Chlorinated natural rubber may be used for bonding rubber (including natural rubber, synthetic rubber and reclaimed) to metal in the manufacture of rubber products which are to be vulcanized. For products containing natural rubber, such usage must be within the maximum percentage specified or the ceiling limits applicable to the end product named. All applications for permission to consume chlorinated natural rubber for such purpose and for any other purpose must be made on Form CPA–3662 (formerly WPB–3662) in accordance with the instructions accompanying the form.

Butyl plant clean-up material. Any person may consume butyl plant clean-up material in the manufacture of any product without specific authorization from the Civilian Production Administration.

Cements for manufacture of new shoes. Natural rubber may be allotted for periods of three months to shoe manufacturers whose operations are covered by CPA Conservation Order M–217, in accordance with § 4600.11 below.

§ 4600.03 *Permitted uses.* No person shall use natural rubber, natural rubber latex, butyl or chlorinated natural rubber, except as provided for in Tables A and B of Appendix I, subject to the applicable manufacturing regulations of this order including those contained in Appendix II to this order.

PURCHASE PROCEDURE

§ 4600.04 *Purchase requests for natural rubber, natural rubber latex, butyl or chlorinated natural rubber.* (a) Purchase requests for natural rubber, natural rubber latex and butyl must be made on Form CPA–3682 in accordance with instructions accompanying the form. Purchase requests for all types of Government-manufactured synthetic rubber, except butyl, should be made to the Sales Division, Office of Rubber Reserve, Reconstruction Finance Corporation, Washington 25, D. C., in accordance with the regulations of the Office of Rubber Reserve.

Authorized consumers of chlorinated natural rubber and any consumer of synthetic rubber which is privately produced may purchase directly from the producer subject to the inventory restrictions of § 4600.06.

Material purchased, the consumption of which is subject to authorization on Form CPA–3662, may be consumed only to the extent authorized on Form CPA–3662 in any one calendar month and in accordance with applicable manufacturing regulations.

For purchases of material for experimental use, see Appendix I, below.

Purchase requests for Butyl plant clean up material shall be made on Form CPA–3682 in accordance with instructions accompanying the form. Butyl plant clean-up material must be specified on the form.

(b) *Preference ratings* Natural rubber, natural rubber latex, butyl and chlorinated natural rubber may be sold and delivered without regard to any preference ratings. Any preference rating purporting to be applied or extended to orders for such materials shall be void and of no effect and must be disregarded.

DELIVERIES, INVENTORIES AND IMPORTATION

§ 4600.05 *Restrictions on deliveries of materials.* No person shall deliver any natural rubber, natural rubber latex, butyl or chlorinated natural rubber except as specifically authorized by the Civilian Production Administration or as permitted by regulations of the Office of Rubber Reserve. Delivery of these raw materials will be authorized only for uses permitted by Table A and for products specified in Table B both of Appendix I below; delivery of all other raw rubber materials shall be subject only to the inventory restrictions contained in § 4600.06, below; the poundage authorized will take into account the consumption capacity of the applicant and his reports of actual consumption received monthly on Form CPA–3410; in no event will the amounts authorized exceed the inventory restrictions specified in § 4600.06, below. Nothing contained in this section shall be deemed to prohibit:

(a) Delivery of natural rubber, natural rubber latex, butyl or chlorinated natural rubber from one location to another location controlled by the same person where no change of ownership takes place, or by any corporation to another corporation which is its subsidiary or of which it is a subsidiary.

(b) Delivery of reclaimed rubber or any type of synthetic rubber, except butyl. Transfers of these materials must, however, be reported as shipments or receipts on Form CPA–3410 for the calendar month in which the transactions occur.

(c) Any person from accepting delivery from another of natural rubber, natural rubber latex, butyl or chlorinated natural rubber, for the purpose of milling, washing, deresinating, drying, compounding, or conditioning the same, or for processing or manufacturing products therefrom, and thereafter returning the same or the products thereof to such other person.

§ 4600.06 *Restrictions on inventories of materials.* No person, other than the Office of Rubber Reserve, shall accept delivery of any of the following materials, if his inventory is or will by virtue of such acceptance become in excess of an amount reasonably necessary to meet his requirements for the period designated below:

	Days
Natural rubber, natural rubber latex or butyl	60
Reclaimed rubber	45
Chlorinated natural rubber	30

If a holder has an excess inventory, he may ask for the assistance of the Rubber Division, Civilian Production Administration, in its disposal.

A person engaged in the business of reclaiming rubber or manufacturing aqueous dispersions of reclaimed rubber may, however, maintain such inventories of scrap, and of reclaimed rubber of his own manufactured grades, as he deems advisable A person other than the Office of Rubber Reserve engaged in the manufacture of chlorinated rubbers may maintain such inventories of his own manufactured types as he may deem advisable. These exceptions may be made notwithstanding the provisions of this § 4600.06 or of Priorities Regulation No. 32, as amended.

§ 4600.07 *Restrictions on importation of materials.* For the purposes of this section, "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 (including the Philippine Islands). 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 in bond into the continental United States for transshipment to any other foreign country.

No person shall import any natural rubber, natural rubber latex, or any finished or semi-finished product of which 10% or more by weight is composed of natural rubber or natural rubber latex, except as permitted under this section.

The restrictions of this section shall not apply to any of the following:

(a) Any importation by the Office of Rubber Reserve or Rubber Development Corporation, or any agent acting for either of them.

(b) The importation by the United States Army or Navy of any finished product made of natural rubber, natural rubber latex, butyl or chlorinated natural rubber.

(c) The importation of tires for recapping, retreading or repair, provided the tires are thereafter exported to the owners in the foreign country from which the products were imported.

(d) The importation of any finished products made of natural rubber or natural rubber latex by diplomatic representatives of any foreign government for their personal use or the use of members of their staffs.

(e) The importation of any finished product made of natural rubber or natural rubber latex by commercial representatives of any foreign government for use in their official business.

(f) The importation for testing purposes of camelback, or of tires or tubes or sections thereof by any manufacturer of camelback, tires or tubes.

(g) The importation of any scrap rubber.

(h) The importation by any person during any calendar month of products or materials (except tires, tire casings and tire tubes) which contain an aggregate of not more than twenty-five pounds of natural rubber or natural rubber latex provided such products or materials are not imported for the purpose of manufacturing, processing, sale or resale.

(i) The importation by any person of any finished or semi-finished product manufactured in accordance with the provisions of Rubber Order R–1.

(j) Any importation of any finished or semi-finished product in respect to which the importer shall furnish to the Collector of Customs at the port of entry a certificate substantially as follows:

The undersigned hereby certifies subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the products covered by the invoice to which this certificate is attached, as noted therein, are being imported into the United States in accordance with the provisions of § 4600.07 of Civilian Production Administration Rubber Order R–1.

---------- ----------
Date *Signature*

§ 4600.08 *Acquisition of tires and tubes for original equipment*—(a) *Vehicle manufacturer's certificate.* In order to obtain tires and tubes for original equipment a vehicle manufacturer must certify his purchase order in substantially the following form, signed by an authorized official of his company:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in section 35A of the United States Criminal Code, that the tires and tubes listed on the attached purchase order are required by him for mounting only on running wheels of the vehicles or equipment made by him, and that the deliveries specified will not result at any time in an inventory greater than required for his scheduled production in the fifteen (15) days following any delivery date.

Use of the above certification constitutes a representation that the deliveries scheduled will not result in the acquisition of more tires and tubes (including inventory) than are required for the particular manufacturer's production of vehicles or equipment during the 15-day period following each scheduled delivery. In the event of a decrease in the number of tires and tubes actually required, due to work stoppage in the vehicle manufacturer's plant or for any other cause, the vehicle manufacturer shall immediately notify his supplier of the reduction in the requirement, and the scheduled deliveries must be revised accordingly.

(b) *Tires and tubes may not be purchased to provide spares.* A manufacturer of vehicles or other equipment mounted on rubber tires may purchase tires and tubes only for the running wheels of such vehicles and equipment. He shall not purchase tires and tubes for the purpose of providing a spare tire or tube for any such vehicles or equipment.

§ 4600.09 *MM Preference ratings.* MM ratings will be assigned to the delivery of military replacement tires or tubes or both, only upon concurrence of the Civilian Production Administration, according to the regulations governing the assignment of MM ratings specified in WPB Directive 41, as amended.

§ 4600.10 *Directions of the Civilian Production Administration.* With respect to the production or shipment of tires and tubes the Civilian Production Administration may, notwithstanding any other order, preference rating, directive, rule or regulation of the Civilian Production Administration or other Government agency, direct changes in the production or shipments schedule of a producer.

§ 4600.11 *Cement for manufacture of new shoes.* The Civilian Production Administration will issue a nontransferable certificate valid for a period of three months to each manufacturer of new shoes whose operations are covered by CPA Conservation Order M–217. This certificate will specify the quantity in pounds, of natural rubber which each shoe manufacturer will be subsequently authorized to consume, if he manufactures his own rubber cement, or which a rubber cement manufacturer will be subsequently authorized to consume in the manufacture of shoe cement for the account of the shoe manufacturer. The quantity will be based pro rata on his actual production of shoes as reported to the United States Bureau of the Census for the month of October, 1945. If any shoe manufacturer is also a manufacturer of shoe cement he shall, upon receipt of the certificate from the CPA, return it to the CPA attached to Form CPA–3662 requesting authorization to consume natural rubber in the amount specified on the certificate. If the shoe manufacturer is not a manufacturer of shoe cement, he shall forward the certificate to a manufacturer of shoe cement of his own selection. Such manufacturer of shoe cement shall attach the certificate to a request for authorization to consume natural rubber on Form CPA–3662 in the amount specified on the certificate. If any manufacturer of shoe cement receives certificates from more than one shoe manufacturer, he shall forward to the CPA all such certificates with a request on Form CPA–3662 to consume the aggregate amount of natural rubber specified on all the certificates for the period stated.

§ 4600.12 *Reports.* (a) The following persons shall file with the Civilian Production Administration a report on stocks, receipts, consumption, and shipments on Form CPA–3410 in accordance with the instructions accompanying the form:

(1) Each person who during the next preceding month consumed or owned any natural rubber, natural rubber latex, butyl or chlorinated natural rubber.

(2) Each person who during the next preceding month consumed or owned the rubbers listed below, in excess of the following minimums:

	Consumption	Stocks
	Pounds	*Pounds*
Reclaimed rubber	10,000	15,000
GR–S	15,000	30,000
Neoprene	5,000	10,000
Butadiene-Acrylonitrile types	5,000	10,000

This paragraph shall not apply to persons who perform the operations listed in § 4600.05 (c) of this order except that producers of reclaimed rubber shall report their entire production regardless of the ownership of the material consumed.

(b) Each manufacturer of tires and tubes or camelback, shall file a report on his production, shipments and inventory for each calendar month on Form CPA–3438 (formerly WPB–3438) with the Civilian Production Administration, in accordance with the instructions accompanying the form, unless otherwise directed.

(c) Such other reports as may be required, subject to approval by the Bureau of the Budget in accordance with Federal Reports Act of 1942, which are to be filed in accordance with instructions accompanying the forms.

§ 4600.13 *Applicability of regulations.* Except as otherwise provided, this order and all transactions affected thereby are subject to all applicable provisions of Civilian Production Administration Regulations as amended from time to time.

§ 4600.14 *Appeals.* Appeals from any provision of this order shall be made by filing Form CPA–2242 in accordance with the instructions appearing on the form.

§ 4600.15 *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

§ 4600.16 *Communications.* All reports required to be filed under this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Civilian Production Administration, Washington 25, D. C., Ref.: Order R–1.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 1st day of March 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—GENERAL PERMITTED USES OF RAW MATERIALS AND PERMITTED PRODUCTS

Appendix I to Rubber Order R–1 establishes general permitted uses for natural rubber, natural rubber latex, chlorinated natural rubber and butyl, and also lists the products which are permitted to be made from these raw materials.

Table A below lists the general permitted uses for each of these materials and the monthly consumption, if any, permitted for experimental use without prior authorization.

Table B below deals with specific products in which the use of these raw materials is permitted under the general provisions of Table A. It refers, for certain products, to the applicable manufacturing regulations set out in Appendix II to the Rubber Order (printed separately), specifies the percentage of natural rubber, if any, which may be used in the product, as well as the product for which "Tube Butyl" or "Non-Tube Butyl" may be used, and finally, for many of the products on the table special regulations or provisions are provided.

TABLE A—GENERAL PERMITTED USES OF MATERIALS

NOTE: Table and footnote amended Mar. 1, 1946.

Type of material	General permitted uses subject to applicable end product restrictions	Monthly consumption for experimental use without specific authorization [1]
Natural rubber or natural rubber latex.	In the manufacture of products listed in Table B below for which natural rubber or natural rubber latex is specifically permitted, subject to any applicable manufacturing regulations or restrictions, but only as authorized on Form CPA-3662 (formerly WPB-3662).	25 pounds; use for experimentation in manufacture of any type of cements prohibited.
Butyl	In the manufacture of products listed in Table B below for which butyl is specifically permitted, subject to any applicable manufacturing regulations or restrictions, but only as authorized on Form CPA-3662 (formerly WPB-3662).	200 pounds.
Chlorinated natural rubber	As specifically authorized on Form CPA-3662 (formerly WPB-3662).	None

[1] Experimentation need not be confined to permitted uses, but none of the products produced or resulting from experimentation may be sold. Natural rubber and natural rubber latex are not permitted in the experimental manufacture of cements of any type. Materials in the amounts indicated may be diverted from inventory or from purchase for manufacturing operations. If manufacturer does not have inventory of natural rubber or natural rubber latex, application for permission to purchase should be made on Form CPA-3682. Such applications must definitely state that the natural rubber or natural rubber latex is to be used for experimentation and name the end product on which the experiment is to be made. To purchase butyl rubbers for experimental purposes, make applications to Sales Division, Office of Rubber Reserve, Reconstruction Finance Corporation, Washington 25, D. C.

For permission to consume materials for experimental use, in excess of the amounts authorized, file Form CPA-2242, in accordance with § 4600.14 of this order.

TABLE B—PERMITTED PRODUCTS

NOTE: Table amended Mar. 1, 1946.

For general permitted uses of material in the manufacture of products, see Table A above. In applying on Form CPA–3662 (formerly WPB–3662) for those types of material which are subject to prior authorization, use this appendix in accordance with the instructions accompanying the form. The applicant's natural rubber, natural rubber latex, or butyl requirements for each code number listed below, must show the specific quantity of material requested for each subdivision of the code.

Form CPA–3662 (formerly WPB–3662) should not be used in applying for permission to consume any material for a purpose which is not permitted by Appendix I.

Monthly consumption of natural rubber, natural rubber latex or butyl, will be permitted on the basis of uses shown in this appendix, but only to the extent that material and manufacturing facilities are available after requirements for Army, Navy, Maritime Commission and other essential orders have been fulfilled.

Explanation of Table B Columns and Symbols—

The first column shows to what extent natural rubber and/or natural rubber latex authorized on Form CPA–3662 (formerly WPB–3662) may be used in the manufacture of particular products. The second column shows to what extent Tube Butyl or Non-Tube Butyl authorized on Form CPA–3662 (formerly WPB–3662) may be used in the manufacture of particular products.

The natural rubber or butyl column is blank when applicable regulations in Appendix II or special restrictions in the last column limit the use of these materials.

"O" indicates that the use of the material is prohibited, subject to any special restrictions or provisions applicable to the particular product.

"X" indicates that the material may be consumed in the minimum quantities required by a manufacturer who has received authorization to consume on Form CPA–3662 (formerly WPB–3662), subject to any special restrictions or provisions applicable to the particular product.

Percentage figures indicate maximum percent of total volume of compound, unless otherwise specified.

Code No.	Product	Percent natural rubber	Butyl	Special restrictions or provisions
1	Pneumatic tires:			
	Airplane tires		O	See List 12, App. II.
	Bicycle tires		O	See List 8, App. II.
	All other		O	See List 8, App. II.
2	Solid tires:			
	Airplane tires		O	See List 12, App. II.
	Bogie, idler and support rollers		O	See List 8, App. II.
	Pressed on		O	See List 8, App. II.
	Cured on, 4 x 1½ and up		O	See List 8, App. II.
	Lug base industrial (unbonded)		O	See List 8, App. II.
	Tire tubes:			
	Airplane		X	See List 3, App. II.
	Bicycle (including valves)		O	See List 9, App. II.
	All other		X	See List 9, App. II.
4	Tire tube valves and curing bags:			
	Tire tube valves (including repair valves)		X	See List 16, App. II.
	Tire tube valve inside washers	X	X	
	Curing bags		X	See List 2, App. II.
5	Tire Flaps		O	See List 10, App. II.
6	Tire retreading materials:			
	Air bags, full circle, for retreading		X	See List 13, App. II.
	Other		O	See List 13, App. II.
7	Tire and tube repair materials:			
7A	Cements for use in reconditioning of tires and tubes.		O	See List 7, App. II.
7B	Air bags, sectional		X	See List 7, App. II.
7C	Bulk tire repair materials		O	See List 7, App. II.
7D	Tire patches and reliners		O	See List 7, App. II.
7E	Tube patches		O	See List 7, App. II.
8	Tank blocks, treads and band tracks		O	See List 14, App. II.
9	Belting			Belting must be manufactured in accordance with the following regulations: Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials, such as cord or wire, are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, fabric ply construction belt. Color: Black, except where unpackaged food comes in contact with belt, or unless otherwise specified.

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TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Percent natural rubber	Butyl	Special restrictions or provisions
9A	Conveyor and elevator belting:			
	Conveyor and elevator belting and pulley lagging therefor.	25	O	
	Hot material belts	X	O	For operating temperature 200 F. and over.
9B	Miscellaneous belting and related products:			
	Belt splicing and repair material	X	O	
	Conveyor skirting or skirtboard rubber	25	O	
	Cigar machine aprons	25	O	
	Concentrator belts	25	O	
	Escalator handrails	25	O	
	Hatters belts	X	O	
	Hog beater belts	30	O	
	Paper machine aprons	25	O	
	Postal cancellation feed belts	X	O	
	Rubber scrapers for conveyor belts	25	O	
	Screen diaphragms for paper-making equipment.	25	O	
	Special molded conveyor belts	X	O	
	Street sweeper belts	25	O	
9C	Transmission belting:			
	Flat transmission belting			Natural rubber 0.07 lbs. maximum per 1,200 sq. inches per ply permitted. Color of seaming stripe is optional.
	Round transmission belting	12	O	
9D	V-belts		O	Natural rubber or natural rubber latex (12% maximum of total volume of belts) permitted for fractional horsepower and household equipment belts. For all others 18% maximum of total volume of belt permitted.
10	Hose and tubing			When tapered nozzles are built on end of hose, the restrictions for the particular type shall prevail.
10A	Automotive and aircraft hose:			
	Radiator hose		O	Natural rubber permitted in cements only.
10B	Cement hose:			
	Cement and material hose, dry and ice slinger	X	O	
	Cement gun hose	X	O	
	Cement handling, including grouting	X	O	
	Concrete placing	X	O	
10C	Divers' hose	X	O	
10D	Hose and tubing not elsewhere listed	O	O	
10E	Miscellaneous hose and tubing:			
	Acid conducting and acid suction hose	X	X	Butyl permitted, except tube butyl.
	Air and air tool hose, industrial	1.5	O	
	Air line hose for paint spray equipment	1.5	O	
	Alcohol, food and beverage handling hose	X	X	Butyl permitted, except tube butyl.
	Ammonia hose	X	O	
	Arbor pipe forming hose	9	O	
	Chemical engine hose		O	Natural rubber permitted in cements only.
	CO_2 Fire extinguisher hose	5	X	Butyl permitted, except tube butyl.
	Fire hose, cotton rubber lined		O	Maximum natural rubber permitted per 100 feet of hose: Nominal size (inches) 1; Natural rubber (pounds) 1.0 1¼ 1.3 1½ 1.6 2 2.2 2½ 2.8 3 3.0 3½ 4.0 If guayule alone is consumed 20% may be added to the above figures.
	Fire hose, wrapped duck	1.5	O	
	Hydraulic control and industrial grease hose	5	O	
	Industrial mandrel made hose for hose masks as required by Bureau of Mines.	5	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Percent natural rubber	Butyl	Special restrictions or provisions
10E	Miscellaneous hose and tubing—Continued			
	Jetting and hydraulic		O	
	Nitroglycerine hose	X	O	
	Oxygen (not welding) hose	X	O	Aeronautical only.
	Phosphate flexible hose	X	O	
	Rockwood insulation hose		O	Natural rubber permitted in cements only.
	Rotary drilling hose	X	O	
	Sand blast hose	X	O	
	Spray hose, agricultural high pressure	1.5	O	
	Spray hose, paint	1.5	O	
	Tender tank hose	3	O	
	Tubing	0	X	Butyl permitted, except tube butyl.
	Water hose, all sizes		O	Natural rubber permitted in cements only.
	Welding hose	1.5		
10F	Miscellaneous related products:			
	Expansion joints (normally used in rigid lines to absorb thrust on excessive motion or to isolate vibration and/or noise).	X	O	Tube ⅛" maximum on size 8" I. D. and under: 3/16" maximum on size over 8" I. D. Cover: 1/16" maximum all sizes.
	Flanged flexible pipe	X	O	Corrosive and abrasive only.
	Pinch valve	X	O	Corrosive and abrasive only.
	Shaft covering, flexible		O	Natural rubber permitted in cements only.
10G	Railroad hose:			
	Air brake and train air signal hose	1.5	O	
	Air, gas and oxygen hose	1.5	O	
	Steam and hot water hose (but not tender tank hose).	X	X	Butyl permitted, except tube butyl.
	Tender tank hose	3	O	
	Water hose, all sizes		O	Natural rubber permitted in cements only.
10H	Steam hose:			
	Pile drive hose	X	X	Butyl permitted, except tube butyl.
	Steam hose	X	X	Butyl permitted except tube butyl.
10I	Suction hose:			
	Dredging sleeves	X	O	
	Fire engine suction hose, hard	3	O	
	Fire engine suction hose, soft		O	3½" and over—4 lbs. natural rubber per 100 feet.
	Hard rubber suction hose		O	Natural rubber permitted in cements only.
	Oil suction and discharge hose	3	O	
	Rotary slush pump suction hose	X	O	
	Sand suction hose	X	O	
	Water suction hose	3	O	
10J	Vacuum hose:			
	Blower or exhaust hose	X	O	
	Dust collector hose	5	O	
	Industrial vacuum hose		O	
11	Packing and gaskets:			
11A	Packing without fabric or high percentage of fiber:			
	Sheet packing, including cut, extruded, or molded strips, gaskets, packing rings or non-fabric diaphragms, over 45 durometer.		O	5% natural rubber by volume permitted in Thiokol A compounds.
	Sheet packing, including cut, extruded, or molded strips, gaskets, packing rings or non-fabric diaphragms, 45 durometer or under.		O	
11B	Packings with high fiber content:			
	Gaskets, including sheet (generally known as compressed asbestos sheet) from which gaskets may be cut.	5	X	Natural rubber by weight. Butyl permitted, except tube butyl.
	Rod packing (generally known as rubber bonded plastic packing).	5	O	Natural rubber by weight excluding cotton or wire.
11C	Packing with fabric insertion-flat:			
	Gaskets including sheet (generally known as cloth inserted sheet) from which gaskets may be cut.	5	O	
	Piston packing	50	O	
	Diaphragm sheet, including cut diaphragms made from same.	X	X	Butyl permitted. except tube butyl.
	U-rings for hydraulic presses (fabric and non-fabric)	X	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Percent natural rubber	Butyl	Special restrictions or provisions
11D	Packing with fabric insertion made by folding or rolling:			
	Cotton fabric:			
	Frictioned	5	O	
	Spread	1	O	Natural rubber percent of weight of fabric.
	Asbestos fabric	X	O	
11E	Miscellaneous packing	O	O	
11F	Valves and valve parts	----------	O	5% natural rubber permitted in Thiokol "A" compound.
	Pump valves	X	O	For hot water and vacuum feed lines only.
	Soft rubber valves	X	O	45 durometer or under only.
	Steam valves	X	O	
	Valve seats for acetylene and oxygen pressure regulators.	X	O	
11G	Sealing compounds:			
	Sealing compounds for seaming bags and bagging.	O	X	Butyl permitted except tube butyl.
	Compounds designed for sealing cans made of tin-plate, black-plate, or terneplate.	O	X	Butyl permitted except tube butyl.
	Gaskets and compounds for sealing jars, tumblers, cans, drums and pails.	O	X	Butyl permitted except tube butyl.
	Rings and compounds for sealing glass containers.	O	X	Butyl permitted except tube butyl
12	Mechanicals listed in this Code 12:			
12A	Aircraft equipment:			
	Airplane de-icer parts (except propelier hose)	X	O	
	All items with a durometer hardness of 45 or less.	X	O	
	Brake expander tubing	X	O	
	Engine and instrument mountings	X	O	
12B	Automotive and railroad equipment and suspension parts for track laying vehicles:			
	Automobile engine, transmission, and propeller center bearing mountings.	X	O	
	Brake boots	X	O	
	Brake linings, brake blocks, and clutch facings	12	O	
	Bumpers for independent suspension mechanisms.	X	O	
	Hydraulic brake cups	X	O	
	Pitman arm bushings	X	O	
	Radius rod pivot balls	X	O	
	Railroad shock and instrument mounts	X	O	
	Sealed beam gaskets	X	X	Butyl permitted except tube butyl.
	Shock absorber bushings	X	O	
	Sponge weatherstrip and windlace	----------	O	Natural rubber not exceeding 25% RHC permitted.
	Suspension shackle bushings	X	O	
	Tail pipe bushings	X	O	
	Torque arm bushings	X	O	
	Torsional vibration dampers	X	O	
	Vibration insulators and absorbers	X	O	
	Windshield wiper blades	X	O	
12C	Electrical products equipment:			
	Lineman's protective devices including only:			
	Blankets	X	O	
	Cable bandage	X	O	
	Cable and test caps and separators	X	O	
	Insulator hoods	X	O	
	Line hose	X	O	
	Lineman's sleeves	X	O	
	Pressure sensitive vehicle signal controls	5	O	
12D	Hard rubber products:			
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measures, pails, packs and trays.	15	O	
	Bleaching rods	X	O	
	Blown work	X	O	
	Component hard rubber parts of machinery for manufacture and handling of rayon, explosives and corrosive chemicals.	50	O	
	Dye sticks	X	O	
	Filter media	X	O	
	Insulated tools	20	O	
	Jack strips	30	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No	Product	Percent natural rubber	Butyl	Special restrictions or provisions
12D	Hard rubber products—Continued			
	Latex covering (hard rubber) for agitators, baskets, buckets, concave rollers, dippers, drums, fans, frames, fume ducts, funnels, measures, pumps and fittings, racks, screens, trays, valves and valve parts only.	X	O	
	Microporous separators	X	O	
	Pipe	10	O	
	Potentiometer cards	X	O	
	Rod less than ⅛" diameter	25	O	
	Rods diameter ⅛" or more	15	O	
	Sheet for telephone plugs	X	O	
	Sheet 0.040" or less in thickness	X	O	
	Sheets thickness over 0.040 less than 1/16"	50	O	
	Sheets thickness 1/16" or more	30	O	
	Submarine battery jars	43	O	
	Storage batteries (hand wrapped cases only)	25	O	
	Tubing (less than 1/32" wall thickness)	X	O	
	Tubing (wall thickness 1/32" to ⅛" inclusive)	25	O	
	Tubing (wall thickness over ⅛")	15	O	
	Tubular retainers	60	O	
	Water meter parts	10	O	
	X-ray and photographic tanks (hand made only).	25	O	
12E	Industrial equipment:			
	Bladders and diaphragms for shoe manufacture.	X	O	
	Brake linings, brake blocks and clutch facings	12	O	
	Industrial abrasive implements	----------	O	Natural rubber not exceeding 25% of RHC permitted.
	Molds for manufacture of mats	40	O	
	Parts for machinery for manufacture of incandescent and fluorescent lamps and electronic tubes.	X	O	Flexible connections for vacuum and exhaust equipment only.
	Press die pads	X	O	For the manufacture of forming pads to shape metals.
12F	Miscellaneous mechanical goods:			
	Casters and molded wheels	5	O	
	Dam and lock gate seals	X	O	
	Filter media	X	O	
	Flexible couplings (molded)	X	O	
	Gas main bags	X	X	Butyl permitted excep tube butyl.
	Hat forming bags and parts	X	O	
	Labels	X	O	
	Molded diaphragms	X	X	Butyl permitted. except tube butyl.
	Molding or forming bags and pads	X	X	For plywood, safety glass and plastics forming. Butyl permitted. except tube butyl
	Parts for microphones and phonograph pick-ups.	X	O	
	Parts for rayon manufacture. Limited to parts which come in contact with rayon.	X	O	
	Pipe couplings rings designed for couplings, mechanical joints and bell joint clamps, rings, bands, plugs, gaskets, etc., for repair of air, gas, gasoline, water and oil pipelines.	X	O	
	Refrigerator door gaskets	X	X	Butyl permitted, except tube butyl.
	Sand blast stencil sheet	25	O	
	Seals for electrolytic condensers	X	O	
	Shock and instrument mounts	X	O	
	Sifter balls	X	O	For vibrating screens.
	Street car wheel sandwich rings and springs	X	O	
	Treadles and door shoes for subways, trolleys and busses.	5	O	
	Upholstery (chemically blown)	----------	O	Natural rubber not exceeding 20% RHC permitted.
	Vacuum sweeper belts	X	O	
	Vibration dampers (industrial mounts)	X	O	
12G	Oil well supplies including only:			
	Packers (all rubber)	9	O	
	Packers fabric reinforced	20	O	
	Slush pump pistons and liners for fluid packed pumps.	X	O	
	Strippers	X	O	
	Swab rubbers	X	O	
	Testing and cementing	9	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Percent natural rubber	Butyl	Special restrictions or provisions
12G	Oil well supplies including only—Continued			
	Valves and parts	X	O	
	Valve cups	X	O	
12H	Plumbing supplies:			
	Tank balls designed for flush valves	15	O	
12I	Printing rubber products:		O	Natural rubber or natural rubber latex permitted in any printing rubber product as cements only, for mounting purposes and for adhesion to metal.
	Adhesive fabric friction	X	O	
	Engraving rubber friction	9	O	
	Printing rolls		O	2.5% natural rubber by volume permitted for high speed magazine printing rolls.
	Gravure and impression	X	O	
	Rolls to be coated with composition having shore hardness less than 20.	20	O	
	Rubber solution for wetplate negative	X	O	
12J	Rolls and rollers:			
	Paper mill rolls	X	O	
	Rubber covered industrial rolls and roll coverings except suction press.	8	O	
	Textile rolls	X	O	
12K	Rubber protected or lined equipment:			
	Rubber lining (hard or soft) for:			
	Drums and tanks	X	X	Butyl permitted, except tube butyl.
	Pipes and fittings	X	X	Butyl permitted except tube butyl.
	Rubber protected industrial equipment for handling corrosive material and explosives.	X	X	Butyl permitted, except tube butyl.
	Rubber coverings for agitators, blowers, exhausters, pumps, pump lining valves and valve parts.	X	X	Butyl permitted, except tube butyl.
	Rubber linings for centrifugal pumps designed to handle ore concentrates; sand and other highly abrasive materials in suspension; and slurry.	X	X	Butyl permitted, except tube butyl.
	Tank cars and barge tanks (Spec. 1CC-103BW, 103B and AAR-203).	X	X	Tube butyl permitted.
12L	Textile machinery parts:			
	Card clothing	X	O	
	Loop pickers for cotton weaving	9	O	Including harness and strapping.
	Other loop pickers and drop box pickers	25	O	
13	Wire and cable		O	Natural rubber and natural rubber derivatives may be used in the form of cements for use incidental to the manufacture or repair of wire and cable.
13A	Insulation compounds:			
	Compounds for thin wall insulation (20 mils and less).	98	O	
	Compounds for thin wall insulation (1/32" and less) except for telephone drop wire and building wire Type R.	55	O	
	Compounds for use in wet locations	70	O	
	Compounds for heat-resisting insulation for use on copper temperature 60° centigrade and higher.	55	O	
	Compounds for aircraft ignition cable	70	O	
	Compounds for cable insulation for operation above 5000 volts.	70	O	
13B	Insulation material:			
	Compounds for patching and splicing		O	See Code 13C below.
13C	Tapes:			
	Compounds for rubber insulating tape for:			
	D. R. tape	X	X	Butyl permitted, except tube butyl.
	Operating voltages in excess of 3,000 volts	70	O	
	Cables to be used in wet locations	70	O	
	Operation at conducting temperatures of 70° C. or higher.	70	O	
	Repair and splicing purposes in the manufacture of wire and cable.	70	O	
	Splicing compound (E-HH-T111A)		O	7 lbs. natural rubber permitted for 27,000 sq. in.
14	Rubber footwear		O	See List 5, App. II.
15	Heels and soles	O	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Percent natural rubber	Butyl	Special restrictions or provisions
15A	Sheet sponge for shoe products		O	Natural rubber not exceeding 25% RHC permitted.
16	Cements for:			
16A	Shoes:			
	Manufacture	X		Natural rubber permitted in conformity with §4600.11 of Rubber Order R-1 as amended Mar. 1, 1946. Butyl permitted, except tube butyl. Natural rubber latex not permitted.
	Repair	X		Cement to be packed for sale in containers of one gallon maximum capacity. Containers to be marked with manufacturer's or distributor's name and address and be plainly marked: "For shoe repair use only." Natural rubber latex not permitted. Butyl permitted, except tube butyl.
16B	Miscellaneous uses:			
	In the manufacture of any product in Codes 9, 10, 11, 12, 18, 22A and 22C for adhesion, splicing and repair purposes only.	X	X	Butyl permitted. except tube butyl.
	All others	O	X	Butyl permitted. except tube butyl.
17	Proofing, combining or coating of fabric and other materials			
17A	Compounds for the following:			
	Diving equipment	X	X	Butyl permitted except tube butyl.
	Flotation equipment:			
	Life saving belts. vests and jackets	O	X	Butyl permitted. except tube Butyl.
	Airborne life rafts	X	X	Butyl permitted except tube butyl.
17B	Compounds for cements and tapes:			
	Manufacture of occupational and military clothing.	X	X	Butyl permitted. except tube butyl.
	Manufacture of civilian rainwear	X	X	Butyl permitted except tube. butyl.
	All others	O	X	Butyl permitted. except. tube butyl.
17C	Compounds for proofing, combining or coating, for any purpose not elsewhere listed.	O	X	Butyl permitted, except tube butyl.
18	Drug sundries, medical, surgical, dental:			
18A	Adhesive products:			
	Moleskin and medicated plasters	X	X	Butyl permitted, except. tube butyl.
	Pressure sensitive foot products	X	X	Butyl permitted except tube butyl.
	Surgical tape and cohesive bandage	5	X	Butyl permitted, except. tube butyl. Unlimited plus or minus variations from 15% of total natural rubber by volume is permitted for each type of surgical tape and cohesive bandage, provided that the overall consumption of natural rubber does not exceed 15% by volume for all types of tape.
18B	Bulbs:			
	Bulbs including parts (medical, surgical, dental, veterinary, mortuary. laboratory, and hydrometer types only).	15	O	Unlimited plus or minus variation from 15% of total natural rubber by volume permitted per each permitted type of bulb; provided that the overall consumption of natural rubber does not exceed 15% by volume for all types of bulbs.
	Medicine droppers	X	O	
18C	Dental products:			
	Dental dam	X	O	
	Dental polishing tips	X	O	Professional use only.
	Denture rubber	X	O	
	Orthodontia bands	X	O	

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Percent natural rubber	Butyl	Special restrictions or provisions
18D	Flat goods:			
	Fountain syringe bags	20	O	Unlimited plus or minus variation from 20% of total natural rubber by volume is permitted for each type of fountain syringe bag: provided that the overall consumption of natural rubber does not exceed 20% by volume for all types of bags.
	Ice bags	20	O	Unlimited plus or minus variation from 20% of total natural rubber by volume is permitted for each type of ice bag; provided that the overall consumption of natural rubber does not exceed 20% by volume for all types of bags.
	Invalid cushions	20	O	Unlimited plus or minus variation from 20% of total natural rubber by volume is permitted for each type of invalid cushion; provided that the overall consumption of natural rubber does not exceed 20% by volume for all types of cushions.
	Operating cushions	20	O	Unlimited plus or minus variation from 20% of total natural rubber by volume is permitted for each type of operating cushion; provided that the overall consumption of natural rubber does not exceed 20% by volume for all types of cushions.
	Water bottles and combination syringes	20	O	Unlimited plus or minus variation from 20% of total natural rubber by volume is permitted for each type of water bottle and combination syringe; provided that the over-all consumption of natural rubber does not exceed 20% by volume for all types of bottles and combination syringes.
18E	Gloves and cots:			
	Finger cots (medical, surgical, dental, veterinary, mortuary and laboratory types only)	X	O	
	Gloves:			
	Electricians'	X	O	
	Surgeons'	X	O	Government Fed. Spec. 22-G-421A. Limited to medical use.
	All other, including all-rubber, net-lined, rubberized fabric, etc., for any use.		O	Natural rubber or natural rubber latex permitted for seaming net-lined gloves.
18F	Infant goods:			
	Breast shields, nursing	X	O	
	Feeding bottle caps and covers	X	O	
	Feeding nipples	X	O	
18G	Miscellaneous sundries:			
	Bathing caps:			
	Vapor cured caps	60	O	Natural latex not permitted.
	All other caps	40	O	Natural latex not permitted.
	Blood pressure bags	X	O	
	Blood pressure bag tubing	X	O	
	Catheters		O	Natural rubber latex (98% maximum by volume) permitted.
	Colostomy outfits (molded, dipped and handmade)	X	O	
	Crutch pads	X	O	
	Crutch tips (reinforced with metal or cloth)	50	O	For crutches only.
	Dilators	X	O	
	Inhalation bags and face pieces not including oxygen tents and tubing (medical, dental, surgical and veterinary types only).	X	O	
	Parts for medical, surgical, dental, veterinary, and mortuary instruments.	X	O	
	Prostatic bags	X	O	
	Prosthetic devices	X	O	
	Orthopedic sponge pads (molded and cut)		O	Natural rubber not exceeding 25% RHC permitted.

TABLE B—PERMITTED PRODUCTS—continued

Code No.	Product	Percent natural rubber	Butyl	Special restrictions or provisions
18G	Miscellaneous sundries—Continued.			
	Respirator seal sponge for iron lung	X	O	
	Rubber bands and cushions designed for artificial limbs.	X	O	
	Stoppers		O	Medical, surgical, dental, veterinary and mortuary type only: for stoppers under ¾" bottom diameter and stoppers required for containers and apparatus used for the administration of parenteral solutions, including blood plasma and whole blood, natural rubber and natural rubber latex permitted.
	Tourniquets	X	O	
	Truss pads	X	O	
	Urinals	X	O	
	Vaccine caps	X	O	
	Veterinary sleeves	X	O	
18H	Pessaries and prophylactics	X	O	
18I	Sheet goods:			
	Bandage gum (surgical and medical only)	X	O	
	Oxygen tent canopies	X	O	
18J	Tubing:			
	Tubes and tubing (medical, surgical, dental, veterinary and mortuary types only).	X	O	
21	Bullet sealing fuel and oil cells:			
	Sealant for fuel cells		O	Natural rubber not exceeding 20 parts guayule.
	Sealant for oil cells	X	O	
	Fabric skim coat		O	Natural rubber permitted for inside fabrics skim coat nylon hammocks and hammock type fuel cells; natural rubber not exceeding 20 parts guayule elsewhere.
	Cord dip		O	Natural rubber latex not exceeding 3% of dry weight of cord.
	Building cement	X	O	
22	Miscellaneous:			
22A	Athletic equipment		O	60% of the natural rubber permitted must be guayule.
	Bladders and valves for the following only:			
	Basketballs	38	O	
	Cageballs	38	O	
	Footballs	38	O	
	Punching bags	38	O	
	Pushballs	38	O	
	Soccer balls	38	O	
	Volley balls	38	O	
	Water polo balls	38	O	
22B	Balloons	O	O	
22C	Cushioning and pads not elsewhere listed:	O	X	Butyl permitted, except tube butyl.
	Nitrogen blown sponge		O	Natural rubber not exceeding 60% RHC permitted.
	Latex foam products		O	Natural rubber latex not exceeding 50% RHC permitted.
	Curled animal hair pads		O	Natural rubber latex not exceeding 25% of average monthly consumption of RHC during year ending March 31, 1941 permitted monthly.
22D	Masks and respirators:			
	Breathing bags for submarine lung and oxygen breathing apparatus.	X	X	Butyl permitted except tube butyl.
	Component parts for gas masks, not listed below.		X	Natural rubber latex permitted for adhesive for gas mask filters. Butyl permitted, except tube butyl.
	Component parts for mine and industrial safety masks, not listed below.	O	X	Butyl permitted, except tube butyl.
	Dust respirators	O	X	Butyl permitted, except tube butyl.
	Face pieces for shallow water diving equipment.	O	X	Butyl permitted, except tube butyl.
	Flutter valves and diaphragms	X	X	Butyl permitted, except tube butyl.
	Inhalators	O	X	Butyl permitted. xcept tube butyl.
	Parts for oxygen masks and breathing apparatus for high altitude service.	X	X	Butyl permitted. except tube butyl.

22E	Miscellaneous products:			
	Parts other than cushioning for flight radio radar and fire control instruments.	X	X	Butyl permitted, except tube butyl.
	Parachute bands and ventilating rings	X	O	
22F	Pressure sensitive tape:			
	High temperature masking tape	X	O	
	Noncorrosive electrical tape	X	O	
	Other pressure sensitive tape		O	Natural rubber not exceeding 15% of average monthly consumption of RHC during year of 1944 permitted monthly. Natural rubber latex not permitted.
22G	Stationers supplies:			
	Erasers		O	Natural rubber not exceeding 25% of the average monthly consumption of RHC during year ending March 31, 1941 permitted monthly.
	Pen sacs	X	O	
	Rubber bands	40	O	
22H	Rubber thread	0	O	
22I	Rubber tape for clothing, not elsewhere listed	0	X	Butyl permitted, except tube butyl.
22J	Webbing, elastic (combined knitted fabric cut to desired width).	0	O	
22K	Toys:			
	Molded dolls	37	O	
	Blown dolls	36	O	
	Sculptured bounce toys	35	O	
	Sponge play balls	18	O	
	Toy bath sponge	18	O	

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PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, Appendix II, as Amended June 21, 1946]

APPENDIX II—MANUFACTURING REGULATIONS

Appendix II to Rubber Order R-1 establishes certain compounding proportions and manufacturing regulations for many of the products enumerated in Table B of Appendix I to Rubber Order R-1. These compounding proportions and manufacturing regulations are set out in the so-called lists appearing below:

(a) *Limitation on production of rubber products.* No person may manufacture any of the products covered by the lists set out in this Appendix II except in accordance with the restrictions and regulations in the list applicable to the product.

(b) *General provisions.* (1) The total rubber hydrocarbon (designated total RHC in this appendix) is the sum total of natural rubber, synthetic rubber and the rubber hydrocarbon value of reclaimed rubber. The rubber hydrocarbon value of reclaimed rubber shall be calculated from the rubber value of reclaimed rubber as certified by the manufacturer of the reclaimed rubber and shall be determined by the "difference, or indirect" method.

(2) References to Army, Navy, Federal, Railroad, etc., specifications by number mean the latest issue or amendment of the particular specifications.

TABLE OF LISTS INCLUDED IN APPENDIX II

Number *Title*

2. Tire and flap curing bags.
3. Airplane tire tubes
5. Rubber footwear.
6. Manufacture and identification of tires and tire casings.
7. Tire and tube repair materials.
8. Tires and tire casings (except airplane tires).
9. Tire tubes (except airplane tire tubes).
10. Tire flaps.
12. Airplane tires and tire casings.
13. Retreading materials.
14. Tank tracks and band tracks.
15. Use of high tenacity rayon yarn or cord.
16. Tire tube valves (except bicycle tire tube valves).

LIST 2—MANUFACTURE OF TIRE AND FLAP CURING BAGS

(a) *Manufacturing regulations.* The manufacture of tire and flap curing bags of all sizes and types is subject only to the following regulations:

The use of natural rubber in the manufacture of tire and flap curing bags shall be in conformity with Table A.

TABLE A

Size	Type	Maximum natural rubber, by weight, in curing bag, per tire cured, in percent of the total RHC of the tire cured[1]
All	Passenger	0.4
All	Motorcycle	.4
15" and 16" rim diameter.	Industrial	.4
All (except 15" and 16" rim diameter).	Industrial	2.0
15" and 16" rim diameter.	Farm tractor	.4

See footnotes at end of table.

TABLE A—Continued

Size	Type	Maximum natural rubber, by weight, in curing bag, per tire cured, in percent of the total RHC of the tire cured[1]
All (except 15" and 16" rim diameter).	Farm tractor	1.1
6.00 through 11.00, all rim diameters.	Truck	.4
12.00 and 13.00, all rim diameters	do	1.0
14.00, all rim diameters.	do	1.2
16.00 up, all rim diameters.	do	1.6
All 4 ply	Airplane	13.0
All 6 ply	do	8.0
All 8 ply	do	3.8
All 10 ply	do	2.9
All 12 ply	do	2.0
All 14 and 16 ply	do	1.5
All 18 ply up	do	.8
7.50 through 10.00, all rim diameters.	Grader	.5
11.00 through 14.00 all rim diameters	do	1.2
All	Bicycle	[2].0
All	Flap bags	[2].0

[1] Additional natural rubber may be consumed in curing bags if such rubber is deducted from the allowable natural rubber permitted in the manufacture of the tire being cured, or from tires within the specific group in which said tire is grouped.

[2] Natural rubber and natural rubber latex permitted only in valves, valve adhesion pads, splicing gum strips and cements, and identification inks and cements.

(b) *Marking of synthetic curing bags.* All curing bags containing synthetic rubber shall have a permanent circumferential colored stripe at least three-eighths inch wide applied on the base section of the bag. The appropriate color shall be determined from paragraph (a) of List 6.

LIST 3—MANUFACTURE OF AIRPLANE TIRE TUBES

Manufacturing regulations. In the manufacture of airplane tire tubes, natural rubber may be consumed according to the following Table A:

TABLE A

Size	Type	Maximum percent natural rubber of total RHC by weight
All	All types	As required.

LIST 5—REGULATIONS FOR THE MANUFACTURE OF RUBBER FOOTWEAR

(a) *General provisions.* (1) The manufacture of rubber footwear and canvas rubber soled shoes shall be limited to the quantity of natural rubber shown in paragraphs (b) and (c) of this List 5, excepting

(2) That unlimited plus or minus variations from average weight of total natural rubber per pair is permitted: *Provided,* The over-all consumption of natural rubber does not exceed total permitted consumption on the basis of listed ceilings for all items manufactured.

(b) *Rubber footwear.*

[Average weight of natural rubber per pair maximum (not over 70% of which shall be natural rubber other than guayule on a net basis, or washed and dried wild rubber in lieu of guayule) (in pounds)]

Men's short boots—regulation height	0.76
Boys' short boots	.70
Youths' short boots	.60

(b) *Rubber footwear*—Continued.

Women's short boots (molded heel) service	0.45
Boys' storm king boots	1.00
Youths' storm king boots	.70
Men's short boot (plain toe) occupational	1.00
Men's short boot (steel toe) occupational	1.07
Men's storm king boot (plain toe) occupational	1.25
Men's storm king boot (steel toe) occupational	1.32
Men's hip or thigh boot (plain toe) occupational	1.55
Men's hip or thigh boot (steel toe) occupational	1.62
Men's short boot (felt) fireman	1.15
Men's storm king boot (felt) fireman	1.35
Men's short boot (duck) fireman	1.30
Men's storm king boot (duck) fireman	1.50
Men's storm king boot—irrigation	1.40
Men's short boot (plain toe) heavy duty	1.58
Men's short boot (steel toe) heavy duty	1.65
Men's storm king boot (plain toe) heavy duty	1.96
Men's storm king boot (steel toe) heavy duty	2.03
Men's hip or thigh (plain toe) heavy duty	2.32
Men's hip or thigh (steel toe) heavy duty	2.39
Men's short legging boot	.85
Men's long legging boot	1.15
Men's fishing boot (thigh)	1.90
Women's fishing boot (thigh)	1.60
Men's short boot (snug ankle)	1.50
Men's thigh boot (snug ankle)	1.90
Men's thigh duck hunter	1.90
Women's short boot (dress)	.64
Misses' short boot	.40
Child's short boot	.35
Men's wading shoe, cleated sole, canvas top	.37
Men's wading shoe, molded felt sole, canvas top	.37
Men's rubber surface wader, stocking foot	1.47
Men's reversible wader, stocking foot	1.10
Men's rubber surface wader, boot foot	2.86
Men's jeans covered pants and boots	2.35
Men's jeans, covered pants and rubber boot foot	2.75
Men's rubber surface body boot	2.70
Men's 15" lace pac (plain toe) occupational	1.00
Men's 15" lace pac (steel toe) occupational	1.07
Men's 15" lace pac (molded sole)	1.72
Men's laced over-the shoe	1.02
Men's 10" mine pac (plain toe) occupational	.85
Men's 10" mine pac (steel toe) occupational	.92
Men's work shoe (plain toe) occupational	.75
Men's work shoe (steel toe) occupational	.82
Women's work shoe (plain toe) occupational	.75
Men's 16" top lace snug ankle	1.50
Men's 12" top lace snug ankle	1.30
Boy's top lace snug ankle	1.00
Youth's top lace snug ankle	.80
Men's 16" top lace (molded sole)	1.60
Men's 12" top lace (molded sole)	1.40
Men's 2 buckle perfection	.85
Men's 1 buckle perfection	.78
Men's lumber over	.55
Boy's lumber over	.40
Youth's lumber over	.33
Men's lumber over (molded sole)	1.00

(b) *Rubber footwear*—Continued.

Men's 5 buckle rubber mid-weight arctic	0.73
Men's 4 buckle rubber mid-weight arctic	.63
Men's 5 buckle rubber (net) farm-weight arctic	1.00
Men's 4 buckle rubber (net) farm-weight arctic	.91
Men's 4-buckle rubber (fleece) farm-weight arctic	.86
Boys' 4 buckle rubber (net) farm-weight arctic	.67
Men's 5 buckle rubber (blucher) farm-weight arctic	.95
Men's 4 buckle rubber (blucher) farm-weight arctic	.86
Men's 2 buckle rubber farm-weight arctic	.70
Men's 1 buckle snow excluder	.63
Men's 5 buckle rubber heavy duty arctic	1.00
Men's 4 buckle rubber heavy duty arctic	.91
Men's 4 buckle cloth farm-weight arctic	.50
Men's 4 buckle cloth heavy duty arctic	.58
Men's 1 buckle cloth farm-weight arctic	.41
Women's 1 buckle cloth farm-weight arctic	.20
Men's 5 buckle rubber medium weight arctic	.68
Men's 4 buckle rubber medium weight arctic	.60
Men's 4 buckle rubber light weight arctic	.50
Boys' 4 buckle rubber light weight arctic	.43
Youth's 4 buckle rubber light weight arctic	.39
Women's 4 buckle rubber light weight arctic	.39
Misses 4 buckle rubber light weight arctic	.35
Child's 4 buckle rubber light weight arctic	.30
Boy's 3 buckle rubber light-weight arctic	.36
Youth's 3 buckle rubber light-weight arctic	.35
Misses 3 buckle rubber light-weight arctic	.33
Child's 3 buckle rubber light-weight arctic	.28
Men's 4 buckle cloth light-weight arctic	.36
Men's 4 buckle cash. light-weight arctic	.36
Men's 1 buckle cloth light-weight arctic	.28
Men's high slide rubber light-weight arctic	.50
Boy's high slide rubber light-weight arctic	.43
Women's high slide rubber light-weight arctic	.39
Misses' high slide rubber light-weight arctic	.35
Child's high slide rubber light-weight arctic	.30
Men's low slide rubber light-weight arctic	.42
Men's high slide cloth, light-weight arctic	.40
Men's low slide cloth light-weight arctic	.34
Men's over-the-shoe rubber gaiter	.52
Women's over-the-shoe rubber gaiter	.39
Misses' over-the-shoe rubber gaiter	.35
Child's over-the-shoe rubber gaiter	.30
Women's over-the-shoe rubber slide gaiter	.39
Misses' over-the-shoe rubber slide gaiter	.35
Child's over-the-shoe rubber slide gaiter	.30
Women's low slide rubber gaiter	.18
Misses' low slide rubber gaiter	.18
Child's low slide rubber gaiter	.15
Women's snap rubber gaiter	.18
Misses' snap rubber gaiter	.18
Child's snap rubber gaiter	.15

(b) *Rubber footwear*—Continued.

Growing girls' strap rubber gaiter	0.34
Misses' strap rubber gaiter	.30
Child's strap rubber gaiter	.25
Women's velveteen gaiter (fur trimmed)	.30
Women's warm lined rubber (shearling cuff) gaiter	.59
Misses' warm lined rubber (shearling cuff) gaiter	.55
Men's 2 buckle work rubber	.42
Men's 2 buckle work rubber farm weight	.60
Men's 2 buckle work rubber heavy duty	.60
Men's storm and semi-storm work rubber	.38
Boy's storm work rubber	.33
Men's work rubber-farm weight	.60
Boy's work rubber, farm weight	.50
Men's work rubber, heavy duty	.60
Men's storm, cloth top, wool jersey	.30
Men's storm, cloth top, cotton jersey	.30
Men's rubber oxford (unlined)	.38
Women's rubber oxford (unlined)	.25
Women's rubber oxford (cloth lined)	.21
Men's sandal (molded)	.22
Men's clog (molded)	.19
Men's clog (unlined)	.33
Men's over (unlined)	.33
Women's over (unlined)	.24
Misses' over (unlined)	.23
Child's over (unlined)	.18
Women's toe rubbers (unlined)	.08
Men's dress rubbers, storm, over, clog (lined)	.24
Boy's dress rubbers, storm and over	.20
Youth's dress rubber, storm	.17
Growing girl's storm rubber	.17
Misses' storm rubber	.17
Women's over rubber	.17
Child's storm rubber	.14

(c) *Canvas rubber soled shoes of vulcanized construction.* Men's, boy's, youth's, little gent's, women's, misses' and child's average consumption of natural rubber limited to 0.37.

LIST 6—MANUFACTURE AND IDENTIFICATION OF TIRES AND TIRE CASINGS

(a) *Synthetic rubbers.* The identification of the various types of synthetic rubber is effected by designating each type by a letter and a color.

Letter	Color	Type of synthetic
S	Red	GR-S.
M	Yellow	GR-M (neoprene).
I	Light Blue.	GR-I (butyl).

(b) *Synthetic tire constructions.* (1) The proportion of synthetic rubber to natural rubber in tires and tire casings is controlled by the following synthetic construction identification numbers:

Synthetic construction identification numbers:	*Type of synthetic*
S-3, S-4, S-5, etc	GR-S

The natural rubber may be distributed throughout the tire at the manufacturer's discretion except in items (4) and (10) below.

(2) S-3 denotes 100% GR-S tread on a 100% GR-S carcass, except that natural rubber shall not exceed, by weight, the percentage of the total RHC shown in List 8.

(3) S-4 denotes approximately 87% GR-S and 13% natural rubber, except that natural rubber shall not exceed, by weight, the percentage of the total RHC shown in List 8.

(4) S-5 denotes 100% GR-S tread on a natural rubber carcass, except that: natural rubber may be used only in cements, in tread and side-wall splice gum strips and in the tire body.

(5) S-6 denotes approximately 67% GR-S and 33% natural rubber, except that natural rubber shall not exceed, by weight, the percentage of the total RHC shown in List 8.

(6) S-7 denotes approximately 33% GR-S and 67% natural rubber, except that natural rubber shall not exceed, by weight, the percentage of the total RHC shown in List 8.

(7) S-8 denotes approximately 93% GR-S and 7% natural rubber, except that natural rubber shall not exceed, by weight, the percentage of the total RHC shown in List 8.

(8) S-9 denotes approximately 77% GR-S and 23% natural rubber, except that natural rubber shall not exceed, by weight, the percentage of the total RHC shown in List 8.

(9) S-10 denotes approximately 50% GR-S and 50% natural rubber, except that natural rubber shall not exceed, by weight, the percentage of the total RHC shown in List 8.

(10) S-11 denotes 100% GR-S side-wall on a tire having natural rubber carcass and tread. S-11 also denotes a minimum 6% of GR-S and a maximum 94% natural rubber.

LIST 7—MANUFACTURE OF TIRE AND TUBE REPAIR MATERIALS

(a) *Manufacturing regulations.* (1) Any tire or tube repair material may be manufactured: *Provided,* That no natural rubber or natural rubber latex is consumed in the manufacture of such items,

(2) The manufacture of tire and tube repair materials consuming natural rubber shall be limited to the items shown in this paragraph (a, (2), subject to the compounding regulations designated therefor.

Description of item	*Maximum percent natural rubber of total RHC by weight*
(i) Bulk tire repair materials:	
(a) Tread repair stock (1/16" max. ga.)	62.0.
(b) Repair cushion stock	As required
(c) Cord repair friction (0.047 max. ga.)	Do.
(d) Sq. woven fabric friction	Do.
(e) Cements (cold cure)	(1)
(f) Cements (vulcanizing)	As required.
(ii) Tire patches: [2]	
(a) Uncured-vulcanizing type:	
Body	Do.
Facing	Do.
(b) Cured and semi-cured vulcanizing type:	
Body	0.0.
Facing	As required.
(c) Temporary emergency cold cure type (composite)	5.0.
(iii) Tube patches:	
(a) Combination tube repair gum (cured back, uncured face)	(3)
(b) Tube repair gum (uncured)	As required.
(c) Hot patch gum (uncured)	Do.
(d) Truck tube valve repair patches (composite)	Do.
(e) Tube replacement valve facing	Do.
(iv) Sectional bags	(4)

[1] Maximum 0.20 pounds natural rubber per gal.

[2] Natural rubber may be consumed in cements for adhesion purposes in manufacturing tire patches.

[3] Maximum 1.25 pounds natural rubber per square yard.

[4] Maximum of 80% natural rubber, by weight, of the total RHC.

(b) *Restrictions.* (1) In items (ii) (c), (iii) (a), and (iii) (d), different grades of compounds may be used in the cured and uncured portions of each: *Provided,* The total natural rubber content in the whole item does not exceed the percent represented by the compound grade specified.

(2) The use of cements as manufactured in accordance with (a) Manufacturing regulations (2) (i) (e) and (f) shall be limited to the reconditioning of tires and tubes.

(3) Item (2) (i) (e)—Cements (cold cure) may be packed only in containers of one quart or smaller.

LIST 8—MANUFACTURE OF TIRES AND TIRE CASINGS (EXCEPT AIRPLANE TIRES)

(a) *General Provisions.* (1) The natural rubber content of any tire or tire casing governed by this List 8 shall not include processing losses or natural rubber used in curing bags, or natural rubber latex used in cord treatment.

(2) Natural rubber latex may be consumed in the treatment of rayon and cotton cord at the manufacturer's discretion provided the overall average by weight of natural latex so consumed does not exceed 7.5# per 1000# (dry weight) of total rayon and cotton cord treated. Dispersions of natural rubber may be used for cord treatment and the amount of natural rubber solids so consumed shall be included in the maximum content natural rubber permitted for each tire.

(3) The use of rayon in the manufacture of tires and tire casings governed by this List 8 shall conform to the regulations set forth in List 15.

(4) The "ply rating" is defined by current Tire and Rim Association standards.

(5) All types of pneumatic tires shall be manufactured with black sidewalls only.

(6) Single marked high pressure type tires or single marked balloon type tires may be substituted for dual marked type tires.

(b) *Manufacturing regulations.* (1) Pneumatic tires of any size, ply and tread type may be manufactured *Provided,* That they conform to the regulations for S–3 synthetic construction tires in Table A of this List 8.

(2) Solid tires (except bogie, idler and support rollers), including cured-on solid tires, 4" x 1½" and up, and industrial (bonded and unbonded) type may be manufactured: *Provided,* That natural rubber is consumed only as follows:

Hard rubber base type except industrial—as required.

Tie-gum base (soft base) type except industrial—as required.

Other constructions—as required, except industrial.

Hard rubber base, industrial type. Natural rubber shall be consumed only in cements and/or hard base and shall not exceed, by weight, 10 percent of the total RHC. Individual sizes may exceed the 10 percent maximum: *Provided,* That the average natural rubber content of all sizes does not exceed the 10 percent maximum.

Tie-gum base (soft base), industrial type. Natural rubber shall be consumed only in cements and/or tie gum and shall not exceed by weight, 8 percent of the total RHC. Individual sizes may exceed the 8 percent maximum: *Provided,* That the average natural rubber content of all sizes does not exceed the 8 percent maximum.

Lug-base industrial (unbonded) type. Natural rubber shall be consumed only in cements and/or splicing gum and shall not exceed, by weight, .75 percent of the total RHC. Individual sizes may exceed .75 percent maximum: *Provided,* That the average natural rubber content of all sizes does not exceed the .75 percent maximum.

(3) The manufacture of tires and tire casings consuming more natural rubber than permitted in paragraph (b) (1) and (b) (2) of this List 8 shall be limited to the sizes, plies and tread types listed in this paragraph (b) (3), subject to the maximum natural rubber contents or construction designated therefor in Tables A and B below.

TABLE A—NONMILITARY PNEUMATIC TIRES EXCEPT SPECIAL PURPOSE

Size	Ply rating	Tread type (highway or mud & snow)	Marking or designation	Maximum per cent natural rubber of total RHC by weight, rayon or cotton
7.00 down	6 and 8	Truck, bus and city mileage	S–4	[1] 13
7.50–16	6 and 8	do	S–6	[1] 33
7.50–17, 18 and 20	8	do	S–9	[1] 23
7.50 down	All others	do	S–9	[1] 23
7.50 down	All	Inter-city bus mileage	S	[1] 67
8.25 up	All	do	None	[2]
8.25 through 13.00	All	All other truck, bus and city mileage	S	[1] 67
All others	All	All other pneumatic tires, except as covered in tables B & C.	S3	[1] 2.5

(See footnotes below.)

TABLE B—NONMILITARY PNEUMATIC SPECIAL PURPOSE TIRES

Size	Ply rating	Tread type	Marking or designation	Maximum per cent natural rubber of total RHC by weight rayon or cotton
21.00 up	All	Earthmover	None	[2]
All others	do	do	S	[1] 78
All	do	Rock service, logger	None	[2]
14.00 up	do	Highway or mud-snow	None	[2]
All	do	Low platform	S	[1] 67
All other	do	Traction, ribbed and sand tires for flat base and drop center rims.	S–6	[1] 33

(See footnotes below.)

TABLE C—MILITARY PNEUMATIC TIRES

Size	Ply rating	Tread type	Marking or designation	Maximum per cent natural rubber of total RHC by weight rayon or cotton
7.50 down	All	Mud-snow	S–8	[1] 7
9.00–16	8	do	S–8	[1] 7
11.00–18	10	do	S–6	[1] 33
7.50 down	All	Combat	S–3	[1] 5.0
8.00–16	All	do	S–4	[1] 13
8.25–20	All	do	S–6	[1] 33
9.00–20	All	do	S–6	[1] 33
14.00–20	All	do	None	[2]
All other	All	Mud-snow	S–4	[1] 13

[1] Individual sizes may exceed the indicated maximum percentage, provided the average natural rubber content of all sizes within the groups as listed in these Tables A, B and C does not exceed the indicated maximum percentage. No tire within the group shall be manufactured with a natural rubber content more than 5% greater than maximum allowable percentage of total RHC for tires in that group, for example an S–6 individual size may be 38%.

[2] See par. (b) (10) of list 6.

TABLE D—BOGIE IDLER AND SUPPORT ROLLER

Description of product:	*Maximum percent natural rubber of total RHC by weight*
Bogie wheels:	
26 x 6	8
20¼ x 6¼	8
25¼ x 4¼	8
20 x 6 x 16	8
14 x 4⅛	8
12 x 4⅛	8
20 x 3	8
8 x 1¼	8
20 x 9 x 16	[1]
12 x 7¼	[1]
Idler wheels:	
22 x 6¼	8
19 x 3	8
7 x 7¼	8
Support rollers:	
14 x 3	8
13½ x 3¾	8
10 x 5	8
11 x 3	8
9 x 6	8
7¼ x 1¼	8
24 x 7¼	[1]
All other	[1]

[1] As required.

(c) *Branding of synthetic tires.* (1) Pneumatic tires (except bicycle tires) containing less than 50% natural rubber shall be marked with the synthetic construction identification number as specified in Appendix II of R–1 dated June 21, 1946. Such marking shall be in the form of a distinct letter "S" and numeral of a minimum height of ⅝" on both sides of the tires.

(2) Such tires containing 50% or more natural rubber, but less than S–11 construction, shall be marked with a distinct letter "S" of a minimum height of ⅝" on both sides of the tires.

(3) Such tires with S–11 or higher rubber content need not bear any distinguishing mark.

(4) Synthetic solid tires, including bogie, idler and support rollers, shall be branded with a distinct letter "S" of a minimum height of ⅝" on both sides of the tires.

(d) *Definitions.* (1) Where used in this List 8, "Highway" as applied to tread types means regular skid-depth, 100 level, on-the-road type.

(2) Where used in this List 8 "Mud-snow" as applied to tread type means extra traction. on-and-off the road type.

LIST 9—MANUFACTURE OF TIRE TUBES (EXCEPT AIRPLANE TIRE TUBES)

(a) *Manufacturing regulations.* (1) Tubes of any size and type may be manufactured, *Provided,* That:

(i) Natural rubber and natural rubber latex are consumed only in valves (where permitted in List 16), valve adhesion pads, splicing gum strips and cements, and identification inks and cements.

(ii) Passenger car tubes of all types shall contain not more than 0.02 pounds of natural rubber per tube.

(2) Natural rubber shall be consumed in the manufacture of tubes for Truck, Bus and Special Purpose tires of 8.25 cross section and larger. The manufacture of other tubes con-

suming more natural rubber than permitted by paragraph (a) (1) (i) of this list 9 is prohibited.

(3) Manufacture of tubes from GR-I (Butyl) shall be permitted in all other sizes and types except bicycle.

(b) *Marking of synthetic tubes.* All tubes containing synthetic rubber shall have a permanent circumferential colored stripe at least 3/8" wide applied on the base section of the tube. The appropriate color shall be determined from paragraph (a) of List 6.

LIST 10—MANUFACTURE OF TIRE FLAPS

Manufacturing regulations—Flaps for all sizes and types of tires may be manufactured, provided that natural rubber is consumed only for splicing cements and for identification inks or cements.

LIST 12—MANUFACTURE OF AIRPLANE TIRES AND TIRE CASINGS

(a) *General provisions.* (1) The natural rubber content of any tire or tire casing governed by this List 12 shall not include processing losses, natural rubber used in curing bags or natural rubber latex used in the cord treatment. Natural rubber latex may be consumed in the treatment of nylon cord without limit. Natural rubber latex may also be consumed in the treatment of rayon cord as permitted by paragraph (a) (2) of List 8. Dispersions of natural rubber may be used for cord treatment and the amount of natural rubber solids so consumed shall be included in the maximum content natural rubber permitted for each tire.

(b) *Manufacturing regulations.* Airplane tires of any size, ply and tread type may be manufactured provided the natural rubber content is in conformity with Table A.

TABLE A—AIRPLANE TIRES

Size	Ply	Tread type	Marking or designation	Maximum percent natural rubber of total RHC by weight rayon or nylon
All	All	Solid auxiliary	None	[1]
12½ x 4½	All	All	None	[1]
All	All	Ice grip	None	[1]
All	All	All others	S	[2] 67

[1] As required.
[2] Individual sizes may exceed the indicated maximum percentage, provided the average natural rubber content of all sizes within the group as listed in this Table A does not exceed the indicated maximum percentage. No tire within the group shall be manufactured with a natural rubber content more than 5% greater than maximum allowable percentage of total RHC for tires in that group. For example, an S-7 individual size may be 72%.

(c) *Branding of synthetic airplane tires.* See paragraph (c) of List 8. Syntheitic airplane tail wheel tire casing, pneumatic and solid, shall be marked distinctly with letters less than 3/8 inch.

LIST 13—MANUFACTURE OF RETREADING MATERIALS INCLUDING CAMELBACK (WING-DIE), CAPPING STOCK (BEVEL-DIE), LUG STOCK, BASE STOCK, PADDING STOCK, STRIPPING STOCK, FILLER STRIP AND FULL CIRCLE CURING TUBES

(a) *General provisions.* Natural rubber may be consumed in cements for application of cushion gum and in inks or cements for identification purposes.

(b) *Manufacturing regulations.* (1) The manufacture of retreading materials shall be limited to camelback (wing-die), capping stock (bevel-die), lug stock, base stock, padding stock, stripping stock, filler strip and cushion gum for application by the manufacturer to camelback, capping stock, lug stock and base stock and full circle curing tubes.

(2) The compounds used in manufacturing the items permitted by paragraph (b) (1) of this List 13 shall conform to the regulations shown in the following table:

RETREADING MATERIALS

	Maximum percent natural rubber of total RHC by weight
Camelback for 14.00 and up, earthmover, rock service and logger tires	[2] X
All other camelback	[1] 0
Padding stock (maximum thickness 1/16")	[2] X
Stripping stock (maximum thickness 1/8")	62.0
Filling stock (maximum thickness 1/8")	50

See footnotes at end of table.

RETREADING MATERIALS—Continued

	Maximum percent natural rubber of total RHC by weight
Camelback cushion (maximum thickness 1/16")	[1] X
Full circle curing tubes	0.04

[1] Camelback is to be used and is graded as follows:

	Maximum percent GRS	Minimum percent GRS
(a) Grade A		*60
(b) Grade C	50	*40
(c) Grade F	0	

*No limitations on use.
[2] X Means As Required.

LIST 14—MANUFACTURE OF TANK TRACKS AND BAND TRACKS

Manufacturing regulations. The manufacture of tank tracks and band tracks is subject only to the regulations on the use of natural rubber shown in Table A below:

TABLE A—TANK TRACKS AND BAND TRACKS

Description of product	*Maximum percent, by weight, of total RHC which may be natural rubber*
Band tracks, tractor M-2	31
Band tracks, carrier, cargo, M-29, M-29C	60
Band tracks, half-track vehicles	30
Tank track blocks	8
Rubber backed tracks	8
Tank track pin bushings, and links	[1]
All other	[1]

[1] As required.

LIST 15—USE OF HIGH-TENACITY RAYON YARN OR CORD

(a) In the manufacture of rubber products, high-tenacity rayon yarn or cord may be used only in the following listed products:

ORDER OF PREFERENCE AND TYPE OF PRODUCT GROUP:

1. Airplane tires.
2. Self-sealing fuel cells.
3. Bullet-sealing hose.
4. Combat tires, including only cross-section 8.00 and larger.
5. Mileage contract bus tires:
   (a) Intercity bus tires.
   (b) City bus tires.
6. Synthetic special purpose tires, including:
   Tread types: Rock service, logger, earthmover and 18.00 and up mud-snow.
   Sizes: All.
7. Synthetic truck and bus tires, 10 plies and more.
8. Belts.
9. Tire repair materials.
10. Synthetic truck and bus tires, 6 and 8 ply.
11. Synthetic tires of the following types:
    Road grader: All tread types and all sizes.
    Tractor, implement and pneumatic industrial:
    All tread types and all sizes.
    Passenger: All tread types in 6.50 cross section and larger, including the 6.25/6.50 cured in the 6.50 mold.

(b) Any manufacturer using rayon must consume it in the order of preference in the above usage pattern, arranging to fulfill all requirements in the first group before any is used in the second group, and so on down the list.

LIST 16—MANUFACTURE OF TIRE TUBE VALVES (EXCEPT BICYCLE TIRE TUBE VALVES)

(a) *Manufacturing regulations.* The manufacture of tire tube valves (excepting bicycle tire tube valves), of all sizes and types is subject only to the regulations on the use of natural rubber or natural rubber latex shown in Table A below.

TABLE A

Size	Type	Maximum per cent natural rubber, by weight, of total RHC
TR-13	All types	0
TR-14	do	0
TR-15	All types (except airplane).	0
TR-25	do	0
TR-35	do	0
TR-75	Truck	0
TR-76	do	0
TR-78	do	0
TR-79	do	0
TR-175	do	0
TR-177	do	0
TR-179	do	0
TR-215	Tractor	50
All others	All types	[1]

[1] As required.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 21st day of June 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

★GPO—CPA 18066—p. 4

App. II to R-1

CIVILIAN PRODUCTION ADMINISTRATION

AMDT. 1
JULY 3, 1946

PART 4600—RUBBER. SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R–1, Appendix II, as Amended June 21, 1946, Amdt. 1]

List 15—Use of High-Tenacity Rayon Yarn or Cord is hereby amended to read as follows:

LIST 15—THE USE OF TIRE-TYPE HIGH-TENACITY RAYON CORD AND YARN

(a) In the manufacture of rubber products, tire-type high-tenacity rayon cord and yarn may be used only for the following listed products.

ORDER OF PREFERENCE AND TYPE OF PRODUCT

Group A

1. Airplane tires.
2. Self-sealing fuel cells.
3. Bullet-sealing hose.
4. Combat (U. S.) tires, including only cross-section 8.00 and larger.
5. Mileage contract bus tires:
   (a) Inter-city bus tires.
   (b) City bus tires.
6. Synthetic special purpose tires, including tread types rock service, logger, earthmover and 18.00 and up mud and snow. Sizes: All.
7. Synthetic truck and bus tires, 10 plies and more.
8. Belts.
9. Tire repair materials.
10. Synthetic truck and bus tires 6 and 8 ply.
11. Synthetic tires of the following types:
    Road Grader—all tread types and all sizes.
    Tractor implement and pneumatic industrial—all tread types and all sizes.
    Passenger—All tread types in sizes larger than 6.50 cross section.

Group B Passenger:

12. All read types 6.50 cross section including the 6.25/6.50 cured in the 6.50 mold.

(b) Any manufacturer using tire-type rayon must consume it in the order of preference in the above usage pattern, arranging to fulfill all requirements in the Group A items 1 through 11 in their numerical order before any is used in Group B, item 12.

(c) To obtain tire-type high-tenacity rayon cord and/or yarn for the production of items 1 through 11 Group A, a manufacturer must certify on his purchase order in substantially the following form signed by an authorized official:

The undersigned hereby certifies subject to the criminal penalties for misrepresentation contained in section 35a of the United States Criminal Code that _____ pounds of rayon listed on the attached purchase order are required by him in the production of products in Group A—List 15 of Appendix II to Rubber Order R–1.

(d) A manufacturer of rubber products may use rayon obtained with the foregoing certificate only in the production of rubber products listed under Group A above; rayon obtained without certification may be used in the production of rubber products listed under either Group A or Group B above.

(e) A producer or seller of tire-type high-tenacity rayon cord and/or yarn must fill that portion of purchase orders covered by the certification prior to filling uncertified orders.

(f) Effective July 3, 1946, each consumer of tire-type high-tenacity rayon cord and/or yarn shall so schedule his receipts of rayon and/or yarn so that the combined total of his inventory as of August 31, 1946, shall not exceed 60 days' supply based on his contemplated production of the above permitted products. On and after August 31, 1946, no consumer shall accept delivery of any tire-type high-tenacity rayon cord and/or yarn if his inventory is or will, by virtue of such acceptance, become in excess of an amount reasonably necessary to meet his requirements for a period of 60 days.

Issued this 3d day of July 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

GPO—CPA 18108—p. 1

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PART II

Section 1 - General Orders

Section 1.1 GO 21-33B

NATIONAL HOUSING AGENCY

(Revises General Order No. 21-33A which should be destroyed)

GENERAL ORDER NO. 21-33B

ADMINISTRATOR

Approved 6/3/46

Effective 6/3/46

SUBJECT: ORGANIZATION - Delegations of Authority Pursuant to CPA Directive 42 Relating to Priorities Assistance and Authorization for Construction Under the Veterans' Emergency Housing Program

(Applies to employees of the National Housing Agency and the Department of Agriculture concerned with applications for authorizations and priorities under CPA Priorities Regulation 33)

SECTION 1 Purpose

.01 Directive 42 of the Civilian Production Administration authorizes the National Housing Agency to approve applications for priorities assistance and authorization for certain housing construction and to exercise certain other functions under Priorities Regulation 33 of the Civilian Production Administration and Directions to that Regulation. It is the purpose of this General Order to make appropriate delegations of those functions within the National Housing Agency and to the Department of Agriculture in accordance with and subject to Directive 42.

SECTION 2 Delegations

.01 The Federal Housing Administration (through the Federal Housing Commissioner or his designated representatives) is hereby authorized to exercise all of the powers and duties delegated to the National Housing Agency by Directive 42 of the Civilian Production Administration with respect to applications and appeals authorized under Priorities Regulation 33 to be filed with appropriate State and District Offices of the Federal Housing Administration.

.02 The Federal Public Housing Authority (through the Federal Public Housing Commissioner or his designated representatives) is hereby authorized to exercise all the powers and duties delegated to the National Housing Agency by Directive 42 of the Civilian Production Administration with respect to applications and appeals authorized under Priorities Regulation 33 to be filed with appropriate Regional Offices of the Federal Public Housing Authority.

.03 The Department of Agriculture (through the Director of the Materials and Equipment Branch, Production and Marketing Administration, or his designated representatives) is hereby authorized to exercise all the powers and duties delegated to the National Housing Agency by Directive 42 of the Civilian Production Administration with respect to applications and appeals authorized under Priorities Regulation 33 to be filed with appropriate County Agricultural Conservation Committees.

.04 The Director and Associate Director of the Prefabrication Production Branch of the Office of the Administrator are hereby authorized to exercise all the powers and duties delegated to the National Housing Agency by Directive 42 of the Civilian Production Administration with respect to applications and appeals

authorized under Direction 8 to Priorities Regulation 33 to be filed with, or mailed to, the National Housing Agency, except applications under Paragraph (g) of Direction 8.

SECTION 3 Issuances and Reports

.01 The Federal Housing Administration, the Federal Public Housing Authority and the Department of Agriculture shall furnish the Office of the Administrator of the National Housing Agency with copies of approved applications and with such reports and other information as may be requested. All general instructions and operating procedures to be issued under the delegations provided in this General Order shall be submitted to the Office of the Administrator of the National Housing Agency for prior approval.

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PART II

Section 2	-	Housing Expediter Priorities Orders	
Section 2.1	-	EPO-1	8-27-46
Section 2.2	-	EPO-2	8-27-46

SUBJECT: EPO-1, dated 8-27-46
Finding and Delegation of Authority

This Order has been issued by the Housing Expediter, as part of a series of new regulations, to effect the priorities powers conferred by the Veterans Emergency Housing Act of 1946.

It consists of a delegation of authority to the CPA for establishing and enforcing maximum sales prices and control of materials neither of which affects FPHA operations except as provided in more explicit regulations emanating from this authority.

PART 801 — PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Expediter Priorities Order 1]

FINDING AND DELEGATION OF AUTHORITY

This section is issued pursuant to the Veterans' Emergency Housing Act of 1946, approved May 22, 1946, which provides for carrying out the Veterans' Emergency Housing Program.

§ 801.1 *Finding and delegation of authority*—(a) *Priorities.* The Civilian Production Administration is hereby authorized to exercise the powers and authority of the Housing Expediter under sections 4 and 7 of the Veterans' Emergency Housing Act of 1946.

(b) *Maximum sales prices.* In the judgment of the Housing Expediter the sales prices of housing accommodations the construction of which is completed after the effective date of the Veterans' Emergency Housing Act of 1946 have risen or threaten to rise to an extent and in a manner inconsistent with the purposes of that act and it is necessary to establish maximum sales prices on housing accommodations hereafter authorized or for which priorities assistance is hereafter granted, to the extent and in the manner provided in this section and related issuances of the Housing Expediter.

(c) *Scope.* This section shall be applicable to the United States, its territories and possessions and the District of Columbia.

(Pub. Law 388, 79th Cong.)

Issued this 27th day of August 1946.

[SEAL] WILSON W. WYATT,
Housing Expediter

Superseded 1-20-47

SUBJECT: EPO-2, dated 8-27-46
Delegation of Authority

This Order is similar to CPA Directive 42. It includes in paragraph (b) (2) a delegation of authority to the FPHA to process applications for priorities assistance under HEPR-5.

SUBJECT: EPO-2, dated 12-23-46 1/
Delegation of Authority

This Order issued by the Housing Expediter disperses to certain agencies and officials the functions incident to effecting the provisions of VHP-1, PR-33, HEPR-5, HEPR-6, and the new Housing Permit Regulation (HPR).

Paragraph (b)(2) contains a delegation of authority to the FPHA, and is the basis for the redelegations to the regional level in Sections 3014:4 and 3014:5 of the Manual of Policy and Procedure.

The principal revision in EPO-2 is to assign the functions relating to the issuance of Federal permits under the Housing Permit Regulations.

1/ Supersedes EPO-2, dated 8-27-46.

Superseded 12-23-46

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Expediter Priorities Order 2]

DELEGATION OF AUTHORITY

§ 801.2 *Delegation of authority*—(a) *What this section provides.* This section delegates to specified agencies and officials authority to process applications for priorities assistance under § 803.5 (Housing Expediter Priorities Regulation 5) and related issuances and for authorization under Civilian Production Administration Veterans' Housing Program Order 1 and to make investigations of alleged violations thereof and take certain compliance action.

(b) *Processing applications and appeals.* (1) The Federal Housing Administration (through the Federal Housing Commissioner or his designated representatives) is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 5, applications, changes in applications, and appeals which that regulation authorizes to be filed with appropriate State and District Offices of the Federal Housing Administration.

(2) The Federal Public Housing Authority (through the Federal Public Housing Commissioner or his designated representatives) is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 5, applications, changes in applications, and appeals which that regulation authorizes to be filed with appropriate regional offices of the Federal Public Housing Authority.

(3) The Department of Agriculture (through the Director of the Materials and Equipment Branch, Production and Marketing Administration, or his designated representatives) is hereby authorized to approve or deny in accordance with Housing Expediter Priorities Regulation 5, applications, changes in applications, and appeals which that regulation authorizes to be filed with appropriate County Agricultural Conservation Committees.

(4) The Director or Acting Director of the Technical Branch of the Office of the Administrator of the National Housing Agency is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 5, applications, changes in applications, and appeals which that regulation authorizes to be filed with the Technical Branch.

(5) The Federal Housing Administration, the Federal Public Housing Authority, and the Department of Agriculture shall furnish the Housing Expediter with copies of approved applications and with such reports and other information as may be requested. All general instructions and operating procedures to be issued under the delegations in this paragraph shall be submitted to the Housing Expediter for prior approval.

(c) *Investigation and enforcement.* The Office of Price Administration through the Price Administrator or his designated representatives is hereby authorized to conduct such investigations as may be necessary to ascertain violations of Priorities Regulation 33 and Housing Expediter Priorities Regulation 5 with respect to sales price, rent, cost, construction, preferences for veterans, occupancy or disposition of dwellings, applications and the posting of placards; and where such violations are found:

(1) To institute such civil proceedings, in the name of the Price Administrator, as may be appropriate with respect to such violations, and to intervene in any civil proceedings in which such violations are involved.

(2) To revoke, deny or suspend authorization and priorities assistance under Priorities Regulation 33 and Housing Expediter Priorities Regulation 5 where the Price Administrator or his designated representatives determine, after appropriate administrative hearings, that such violations result or threaten to result in the use of materials or facilities in a manner inconsistent with the purposes of the Veterans' Emergency Housing Act of 1946.

To certify the facts of such violations to the Attorney General, whenever the Price Administrator, or his designated representatives, believe that any person is liable to punishment under the criminal laws of the United States or the provisions of the Veterans' Emergency Housing Act of 1946.

(4) To take such other action, or otherwise dispose of such violation as may be appropriate.

For the purpose of investigating and disposing of such violations, the Office of Price Administration through the Price Administrator or his designated representatives may exercise, to the extent necessary, the functions, powers, authority or discretion conferred upon the Housing Expediter by the Veterans' Emergency Housing Act of 1946 and Directive 42 of the Civilian Production Administration.

(Pub. Law 388, 79th Cong.; Pub. Law 507, 77th Cong., as amended; CPA Directive 42 (11 F.R. 8078))

Issued this 27th day of August 1946.

[SEAL] WILSON W. WYATT,
Housing Expediter.

[Priorities Order 2, As Amended Dec. 23, 1946]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DELEGATION OF AUTHORITY

§ 801.2 *Delegation of authority*—(a) *What this section provides.* This section delegates to specified agencies and officials authority to process applications for priorities assistance under § 803.5 (Housing Expediter Priorities Regulation 5) and related issuances and for authorization under Civilian Production Administration Veterans' Housing Program Order 1 pursuant to provisions of the Housing Permit Regulation for construction permits and to make certain investigations of alleged violations thereof and take certain compliance action. It also delegates to a specified official authority to process applications for priorities assistance under § 803.6 of this chapter (Housing Expediter Priorities Regulation 6).

(b) *Processing applications and appeals.* (1) The Federal Housing Administration (through the Federal Housing Commissioner or his designated representative) is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 5 and the Housing Permit Regulation, applications, changes in applications, and appeals which those regulations authorize to be filed with appropriate State and District Offices of the Federal Housing Administration.

(2) The Federal Public Housing Authority (through the Federal Public Housing Commissioner or his designated representatives) is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 5 and the Housing Permit Regulation, applications, changes in applications, and appeals which those regulations authorize to be filed with appropriate regional offices of the Federal Public Housing Authority.

(3) The Department of Agriculture (through the Director of the Materials and Equipment Branch, Production and Marketing Administration, or his designated representatives) is hereby authorized to approve or deny in accordance with Housing Expediter Priorities Regulation 5, changes in applications, and appeals which that regulation authorizes to be filed with appropriate County Agricultural Conservation Committees.

(4) The Director or Acting Director of the Technical Office of the Office of the Administrator of the National Housing Agency is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 5 and the Housing Permit Regulation, applications, changes in applications, and appeals which those regulations authorize to be filed with the Technical Office.

(5) The Director or Acting Director of the Prefabrication Production Branch of the Office of Industrialized Housing of the Office of the Administrator of the National Housing Agency is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 6, changes in applications, and appeals which that regulation authorizes to be filed with the National Housing Agency, except applications under paragraph (u) of Housing Expediter Priorities Regulation 6.

(6) The Federal Housing Administration, the Federal Public Housing Authority, and the Department of Agriculture shall furnish the Housing Expediter with copies of approved applications and with such reports and other information as may be requested. All general instructions and operating procedures to be issued under the delegations in the paragraph shall be submitted to the Housing Expediter for prior approval.

(c) *Investigation and enforcement.* The Office of Price Administration (Office of Temporary Controls) through the Price Administrator or his designated representatives is hereby authorized to conduct such investigations as may be necessary to ascertain violations of Priorities Regulation 33 (32 CFR 944.54) and Housing Expediter Priorities Regulation 5 with respect to sales price, rent, cost, construction, preferences for veterans, occupancy or disposition of dwellings, applications and the posting of placards; and where such violations are found:

(1) To institute such civil proceedings, in the name of the Price Administrator, as may be appropriate with respect to such violations, and to intervene in any civil proceedings in which such violations are involved.

(2) To revoke, deny or suspend authorization and priorities assistance under Priorities Regulation 33 and Housing Expediter Priorities Regulation 5 where the Price Administrator or his designated representatives determine, after appropriate administrative hearings, that such violations result or threaten to result in the use of materials or facilities in a manner inconsistent with the purposes of the Veterans' Emergency Housing Act of 1946.

(3) To certify the facts of such violations to the Attorney General, whenever the Price Administrator, or his designated representatives, believe that any person is liable to punishment under the criminal laws of the United States or the provisions of the Veterans' Emergency Housing Act of 1946.

(4) To take such other action, or otherwise dispose of such violation as may be appropriate.

For the purpose of investigating and disposing of such violations, the Office of Price Administration (Office of Temporary Controls) through the Price Administrator or his designated representatives may exercise, to the extent necessary, the functions, powers, authority or discretion conferred upon the Housing Expediter by the Veterans' Emergency Housing Act of 1946 and Directive 42 of the Civilian Production Administration.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

This section as amended shall become effective December 24, 1946.

(Title III, 56 Stat. 177, Pub. Law 388, 79th Cong., 60 Stat. 207; 50 U. S. C. App. Sup. 633)

Issued this 23d day of December 1946.

[SEAL] FRANK R. CREEDON,
Housing Expediter.

Superseded 11-8-46.

SUBJECT: EPO-3, dated 9-13-46 1/
Delegation of Authority

This delegation of authority has been issued by the Housing Expediter to effectuate the provisions of HEPR-4.

It provides authority to certain officials of the Office of the Housing Expediter for the issuance of certificates for the disposal of WAA surplus building materials and equipment.

The FPHA is not affected by this delegation of authority, but the Order is included in the Bulletin for information and for advising local bodies and to provide a complete file for the Housing Expediter's priorities order.

1/ This is a new insert, and an entry should be made in the Index for Part II, Section 2.

Removed 1-23-47 OESCLE

SUBJECT: EPO-3, Amended 10-16-46 1/
Delegation of Authority

This delegation of authority is issued by the Housing Expediter to effectuate the provisions of HEPR-1, -2, -3, and -4.

It provides authority to certain officials of the Office of the Housing Expediter for the issuance of certificates for the disposal of WAA surplus building materials and equipment.

As revised, the order authorizes Regional Expediters and the Director of the Expediting Branch to make determinations on the sequence in which WAA shall fill purchase orders under HEPR-1 and -2.

The FPHA is not affected by the delegation of authority, but the Order is included in the Bulletin for information in advising local bodies, and to provide a complete file of the Housing Expediter's priorities orders.

1/ Supersedes EPO-3, dated 9-13-46.

Superseded 10-16-46

OFFICE OF HOUSING EXPEDITER

EPO 3
SEPT. 13, 1946

[Priorities Order 3]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DELEGATION OF AUTHORITY

§ 801.3 *Delegation of authority*—(a) *What this section provides.* This section delegates to certain officials in the Office of the Housing Expediter the authority to issue Housing Expediter certificates in accordance with Housing Expediter Priorities Regulation 4, and to make findings in support of such certificates.

(b) *Finding of short supply.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Director of the Expediting Branch, Office of Materials Supply, Office of the Housing Expediter, are hereby authorized to determine whether there is a shortage in the supply of any materials or equipment for which an application for a Housing Expediter certificate is filed under Housing Expediter Priorities Regulation 4.

(c) *Housing Expediter certificates.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Director of the Expediting Branch, Office of Materials Supply, Office of the Housing Expediter, are hereby authorized to issue Housing Expediter certificates, in accordance with Housing Expediter Priorities Regulation 4, covering materials or equipment found by the Regional Housing Expediter or the Director of the Expediting Branch, Office of Materials Supply, respectively, in accordance with paragraph (b) of this section, to be in short supply.

(Title III, 56 Stat. 177, as amended; 60 Stat. 207; 50 U. S. C. App. Supp. 633; CPA Dir. 44, 11 F. R. 8936)

Issued this 13th day of September 1946.

[SEAL] WILSON W. WYATT,
Housing Expediter.

OBSOLETE

Revoked 1-23-47

OFFICE OF HOUSING EXPEDITER

EPO 3
OCT. 16, 1946
[As Amended]

[Priorities Order 3]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1943

DELEGATION OF AUTHORITY

§ 801.3 *Delegation of authority*—(a) *What this section provides.* Housing Expediter Priorities Regulations 1, 2, 3, and 4 relate to the disposal by War Assets Administration of materials and equipment needed in the Veterans' Emergency Housing Program. This section delegates to certain officials in the Office of the Housing Expediter the authority (1) to make certain determinations described in Housing Expediter Priorities Regulations 1 and 2, and (2) to issue Housing Expediter certificates in accordance with Housing Expediter Priorities Regulation 4, and to make findings in support of such certificates.

(b) *Sequence of filling orders under HEPR 1 and 2.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Director of the Expediting Branch, Office of Materials Supply, Office of the Housing Expediter, are hereby authorized to make the determinations described in paragraph (f) (2) of Housing Expediter Priorities Regulation 1 and in paragraph (f) (2) of Housing Expediter Priorities Regulation 2. These determinations relate to the sequence in which purchase orders received by War Assets Administration under HEPR 1 and 2 shall be accepted and filled by WAA.

NOTE: Former paragraphs (b) and (c) redesignated (c) and (d) Oct. 16, 1946.

(c) *Finding of short supply.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Director of the Expediting Branch, Office of Materials Supply, Office of the Housing Expediter, are hereby authorized to determine whether there is a shortage in the supply of any materials or equipment for which an application for a Housing Expediter certificate is filed under Housing Expediter Priorities Regulation 4.

(d) *Housing Expediter certificates.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Director of the Expediting Branch, Office of Materials Supply, Office of the Housing Expediter, are hereby authorized to issue Housing Expediter certificates, in accordance with Housing Expediter Priorities Regulation 4, covering materials or equipment found by the Regional Housing Expediter or the Director of the Expediting Branch, Office of Materials Supply, respectively, in accordance with paragraph (c) of this section, to be in short supply.

(Title III, 56 Stat. 177, as amended; 60 Stat. 207; 50 U. S. C. App. Supp. 633; CPA Dir. 44, 11 F. R. 8936)

Issued this 16th day of October 1946.

[SEAL] WILSON W. WYATT,
Housing Expediter.

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SUBJECT: HEPR-1, dated 8-15-46
Surplus Building Materials and Equipment

This Regulation is designed to make available from surplus stocks of the WAA a number of building materials not heretofore available to veterans' housing and hospitals.

HEPR-1, which replaces Direction 7 to PR-13, grants the FPHA and the Veterans Administration preferential consideration in the acquisition of more than 80 types of surplus building materials. The period of time during which the materials will be held will depend on the type of building material or equipment and the method of sale.

The priorities system under HEPR-1 covers surplus building materials in military installations except structures in place, and includes materials made available from dismantling operations.

Immediately after FPHA and VA claims are satisfied, an exclusive offering will be made to holders of HH priorities, which will benefit local bodies engaged in over-quota housing. Such sales will be advertised by WAA regional offices 10 days in advance.

Paragraph (o) requires that each person or agency obtaining materials must prepare and keep, for two years, accurate and complete records of each transaction.

Superseded 2-10-47

OBSOLETE

SUBJECT: HEPR-1, Amended 10-16-46 1/
Surplus Building Materials and Equipment

This Regulation grants special preferential consideration to the FPHA and the Veterans' Administration in the acquisition of more than 100 types of building materials and equipment from any surplus property holdings of the WAA. It includes surplus building materials in military installations except structures in place, and materials made available from dismantling operations.

The period of time during which the materials can be transferred to FPHA will depend on the type of building material or equipment, and the method of subsequent sale arranged for other priority groups.

Immediately after FPHA and VA claims are satisfied, the remaining items are offered for sale to holders of HH ratings and other purchasers. It is understood that advertising will start 10 days in advance of such sales. Precedence in filling orders is given to holders of HH ratings, and this will benefit local bodies engaged in providing over-quota or non-contract housing for veterans.

This revision of HEPR-1: (a) increases the number of items covered by the regulation; (b) clarifies the inter-relation of Expediter's and OPA directives and certificates; (c) omits reference to RFC's purchases for small business; (d) provides a period of simultaneous offering to holders of HH ratings and other purchasers, so as to avoid duplicate offerings by WAA; (e) prevents coexistence of unfilled rated orders and unsold stock for the same item, at the end of the offering period; (f) provides for allocation by lot to purchasers within the same preference class when the Expediter or WAA determines before the offering period begins that the offering will be over-subscribed; and (g) tightens the language of the required certificates.

Paragraph (q) requires that each person or agency obtaining materials or equipment under this regulation must prepare and keep, for two years, accurate and complete records of each transaction.

1/ Supersedes HEPR-1, dated 8-15-46.

SUBJECT: HEPR-1, Amended 1-27-47 1/
Surplus Building Materials and Equipment

This Regulation grants special preferential consideration to the FPHA in the acquisition of approximately 100 types of building materials and equipment from any surplus property holdings of the WAA, prior to public sale. It includes surplus building materials in military installations except structures in place, and materials made available from WAA dismantling operations.

The period of time during which the materials can be transferred to FPHA will depend on the type of building materials or equipment, and the method of subsequent sale arranged for other priority groups.

Immediately after FPHA and VA Claims are satisfied, the remaining items are offered for sale to holders of HH ratings, construction permits, and other purchasers. This can benefit local bodies engaged in providing over-quota or non-contract housing for veterans.

Paragraph (q) requires that each person or agency obtaining any materials or equipment under this regulation must prepare and keep, for two years, accurate and complete records of each transaction.

1/ Supersedes HEPR-1, dated 10-16-46.

Superseded 10-16-46

OFFICE OF HOUSING EXPEDITER

Corrected Copy

[Priorities Reg. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SURPLUS BUILDING MATERIALS AND EQUIPMENT

§ 803.1 *Surplus building materials and equipment for the Veterans' Emergency Housing Program and the Veterans Administration Construction Program*—(a) *What this section provides.* This section provides for channeling certain surplus building materials and equipment held by the War Assets Administration into the Veterans' Emergency Housing Program (for the construction of low and moderate cost housing accommodations) and the Veterans' Administration Construction Program (for hospitals and other facilities). This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed in the table at the end of this section are suitable for the construction of housing accommodations and are in short supply. Those materials, referred to in this section as "building materials and equipment", are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal by WAA of any of the building materials and equipment covered by this section which are held as surplus by WAA must be made subject to this section. Under this section, first opportunity for acquiring such building materials and equipment held as surplus property by WAA is given to persons and agencies acquiring for use or resale for use in the above programs.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Building materials and equipment covered by this section.* This section applies only to the building materials and equipment listed in the table at the end of this section. It applies whether the listed building materials and equipment are new or used, and includes building materials and equipment recovered or salvaged from dismantled surplus property. As used in this section, the term "materials" includes items customarily referred to as "supplies."

(c) *Surplus Property Act priority groups.* During the period described in paragraph (d) of this section and the exclusive offering period described in paragraph (e) of this section, any disposal by WAA of the building materials or equipment covered by this section shall be made without regard to the priority groups established in the Surplus Property Act. After these two periods have expired, disposal of such materials or equipment may be made in accordance with paragraph (h) of this section.

(d) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of building material or equipment and the method of sale, and prior to the time any building materials or equipment covered by this section are first advertised or publicly offered for sale, such building materials or equipment may be transferred only:

(1) To the Veterans Administration for use in the Veterans Administration Construction Program.

(2) To the Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(e) *Buyers eligible during exclusive offering period.* During a second period of time to be determined by WAA with respect to any of the above building materials or equipment remaining to be disposed of after the period described in paragraph (d) of this section has expired, WAA must offer such building materials or equipment exclusively for sale:

(1) To persons purchasing the building materials or equipment for use who give with their purchase orders a certificate in writing in substantially the following form:

> The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the materials and equipment covered by this purchase order are required for and will be used in construction of housing accommodations, or in production, for which priorities assistance has been assigned under the Veterans' Emergency Housing Program, or in construction for which priorities assistance has been assigned under the Veterans Administration Construction Program.

(2) To regularly established sellers of building materials or equipment purchasing for resale who give with their purchase orders a certificate in writing in substantially the following form:

> The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the materials and equipment covered by this purchase order will be publicly offered for sale without delay, and will be disposed of only to persons who give a certificate in writing with their purchase orders in substantially the form described in paragraph (e) (1) of Housing Expediter Priorities Regulation 1.

(3) To the Reconstruction Finance Corporation buying under section 18 (e) of the Surplus Property Act for resale to persons who give the RFC with their purchase orders a certificate in writing substantially in the form described in subparagraph (1) or (2) of this paragraph.

During this exclusive offering period the agencies described in paragraph (d) of this section may not acquire any of the building materials or equipment covered by this section which are being offered for sale.

(f) *Precedence among eligible buyers during exclusive offering period.* During the exclusive offering period described in paragraph (e) of this section, WAA shall in general accept and fill orders from the eligible buyers listed in that paragraph in the sequence in which the orders are received by WAA. However, if the Housing Expediter or the WAA determines, before the exclusive offering period begins, that the amount of any building material or equipment covered by this section to be offered for sale by WAA at a particular place will be inadequate to meet the expected orders from buyers eligible under paragraph (e) of this section, WAA shall give preference during the exclusive offering period to orders from persons as described in paragraph (e) (1) of this section.

(g) *Other terms of sale.* During the periods described in paragraphs (d) and (e) of this section, the WAA may make disposals of building materials or equipment covered by this section in such quantities as WAA may determine, and upon such other terms as are not in conflict with this section.

(h) *Buyers eligible after exclusive offering period.* After the periods described in paragraphs (d) and (e) of this section have expired, WAA may dispose of the unsold balance of any lot in accordance with the Surplus Property Act and applicable sections issued under that act.

RESTRICTIONS ON BUYERS

(i) *Use by buyers described in paragraph (e) (1) of this section.* Any person obtaining building materials or equipment by use of the certificate described in paragraph (e) (1) of this section may use the building materials or equipment so obtained only in accordance with the terms of that certificate.

(j) *Sales by buyers described in paragraph (e) (1) of this section.* If it becomes impossible for a buyer who acquired building materials or equipment under paragraph (e) (1) of this section to use all of them in accordance with the certificate described in that subparagraph, he must publicly offer for sale the unused building materials or equipment and must dispose of them only to persons who give a certificate as described in paragraph (e) (1) or (e) (2) of this section. In addition, he must not dispose of them even to such persons if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

(k) *Sales by buyers described in paragraph (e) (2) of this section.* Any person obtaining building materials or equipment by use of the certificate described in paragraph (e) (2) of this section must dispose of the building materials or equipment so obtained only in accordance with the terms of that certificate. In addition, he must not dispose of them even to persons eligible under the terms of the certificate if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(l) *Effect of special directives or CPA urgency certificates.* This section does not apply to disposals of building materials or equipment by WAA pursuant to special directives issued by the Housing Expediter or the Civilian Production Administration. It also does not apply to a sale of building materials or equipment by WAA to a holder of an urgency certificate issued under Direction 16 to Priorities Regulation 13 of the Civilian Production Administration.

(m) *Appeals.* Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision in the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(n) *Violations.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who wilfully conceals a material fact in any certificate required to be filed under this section, or who wilfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable Federal Statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(o) *Reporting and record requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years, accurate and complete records of the details of each such transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The record requirements of this section have been approved by the Bureau of the Budget in accordance with that act.

(Pub. Law 388, 79th Cong.; Pub. Law 507, 77th Cong., as amended, 56 Stat. 176; CPA Directive 44 (11 F.R. 8936))

Issued this 15th day of August 1946.

WILSON W. WYATT,
Housing Expediter.

TABLE OF BUILDING MATERIALS AND EQUIPMENT COVERED BY THIS SECTION

Aluminum, plate, sheet and strip and shapes.
Asbestos cement pipe, and fittings.
Asbestos flat sheets.
Bath tubs.
Bends, lead.
Blocks, building, concrete and cinder.
Boilers, low pressure residential heating.
Brick, ceramic and face.
Building sections, knocked down, portable, metal.
Burners, oil, domestic, apartment-type and hot water heating.
Burner units, boiler.
Cabinets, bath and medicine.
Casements, metal.
Caulking, lead.
Cement, Portland.
Closets, water.
Conduit, electrical, ¾" to 2" incl.
Controls, heating, domestic, and accessories.
Controls, oil burners.
Doors, door frames, metal.
Fabricated structural shapes and forms, iron and steel, suitable for housing construction only.
Fittings, conduit, metal.
Fittings, threaded, malleable, and cast iron, brass and bronze
Floor coverings, hard surface.
Flooring, hardwood, inc'uding stair treads.
Furnaces, warm air (gravity circulation, wall, floor, and forced air circulation).
Furnaces, gas fixtures.
Furnace pipe, fittings and duct work.
Fuses, electrical.
Gutters and downspouts, metal.
Hardboard, (tempered, untempered).
Hardware, builders'.
Hot water circulation, condensation, and vacuum heating pumps.
Insect screen cloth, metal.
Insulation board.
Insulators, electric.
Lath, metal, and accessories.
Lath, gypsum.
Lavatories.
Lighting fixtures, residence, electrical.
Lime.
Linoleum.
Linseed oil, raw and boiled.
Lumber.
Millwork, including frames, moulding, sash, doors, and built-in kitchen cabinets.
Nails, all types and sizes (except 3d to 5d, cement and bright box and common).
Paint, pigments, all types, thinners, dryers and varnishes.
Panels, sections, prefabricated, all types.
Paper, building and sheathing.
Pipe, lead, and fittings up to 1½".
Pipe, wrought iron and steel and fittings, black and galvanized.
Plumbing fixtures fittings and trim, brass, bronze and steel.
Prefabricated structures suitable for housing.
Putty.
Radiation, cast iron, tubular, cast iron convector, extended surface convector.
Range boilers, water; domestic, without coils or burner.
Refrigerators, domestic.
Registers and grilles, warm air; steel, other than ornamental.
Roofing, asphalt, asbestos, wood and metal.
Sash weights.
Screens, metal.
Septic tanks, all metal, reinforced concrete.
Sewer drain pipe, bituminized fiber.
Sewer pipe, clay, and fittings.
Sheet steel, form panels for foundation walls.
Shingles, all types.
Shower receptors.
Shower stalls.
Siding, asbestos cement.
Sinks, porcelain, metal, for domestic use.
Softwood plywood.
Soil pipe, cast iron.
Stairs, staircases, fire escapes, metal.
Steel, bars, rods, mesh reinforcing.
Steel sheets, galvanized and black.
Stokers, domestic.
Stoves, cooking and heating, domestic, including space heaters.
Tanks, expansion.
Tanks, storage, up to 550 gals., for oil, water, and liquefied gas.
Termite shields, metal.
Terneplate and roofing.
Tile, gypsum, except partition.
Tile, asphalt.
Tile, structural clay, hollow.
Traps, lead.
Tubing,, copper, ½" to 1¼" inclusive.
Veneer, softwood.
Wallboard, fiber, laminated.
Wallboard, gypsum.
Windows, window frames, metal.
Weather stripping, rubber, wood and metal.
Water heaters, electric, side-arm, indirect, and direct-fire storage type.
Wire, domestic use.
Wire, copper, insulated (including Romex 8 B–X cable).
Wire, stucco mesh.
Wiring devices, electrical, residential type; such as switches, receptacles, wall plates.
Valves, iron and brass, gate and check, ½" to 12".
Valves, iron and brass, globe, ½" to 4", including boiler drains.
Valves, iron and brass, stop and waste up to 2".

Superseded 1-27-47

OBSOLETE

OFFICE OF HOUSING EXPEDITER

HEPR 1

OCT. 16, 1946
[As Amended]

[Priorities Reg. 1 as Amended Oct. 16, 1946]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SURPLUS BUILDING MATERIALS AND EQUIPMENT

Par.

(a) What this section provides.
(b) Building materials and equipment covered by this section.
(c) Agencies eligible during period prior to sale.
(d) Advertising period.
(e) Offering period.
(f) Order of precedence within classes described in paragraphs (e) (1) and (e) (2).
(g) Surplus Property Act priority groups.
(h) Minimum and maximum quantities.
(i) Other terms of disposal.
(j) Authorized quantities.
(k) Use by persons described in paragraph (e) (1).
(l) Sales by persons described in paragraph (e) (1).
(m) Sales by persons described in paragraph (e) (2).
(n) Effect of Housing Expediter directives and certificates, CPA special directives, and CPA urgency certificates.
(o) Appeals.
(p) Violations.
(q) Reporting and record-keeping requirements.

§ 803.1 *Surplus building materials and equipment for the Veterans' Emergency Housing Program and the Veterans Administration Construction Program*—(a) *What this section provides.* This section provides for channeling certain surplus building materials and equipment held by the War Assets Administration into the Veterans' Emergency Housing Program (for the construction of low and moderate cost housing accommodations) and the Veterans Administration Construction Program (for hospitals and other facilities). This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed in the table at the end of this section are suitable for the construction of housing accommodations and are in short supply. Those materials, referred to in this section as "building materials and equipment," are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal by WAA of any of the building materials and equipment covered by this section which are held as surplus by WAA must be made subject to this section. Under this section, first opportunity for acquiring such building materials and equipment held as surplus property by WAA is given to persons and agencies acquiring for use or resale for use in the above programs.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Building materials and equipment covered by this section.* This section applies only to the building materials and equipment listed in the table at the end of this section. It applies whether the listed building materials and equipment are new or used, and includes building materials and equipment recovered or salvaged from dismantled surplus property. As used in this section, the term "materials" includes items customarily referred to as "supplies."

NOTE: Paragraph (c) formerly (d) redesignated, and former paragraph (c) deleted Oct. 16, 1946.

(c) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of building material or equipment and the method of sale, and prior to the time any building materials or equipment covered by this section are first advertised or publicly offered for sale, such building materials or equipment may be transferred only to:

(1) The Veterans Administration for use in the Veterans Administration Construction Program.

(2) The Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(d) *Advertising period.* During a period of time to be determined by WAA, the building materials or equipment remaining to be disposed of after the period described in paragraph (c) of this section has expired shall be publicly advertised by WAA for disposal to as many of the following as WAA deems appropriate in view of the probable demand:

(1) Classes of persons described in paragraphs (e) (1) and (e) (2) of this section.

(2) Priority groups established by the Surplus Property Act of 1944, as amended.

(3) Other buyers.

Such advertisement shall indicate that during a specified offering period orders will be filled in the order of precedence provided for in paragraphs (e), (f) and (g) of this section.

(e) *Offering period.* During the offering period specified in the public advertisement provided for in paragraph (d) of this section, WAA shall follow the order of precedence set out below in disposing of any building materials or equipment covered by this section:

(1) Persons purchasing the building materials or equipment for use who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that (1) he has been authorized to use an HH rating for the construction of housing accommodations, or for production, under the Veterans' Emergency Housing Program (or an MM rating for construction under the Veterans Administration Construction Program), (2) the following project or serial number(s) has (have) been assigned in connection with such construction or production: ————————, and (3) all the materials and equipment covered by this purchase order are required for and will be used in such construction or production.

(Signature)

(2) Regularly established sellers of building materials or equipment purchasing for resale who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the materials and equipment covered by this purchase order will be publicly offered for sale without delay, and will be disposed of only to persons who give with their purchase orders a certificate in writing in substantially the form described in paragraph (e) (1) of Housing Expediter Priorities Regulation 1, as amended.

Signature

(3) *Other persons.*

Dur ng the offering period described in this paragraph, the agencies described in paragraph (c) of this section may not acquire any of the building materials or equipment covered by this section which are being offered for disposal, until after the preferences of the persons described in subparagraphs (1) and (2) of this paragraph have been satisfied.

(f) *Order of precedence within classes described in paragraphs (e) (1) and (e) (2).* Within class (1) or (2) of paragraph (e) of this section, WAA shall follow the order of precedence set out below in filling orders for building materials or equipment covered by this section:

(1) *In order of receipt.* Unless the Housing Expediter or WAA makes the determinations described in subparagraph (2) of this paragraph, WAA shall accept and fill orders in the sequence in which they are received by WAA.

(2) *By drawing of lots.* If the Housing Expediter or WAA determines, before the offering period described in paragraph (e) of this section begins, that:

(i) The amount of any building material or equipment covered by this section to be offered for disposal by WAA at a particular place will be inadequate to fill

the expected orders from persons described in paragraph (e) (1) of this section (or from persons described in paragraph (e) (2) after the preference of paragraph (e) (1) has been satisfied), and

(ii) The geographical distribution of such persons would work an unusual and inequitable hardship upon some of them if the "order of receipt" rule were applied as provided in subparagraph (1) of this paragraph,

WAA shall then fill orders from such persons in a sequence determined by the drawing of lots.

(g) *Surplus Property Act priority groups.* During the period described in paragraph (c) of this section, any disposal by WAA of building materials or equipment covered by this section shall be made without regard to the priority groups established by the Surplus Property Act of 1944, as amended. In addition, during the offering period described in paragraph (e) of this section, any disposal by WAA of building materials or equipment covered by this section to persons described in paragraph (e) (1) or (e) (2) shall be made without regard to the priority groups established by the Surplus Property Act. However, after the preferences of the persons described in paragraphs (e) (1) and (e) (2) have been satisfied, WAA may dispose of the remainder of any lot of building materials or equipment in accordance with the Surplus Property Act and applicable regulations issued under that Act.

(h) *Minimum and maximum quantities.* During the offering period described in paragraph (e) of this section, WAA may dispose of any materials or equipment covered by this section:

(1) In such minimum quantities as WAA may determine.

(2) In such maximum quantities as WAA determines will be most equitable in view of the estimated demand for the particular building materials or equipment offered for disposal. However, if one or more purchase orders from persons described in paragraphs (e) (1) or (e) (2) of this section remain partially unfilled at the end of the offering period, and if some of the particular building material or equipment covered by such orders remains undisposed of at the end of the offering period, WAA shall apply such material or equipment to the unfilled orders (in the order of precedence provided for in paragraphs (e), (f), and (g) of this section).

(i) *Other terms of disposal.* During the periods described in paragraphs (c) and (e) of this section, WAA may dispose of any building materials or equipment covered by this section upon such terms and conditions as are not in conflict with this section.

RESTRICTIONS ON BUYERS

(j) *Authorized quantities.* The quantities of building materials or equipment obtained by use of the certificate described in paragraph (e) (1) of this section, together with the quantities obtained from other sources by use of the HH rating itself (or MM rating), must not exceed the quantities for which the use of the HH rating (MM rating) was authorized.

NOTE: Former paragraphs (i) through (o) redesignated (k) through (q) respectively Oct. 16, 1946.

(k) *Use by persons described in paragraph (e) (1).* Any person obtaining building materials or equipment by use of the certificate described in paragraph (e) (1) of this section may use the building materials or equipment so obtained only in accordance with the terms of that certificate.

(l) *Sales by persons described in paragraph (e) (1).* If it becomes impossible for a person who acquired building materials or equipment by use of the certificate described in paragraph (e) (1) of this section to use all of them in accordance with the terms of that certificate, he must publicly offer for sale the unused building materials or equipment and must dispose of them only to persons who give a certificate as described in paragraph (e) (1) or (e) (2) of this section. In addition, he must not dispose of them even to such persons if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

(m) *Sales by persons described in paragraph (e) (2).* Any person obtaining building materials or equipment by use of the certificate described in paragraph (e) (2) of this section must dispose of the building materials or equipment so obtained only in accordance with the terms of that certificate. In addition, he must not dispose of them even to persons eligible under the terms of the certificate if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(n) *Effect of Housing Expediter directives Housing Expediter certificates, CPA special directives, and CPA urgency certificates.* The relation between this section and directives and certificates issued by the Housing Expediter or the Civilian Production Administration is as follows:

(1) *Housing Expediter directives and CPA special directives.* Directives issued by the Housing Expediter and special directives issued by the Civilian Production Administration shall take precedence over the disposal procedure outlined in this section.

(2) *Housing Expediter certificates and CPA urgency certificates.* Housing Expediter certificates issued under Housing Expediter Priorities Regulation 4, and urgency certificates issued under Direction 16 to Priorities Regulation 13 of the Civilian Production Administration, shall take precedence over the disposal procedure outlined in this section, except paragraph (c), if the WAA Regional Office in charge of the building material or equipment covered by such a certificate receives the certificate prior to the beginning of the advertising period provided for in paragraph (d) of this section.

(o) *Appeals.* Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision in the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(p) *Violations.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who wilfully conceals a material fact in any certificate required to be filed under this section, or who wilfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable Federal Statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(q) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after each such transaction, accurate and complete records of the details of the transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The recordkeeping requirements of this section have been approved by the Bureau of the Budget in accordance with that act.

(Title III, 56 Stat. 177, as amended; 60 Stat. 207; 50 U. S. C. App. Supp. 633; CPA Dir. 44, 11 F. R. 8936)

Issued this 16th day of October 1946.

WILSON W. WYATT,
Housing Expediter.

TABLE OF BUILDING MATERIALS AND EQUIPMENT COVERED BY THIS SECTION

Aluminum, plate, sheet and strip and shapes.
Asbestos cement pipe, and fittings.
Asbestos flat sheets.
Bends, lead.
Blocks, building, concrete and cinder.
Boilers, low pressure residential heating.
Brick, common and face.
Brick, sand-lime.
Building sections, knocked down, portable, metal.
Burners, oil, domestic, apartment-type and hot water heating.
Burner units, boiler.
Cabinets, bath and medicine.
Casements, metal.
Caulking, lead.
Cement, Portland.
Conduit, electrical, ¾" to 2" incl.
Controls, heating, domestic, and accessories.
Controls, oil burners.
Doors, door frames, metal.
Fabricated structural shapes and forms, iron and steel, suitable for housing construction only.
Felt, roofing, dry.
Fittings, conduit, metal.
Fittings, threaded, malleable, and cast iron, brass and bronze
Floor coverings, hard surface.
Flooring, hardwood, including stair treads.
Fractional h. p. motors, ⅛ to ⅓ h. p. inclusive.
Furnaces, warm air (gravity circulation, wall, floor, and forced air circulation).
Furnaces, gas fixtures.
Furnace pipe, fittings and duct work.
Fuses, electrical.
Glass, window, common, sheet.
Gutters and downspouts, metal.
Gypsum board.
Gypsum lath.
Gypsum plank, metal bound.
Hardboard, (tempered, untempered).
Hardware, builders'.
Hot water circulation, condensation, and vacuum heating pumps.
Insect screen cloth, metal.
Insulation board.
Insulation, flexible.
Insulators, electric.
Lath, metal, and accessories.
Lath, insulated.
Lighting fixtures, residence, electrical.
Lime, finish and masonry.
Linoleum.
Linseed oil, raw and boiled.
Lumber.
Millwork, including frames, moulding, sash, doors, and built-in kitchen cabinets.
Nails, 20d and under, all types.
Paint, pigments, all types, thinners, dryers and varnishes.
Panels, sections, prefabricated, all types.
Paper, building and sheathing.
Pipe, concrete.
Pipe, lead, and fittings up to 1½".
Pipe, wrought iron and steel and fittings, black and galvanized.
Plaster, hardwall.
Plumbing fixtures fittings and trim, brass, bronze and steel.
Prefabricated structures suitable for housing (except fixed structures in place).
Putty.
Radiation, cast iron, tubular, cast iron convector, extended surface convector.
Range boilers, water; domestic, without coils or burner.
Refrigerators, domestic.
Registers and grilles, warm air; steel, other than ornamental.
Roofing, asphalt, asbestos, wood and metal.
Sash weights.
Screens, metal.
Septic tanks, all metal, reinforced concrete.
Sewer drain pipe, bituminized fiber.
Sewer pipe, clay, and fittings.
Sheathing, insulation.
Sheet, copper.
Sheet steel, form panels for foundation walls.
Shingles, all types.
Shower receptors.
Shower stalls.
Siding, shingles, asbestos cement.
Softwood plywood.
Soil pipe, cast iron.
Stairs, staircases, fire escapes, metal.
Steel, bars, rods, mesh reinforcing.
Steel sheets, galvanized and black.
Stokers, domestic.
Stoves, cooking and heating, domestic, including space heaters.
Tanks, expansion.
Tanks, storage, up to 550 gals., for oil, water, and liquefied gas.
Termite shields, metal.
Terneplate and roofing.
Tile, gypsum, except partition.
Tile, asphalt.
Tile, structural clay, hollow.
Traps, lead.
Tubing, copper, ½" to 1¼" inclusive.
Valves, iron and brass, gate and check, ½" to 12".
Valves, iron and brass, globe, ½" to 4", including boiler drains.
Valves, iron and brass, stop and waste up to 2".
Veneer, softwood.
Wallboard, fiber, laminated.
Water heaters, electric, side-arm, indirect, and direct-fire storage type.
Weather stripping, rubber, wood and metal.
Windows, window frames, metal.
Wire, copper, insulated (including Romex 8 B–X cable).
Wire, domestic use.
Wire, stucco mesh.
Wiring devices, electrical, residential type; such as switches, receptacles, wall plates.

[Priorities Reg. 1 as Amended Jan. 27, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SURPLUS BUILDING MATERIALS AND EQUIPMENT

Par.

PURPOSE

(a) What this section provides.

RESTRICTIONS ON DISPOSALS BY WAA

(b) Building materials and equipment covered by this section.
(c) Agencies eligible during period prior to sale.
(d) Public advertisement.
(e) Offering period.
(f) Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).
(g) Surplus Property Act priority groups.
(h) Minimum and maximum quantities.
(i) Other terms of disposal.

RESTRICTIONS ON BUYERS

(j) Authorized quantities.
(k) Use by persons described in paragraphs (e) (1) through (e) (4).
(l) Sales by persons described in paragraphs (e) (1) through (e) (4).
(m) Sales by dealers.

OTHER PROVISIONS

(n) Effect of Housing Expediter and CPA directives.
(o) Appeals.
(p) Violations.
(q) Reporting and record-keeping requirements.

§ 803.1 *Surplus building materials and equipment for the Veterans' Emergency Housing Program and the Veterans Administration Construction Program*—(a) *What this section provides.* This section, Housing Expediter Priorities Regulation 1, provides for channeling certain surplus building materials and equipment held by the War Assets Administration into the Veterans' Emergency Housing Program and the Veterans Administration Construction Program. The materials and equipment will be used in the first program for the construction of low and moderate cost housing accommodations, in the second for the construction of veterans' hospitals and other facilities. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed at the end of this section are suitable for the construction of housing accommodations and are in short supply. These materials, referred to in this section as "building materials and equipment," are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal of any of the building materials and equipment covered by this section which are held as surplus by WAA must be made subject to this section.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Building materials and equipment covered by this section.* This section applies only to the building materials and equipment listed at the end of this section. It applies whether the listed building materials and equipment are new or used, and includes building materials and equipment recovered or salvaged from dismantled surplus property, if the dismantling is done under WAA direction and not by the purchaser. (Sales of surplus structures for dismantlement or other removal by the purchaser are governed by Housing Expediter Priorities Regulation 7.) As used in this section, the term "materials" includes items customarily referred to as "supplies."

(c) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of building material or equipment and the method of sale and prior to the time any building materials or equipment covered by this section are first advertised or publicly offered for sale, such building materials or equipment may be transferred only to:

(1) The Veterans Administration for use in the Veterans Administration Construction Program.

(2) The Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(3) Holders of unexpired Housing Expediter certificates (issued under Housing Expediter Priorities Regulation 4), or unexpired CPA urgency certificates (issued under Direction 16 to CPA Priorities Regulation 13).

As between a request for transfer received during this period from FPHA or VA, and an order from a certificate holder, WAA shall give preference to that which is first received.

Some WAA disposals under this section are of building materials and equipment resulting from the dismantlement of surplus government installations, and are conducted at the location of the dismantling operation. At any such site, during the period described in this paragraph, total transfers to FPHA and VA of building materials and equipment covered by this section shall not exceed 50% of the dollar value of all such materials and equipment available for disposal at the site.

(d) *Public advertisement.* During a period of time determined by WAA, the building materials or equipment remaining at the end of the period described in paragraph (c) of this section shall be publicly advertised by WAA for disposal to:

(1) Priority groups described in paragraphs (e) (1) through (e) (4) of this section.

(2) Priority groups established by the Surplus Property Act of 1944, as amended.

(3) Other buyers.

Such advertisement shall be addressed to as many of these priority groups, and other buyers, as WAA deems appropriate in view of the probable demand. The advertisement shall indicate that during a specified offering period orders will be filled in the order of preference provided for in paragraphs (e), (f), and (g) of this section.

In the case of building materials or equipment which are available in such small quantities that public advertisement would be impracticable, WAA may employ other forms of public offering.

During the advertising period (or other public offering) described in this paragraph, the Veterans Administration and Federal Public Housing Authority may not acquire any of the building materials or equipment covered by this section which are being offered for disposal.

(e) *Offering period.* During the offering period specified in the public advertisement (or other public offering) provided for in paragraph (d) of this section, WAA shall follow the order of preference set out below in disposing of any building materials or equipment covered by this section:

(1) *HEPR 4 certificates.* Holders of unexpired Housing Expediter certificates, or unexpired CPA urgency certificates.

(2) *HH and MM ratings.* Persons who give with their purchase orders a certificate in writing in substantially the following form:

> The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that (1) he has been authorized to use an HH rating for the construction of housing accommodations, or for production of prefabricated housing, under the Veterans' Emergency Housing Program (or an MM rating for construction under the Veterans Administration Construction Program), (2) the following project or serial number(s) has (have) been assigned in connection with such construction or production: ----------, and (3) all the materials and equipment covered by this purchase order are required for and will be used in such construction or production.
>
> ----------
> (Signature)

(3) *Construction permits for veterans' housing.* Persons who give with their purchase orders a certificate in writing in substantially the following form:

> The undersigned certifies to the War Assets Administration and the Housing Expediter,

subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that (1) he has been issued a construction permit under the Veterans' Emergency Housing Program for the construction of housing accommodations by a veteran for his own occupancy or to be sold or rented with preference to veterans (or he is employed as a contractor or subcontractor on such construction for which a VEHP construction permit has been issued), (2) the following VEHP project number(s) has (have) been assigned to such construction: ----------, and (3) all the materials and equipment covered by this purchase order are required for and will be used in such construction.

(Signature)

(4) *Other construction permits.* Persons who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of Section 35 (A) of the U. S. Criminal Code, that (1) he has been issued a construction permit for the construction of housing accommodations under the Veterans' Emergency Housing Program (or he is employed as a contractor or subcontractor on construction for which such a permit has been issued), (2) the following VEHP project number(s) has (have) been assigned to such construction: ----------, and (3) all the materials and equipment covered by this purchase order are required for and will be used in such construction.

(Signature)

(5) *Surplus Property Act priority groups.* Priority groups established by the Surplus Property Act of 1944, as amended.

(6) Other buyers.

At dismantlement sales of the kind described in paragraph (c) of this section, the above order of preference shall be modified by combining groups (1) through (4) above into one priority group, and giving equal preference to members of all four groups.

During the offering period covered by this paragraph, the Federal Public Housing Authority and Veterans Administration may not acquire any of the building materials or equipment covered by this section which are being offered for disposal, until after the preferences of groups (1) through (4) of this paragraph have been satisfied.

(f) *Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).* Within each priority group (1), (2), (3), or (4) of paragraph (e) of this section, WAA shall follow the order of preference set out below in filling orders for building materials or equipment covered by this section:

(1) *In order of receipt.* Unless the Housing Expediter or WAA makes the determinations described in subparagraph (2) of this paragraph, WAA shall accept and fill orders in the sequence in which they are received by WAA.

(2) *By drawing of lots.* If the Housing Expediter or WAA determines, before the offering period described in paragraph (e) of this section begins, that:

(i) The amount of any building material or equipment covered by this section to be offered for disposal by WAA at a particular place will be inadequate to fill the expected orders from persons described in paragraph (e) (2) of this section (or from persons described in paragraph (e) (3) or (4) after the preceding preferences have been satisfied), and

(ii) The geographical distribution of such persons would work an unusual and inequitable hardship upon some of them if the "order of receipt" rule were applied as provided in subparagraph (1) of this paragraph,

WAA shall then fill orders from such persons in a sequence determined by the drawing of lots.

(g) *Surplus Property Act priority groups.* During the period described in paragraph (c) of this section, any disposal by WAA of building materials or equipment covered by this section shall be made without regard to the priority groups established by the Surplus Property Act of 1944, as amended. In addition, during the offering period described in paragraph (e) of this section, any disposal by WAA of building materials or equipment covered by this section to persons described in paragraphs (e) (1) through (4) shall be made without regard to the priority groups established by the Surplus Property Act. However, after the preferences of the persons described in paragraphs (e) (1) through (4) have been satisfied, WAA may dispose of the remainder of any lot of building materials or equipment in accordance with the Surplus Property Act and applicable regulations issued under that Act.

(h) *Minimum and maximum quantities.* During the offering period described in paragraph (e) of this section, WAA may dispose of any materials or equipment covered by this section:

(1) In such minimum quantities as WAA may determine.

(2) In such maximum quantities as WAA determines will be most equitable in view of the estimated demand for the particular building materials or equipment offered for disposal. However, if one or more purchase orders from persons described in paragraphs (e) (1) through (4) of this section remain partially unfilled at the end of the offering period, and if some of the particular building material or equipment covered by such orders remains undisposed of at the end of the offering period, WAA shall apply such material or equipment to the unfilled orders (in the order of preference provided for in paragraphs (e), (f), and (g) of this section).

(i) *Other terms of disposal.* During the periods described in paragraphs (c) and (e) of this section, WAA may dispose of any building materials or equipment covered by this section upon such terms and conditions as are not in conflict with this section.

RESTRICTIONS ON BUYERS

(j) *Authorized quantities.* The quantities of building materials or equipment obtained by use of the certificate described in paragraph (e) (2) of this section, together with the quantities obtained from other sources by use of the HH rating itself (or MM rating), must not exceed the quantities for which the use of the HH rating (or MM rating) was authorized.

(k) *Use by persons described in paragraphs (e) (1) through (e) (4).* As provided in HEPR 4, any person obtaining building materials or equipment by use of a Housing Expediter certificate may use the items only for the purpose for which the certificate was issued. Any person obtaining building materials or equipment by use of the certificate described in paragraph (e) (2), (3), or (4) of this section may use the items so obtained only in accordance with the terms of that certificate.

(l) *Sales by persons described in paragraphs (e) (1) through (e) (4).* If it becomes impossible for a person who acquired building materials or equipment by use of a Housing Expediter certificate to use them for the purpose for which the certificate was issued, they may be disposed of only as provided in HEPR 4. If it becomes impossible for a person who acquired building materials or equipment by use of the certificate described in paragraph (e) (2) (3), or (4) of this section to use all of them in accordance with the terms of that certificate, he must publicly offer for sale the unused building materials or equipment and must dispose of them only to persons who give a certificate as described in paragraphs (e) (2) through (4) of this section. In addition, he must not dispose of them even to such persons if he knows or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

(m) *Sales by dealers.* Any person who obtained building materials or equipment by use of the certificate formerly described in paragraph (e) (2) of this section (for regularly established sellers of building materials or equipment) must dispose of the building materials or equipment so obtained only in accordance with the terms of that certificate. In addition, he must not dispose of them even to persons eligible under the terms of the certificate if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(n) *Effect of Housing Expediter and CPA directives.* Directives issued by the Housing Expediter or the Civilian Production Administration shall take precedence over the disposal procedure outlined in this section. CPA directives shall take precedence over Housing Expediter directives.

(o) *Appeals.* Any person who considers that compliance with any provision in this section would result in an excep-

tional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision in the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(p) *Violations.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who willfully conceals a material fact in any certificate required to be filed under this section, or who willfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable Federal Statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(q) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after each such transaction, accurate and complete records of the details of the transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with that Act.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 27th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

TABLE OF BUILDING MATERIALS AND EQUIPMENT COVERED BY THIS SECTION

NOTE: Table revised Jan. 27, 1947.

Aluminum, plate, sheet and strip and shapes.
Asbestos cement pipe and fittings.
Asbestos flat sheets.
Bends, lead.
Boilers, low pressure residential heating.
Brick, common and face.
Brick, sand-lime.
Building sections, knocked down, portable, metal.
Burners, oil, domestic, apartment-type and hot water heating.
Burner units, boiler.
Casements, metal.
Caulking, lead.
Cement, Portland.
Conduit, electrical, ¾" to 2" incl.
Controls, oil burners.
Door frames, metal.
Fabricated structural shapes and forms, iron and steel, suitable for housing construction only.
Felt, roofing, dry.
Fittings, conduit, metal.
Fittings, threaded, malleable, and cost iron, brass and bronze.
Floor coverings, hard-surface.
Flooring, hardwood, including stair treads.
Fractional h. p. motors, ⅛ to ½ h. p. inclusive.
Furnaces, warm air (gravity circulation, wall, floor, and forced air circulation).
Furnaces, gas fixtures.
Furnace pipe, fittings and duct work.
Glass, window, common, sheet.
Gutters and downspouts, metal.
Gypsum board.
Gypsum lath.
Gypsum plank, metal bound.
Hardboard, (tempered, untempered).
Hardware, builders'.
Hot water circulation, condensation, and vacuum heating pumps.
Insect screen cloth, metal.
Insulation board.
Insulation, flexible.
Insulators, electric.
Lath, metal, and accessories.
Lath, insulated.
Lime, finish and masonry.
Linoleum.
Linseed oil, raw and boiled.
Lumber.
Millwork, including frames, moulding, sash, doors, and built-in kitchen cabinets.
Nails, 20d and under, all types.
Paint, pigments, all types, thinners, dryers and varnishes.
Panels, sections, prefabricated, all types.
Paper, building and sheathing.
Pipe, lead, and fittings up to 1½".
Pipe, wrought iron and steel and fittings, black and galvanized.
Plaster, hardwall.
Plumbing fixtures:
  Bathtubs.
  Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
  Lavatories.
  Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
Plumbing fixtures fittings and trim, brass, bronze and steel.
Prefabricated structures suitable for housing (except fixed structures in place).
Putty.
Radiation, cast iron, tubular, cast iron convector, extended surface convector.
Range boilers, water; domestic, without coils or burner.
Refrigerators, domestic.
Registers and grilles, warm air; steel, other than ornamental.
Roofing; asphalt, asbestos, wood and metal.
Sash weights.
Screens, metal.
Septic tanks, all metal, reinforced concrete.
Sewer drain pipe, bituminized fiber.
Sewer pipe, clay, and fittings.
Sheathing, insulation.
Sheet, copper.
Sheet steel, form panels for foundation walls.
Siding, shingles, asbestos cement.
Softwood plywood.
Soil pipe, cast iron.
Steel, bars, rods, mesh reinforcing.
Steel sheets, galvanized and black.
Tanks, storage, up to 550 gals., for oil, water, and liquefied gas.
Termite shields, metal.
Terneplate and roofing.
Tile, gypsum, except partition.
Tile, asphalt.
Tile, structural clay, hollow.
Traps, lead.
Tubing, copper, ½" to 1¼" inclusive.
Valves, iron and brass, stop and waste up to 2".
Veneer, softwood.
Wallboard, fiber, laminated.
Water heaters, electric, side-arm, indirect, and direct-fire storage type.
Weather stripping, rubber, wood and metal.
Windows, window frames, metal.
Wire, copper, insulated (including Romex 8 B-X cable).
Wire, domestic use.
Wire, stucco mesh.
Wiring devices, electrical, residential type; such as switches, receptacles, wall plates.

SUBJECT: HEPR-1, Amended 1-27-47 1/
Surplus Building Materials and Equipment

This Regulation grants special preferential consideration to the FPHA in the acquisition of approximately 100 types of building materials and equipment from any surplus property holdings of the WAA, prior to public sale. It includes surplus building materials in military installations except structures in place, and materials made available from WAA dismantling operations.

The period of time during which the materials can be transferred to FPHA will depend on the type of building materials or equipment, and the method of subsequent sale arranged for other priority groups.

Immediately after FPHA and VA Claims are satisfied, the remaining items are offered for sale to holders of HH ratings, construction permits, and other purchasers. This can benefit local bodies engaged in providing over-quota or non-contract housing for veterans.

Paragraph (q) requires that each person or agency obtaining any materials or equipment under this regulation must prepare and keep, for two years, accurate and complete records of each transaction.

1/ Supersedes HEPR-1, dated 10-16-46.

Superseded 11-8-46

SUBJECT: HEPR-2, dated 8-15-46
Surplus Materials and Equipment for Utilities

This Regulation provides for the channeling of surplus materials and equipment from WAA stocks to utilities servicing veterans' housing and hospitals.

Under this regulation the FPHA has a preferential consideration in the acquisition of such materials and equipment prior to public sale by WAA. The period of time allowed for FPHA's acquisition will depend on the type of material and the method of subsequent sale.

Instead of requiring them to wait until various other claimants are satisfied, holders of HH priorities are assured that materials will be offered to them exclusively after WAA makes its public announcement of sale. This will benefit local bodies engaged in over-quota housing.

Superseded 2-10-47

OBSOLETE

SUBJECT: HEPR-2, Amended 10-16-46 1/
Surplus Materials and Equipment for Utilities

This Regulation provides for the disposition from WAA holdings of certain surplus materials and equipment which are suitable for the construction of utilities (Water, power, gas, sewerage) servicing veretans' housing and hospitals.

Under this regulation the FPHA has a preferential consideration in the acquisition of such materials and equipment prior to public sale by WAA. The period of time allowed for FPHA's acquisition will depend on the type of material and the method of subsequent sale.

After the needs of the FPHA veterans' temporary housing program and the Veterans Administration construction program have been satisfied, remaining materials will be made available to states, communities, publicly or privately-owned utilities, or contractors, who must certify that the utilities' materials and equipment will be used to service housing accommodations under the Veterans Emergency Housing Program or to meet a public emergency.

State and local governmental agencies and their instrumentalities have preference over publicly or privately-owned utilities. This priority will benefit many of the local housing authorities which are providing housing for veterans.

The number of items to which the regulation applies has been increased. Other revisions, which do not directly affect FPHA's activities, provide for one advertising period, allocation by lot to purchasers, filling rated orders with unsold stock remaining at end of sale period, and a clarification regarding special directives and certificates.

Paragraph (o) requires that each person or agency obtaining materials or equipment under this regulation must prepare and keep, for two years, accurate and complete records of each transaction.

1/ Supersedes HEPR-2, dated 8-15-46.

SUBJECT: HEPR-2, Amended 1-27-47 1/
Surplus Materials and Equipment for Utilities

This Regulation provides for the disposition from WAA holdings of certain surplus materials and equipment which are suitable for the construction of utilities (water, power, gas, sewage) servicing veterans housing and hospitals.

Under this regulation the FPHA has a preferential consideration in the acquisition of such materials and equipment prior to public sale by WAA. The period of time allowed for FPHA's acquisition will depend on the type of materials and the method of subsequent sale.

After the needs of the FPHA veterans temporary housing program and the VA construction program have been satisfied, remaining materials will be made available to state and local governmental agencies and their instrumentalities, which have preference over publicly or privately-owned utilities. This priority will benefit many of the local housing authorities which are providing housing for veterans.

Paragraph (o) requires that each person or agency obtaining any materials or equipment under this regulation must prepare and keep, for two years, accurate and complete records of each transaction.

1/ Supersedes HEPR-2, dated 10-16-46.

Superseded 10-16-46

OFFICE OF HOUSING EXPEDITER

Corrected Copy

[Priorities Reg. 2]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SURPLUS MATERIALS AND EQUIPMENT

§ 803.2 *Surplus materials and equipment for utilities servicing the Veterans' Emergency Housing Program and the Veterans' Administration Construction Program*—(a) *What this section provides.* This section provides for the channeling of certain surplus materials and equipment held by the War Assets Administration into the construction and maintenance of utilities (water, power, gas, or sewerage) which are necessary for housing accommodations constructed under the Veterans' Emergency Housing Program, and for hospitals and other facilities constructed under the Veterans' Administration Construction Program. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed in the table at the end of this section are suitable for the construction of housing accommodations and are in short supply. These materials, refered to in this section as "materials and equipment," are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal by War Assets Administration of any of these materials or equipment held as surplus by WAA must be made subject to this section. Under this section, first opportunity for acquiring such materials and equipment held as surplus property by WAA is given to persons and governmental agencies and instrumentalities acquiring for use in utilites for the Veterans' Emergency Housing Program and the Veterans' Administration Construction Program. Special provision is made for a utility or governmental agency or instrumentality to use materials or equipment purchased under this section, to meet a public emergency arising within 90 days after such purchase and endangering the health or safety of a community.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Materials and equipment covered by this section.* This section applies only to the materials and equipment listed in the table at the end of this section. It applies whether the listed materials and equipment are new or used, and includes materials and equipment recovered or salvaged from dismantled surplus property. As used in this section, the term "materials" includes items customarily referred ot as "supplies."

(c) *Surplus Property Act priority groups.* During the period described in paragraph (d) of this section and the exclusive offering period described in paragraph (e) of this section, any disposal by WAA of the materials or equipment covered by this section shall be made without regard to the priority groups established in the Surplus Property Act. After these two periods have expired, disposal of such materials or equipment may be made in accordance with paragraph (h) of this section.

(d) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of material or equipment and the method of sale, and prior to the time any materials or equipment covered by this section are first advertised or publicly offered for sale, such materials or equipment may be transferred only:

(1) To the Veterans Administration for use in the Veterans Administration Construction Program.

(2) To the Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(e) *Buyers eligible during exclusive offering period.* During a second period of time to be determined by WAA with respect to any of the above materials or equipment remaining to be disposed of after the period described in paragraph (d) of this section has expired, WAA must offer such materials or equipment exclusively for sale:

(1) To State or local governmental agencies or instrumentalities or publicly or privately owned utilities that give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of sec. 35 (A) of the U. S. Criminal Code, that all the materials and equipment covered by this purchase order (1) are required for construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations for which priorities assistance has been assigned under the Veterans' Emergency Housing Program, or construction for which priorities assistance has been assigned under the Veterans Administration Construction Program, to which the following project or serial number or numbers have been assigned:_____ and (2) will be used within 90 days from the date of this purchase order in such construction or maintenance (or may be used within the 90 days, for the repair of an essential utility servicing other housing accommodations, in order to meet a public emergency in connection with such utility which endangers the health or safety of a community, but will not be used for normal maintenance, repair, or operation of such utility).

(2) To contractors, subcontractors, or builders who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of sec. 35 (A) of the U. S. Criminal Code, that all the materials and equipment covered by this purchase order are required for and within 90 days of the date of this purchase order will be used in construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations for which priorities assistance has been assigned under the Veterans' Emergency Housing Program, or construction for which priorities assistance has been assigned under the Veterans' Administration Construction Program, to which the following project or serial number or numbers have been assigned: _____.

During this exclusive offering period the agencies described in paragraph (d) of this section may not acquire any of the materials or equipment covered by this section which are being offered for sale.

(f) *Precedence among eligible buyers during exclusive offering period.* During the exclusive offering period described in paragraph (e) of this section WAA shall in general accept and fill orders from the eligible buyers listed in that paragraph in the sequence in which the orders are received by WAA. However, if the Housing Expediter or the WAA determines, before the exclusive offering period begins, that the amount of any building material or equipment covered by this section to be offered for sale by WAA at a particular place will be inadequate to meet the expected orders from buyers eligible under paragraph (e) of this section, the WAA shall give the following precedence to orders during the exclusive offering period:

(1) State or local governmental agencies or instrumentalities,

(2) Publicly or privately owned utilities.

(3) Contractors, subcontractors, or builders.

(g) *Other terms of sale.* During the periods described in paragraphs (d) and (e) of this section, the WAA may make disposals of materials or equipment covered by this section in such quantities as WAA may determine, and upon such other terms as are not in conflict with this section.

(h) *Buyers eligible after exclusive offering period.* After the periods described in paragraphs (d) and (e) of this section have expired, WAA may dispose of the unsold balance of any lot in accordance with the Surplus Property act and applicable regulations issued under that act.

RESTRICTIONS ON BUYERS

(i) *Use by buyers described in paragraph (e) of this section.* Any person or governmental agency or instrumentality obtaining materials or equipment by use of either of the certificates described in paragraph (e) of this section may use the materials or equipment so obtained only in accordance with the terms of that certificate.

(j) *Sales by buyers described in paragraph (e) of this section.* If it becomes impossible for a buyer who acquired materials or equipment under paragraph (e) of this section to use all of them in accordance with the certificate described

in that paragraph, he must publicly offer for sale the unused materials or equipment and must dispose of them only to a person or governmental agency or instrumentality as described in paragraph (e) of this section. In addition, he must not dispose of them even to such persons, agencies, or instrumentalities if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(k) *Effect of special directives or CPA urgency certificates.* This section does not apply to disposal of materials or equipment by WAA pursuant to special directives issued by the Housing Expediter or the Civilian Production Administration. It also does not apply to a sale of materials or equipment by WAA to a holder of an urgency certificate issued under direction 16 to Priorities Regulation 13.

(l) *Appeals.* Any person who considers that compliance with any provisions of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(m) *Violations.* Any person who wilfully violates any provision of this section or who knowingly makes any statement to the Housing Expediter or the War Assets Administration, as to any matter within their respective jurisdictions, which is false in any respect, or who willfully conceals a material fact in any certificate required to be executed under this section, or who wilfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable federal statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(n) *Reporting and record requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years, accurate and complete records of the details of each such transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or any person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The record requirements of this section have been approved by the Bureau of the Budget in accordance with that act.

(Pub. Law 388, 79th Cong.; Pub. Law 507, 77th Cong. as amended, 56 Stat. 176; CPA Directive 44 (11 F.R. 8936))

Issued this 15th day of August 1946.

WILSON W. WYATT,
Housing Expediter.

TABLE OF MATERIALS AND EQUIPMENT COVERED BY THIS SECTION

Cable, electrical, lead covered.
Corporation cocks, brass, up to and including 1½" for water.
Gaskets, rubber, for water and gas pipe and mains.
Gooseneeks, lead, with and without brass fittings, up to and including 1½", water.
Hydrants, fire, all types, for water.
Insulators, for power.
Jute, for water, gas and sewer pipes.
Lead, caulking.
Lightning arresters, for power.
Manhole frames and covers, cast iron, all types.
Meters:
- (a) Electrical domestic.
- (b) Gas, tinned steel and cast iron, for gas.
- (c) Water, ⅝", ¾", 1".

Meter boxes:
- (a) Frames and covers (all types) for water.
- (b) Steel, for power.

Meter stops, up to and including 1½" for gas.
Pipe:
- (a) Asbestos-cement, up to and including 24".
- (b) Black, wrought, galvanized iron (services) up to and including 1½" for gas and water.
- (c) Cast iron pressure, up to and including 24"
- (d) Steel (mains) up to and including 12" for gas and water.
- (e) Vitrified tile up to and including 24" sewers.

Pipe fittings:
- (a) Cast iron and asbestos-cement (mains) up to and including 24" and stops.
- (b) Black and galvanized iron (services) up to and including 1½".
- (c) Vitrified clay fittings.
- (d) Couplings and fittings for steel pipe.

Poles and cross arms, wood distribution type, power.
Pole-line hardware, for power.
Regulators, gas.
Transformers, up to and including 50 Kva.
Tile, open joint, up to and including 6" for drainage and septic tank fields.
Tubing, copper and copper alloy, up to and including 1½" for water and gas.
Service boxes, cast iron, for gas and water.
Valves, up to and including 24" for gas and water (mains and pipes).
Valve boxes and covers, cast iron, water and gas.
Wire, copper, electrical, insulated, weatherproofed, and bare.

Superseded 1-27-47

OBSOLETE

HEPR 2

OFFICE OF HOUSING EXPEDITER

OCT. 16, 1946
[As amended]

[Priorities Reg. 2 as amended Oct. 16, 1946]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SURPLUS MATERIALS AND EQUIPMENT

Par.

(a) What this section provides.
(b) Materials and equipment covered by this section.
(c) Agencies eligible during period prior to sale.
(d) Advertising period.
(e) Offering period.
(f) Order of precedence within classes described in paragraphs (e) (1), (e) (2), and (e) (3).
(g) Surplus Property Act priority groups.
(h) Minimum and maximum quantities.
(i) Other terms of disposal.
(j) Use by persons, agencies, or instrumentalities described in paragraph (e).
(k) Sales by persons, agencies, or instrumentalities described in paragraph (e).
(l) Effect of Housing Expediter directives, Housing Expediter certificates, CPA special directives, and CPA urgency certificates.
(m) Appeals.
(n) Violations.
(o) Reporting and record-keeping requirements.

§ 803.2 *Surplus materials and equipment for utilities servicing the Veterans' Emergency Housing Program and the Veterans Administration Construction Program*—(a) *What this section provides.* This section provides for the channeling of certain surplus materials and equipment held by the War Assets Administration into the construction and maintenance of utilities (water, power, gas, or sewerage) which are necessary for housing accommodations constructed under the Veterans' Emergency Housing Program, and for hospitals and other facilities constructed under the Veterans Administration Construction Program. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed in the table at the end of this section are suitable for the construction of housing accommodations and are in short supply. These materials, referred to in this section as "materials and equipment," are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal by War Assets Administration of any of these materials or equipment held as surplus by WAA must be made subject to this section. Under this section, first opportunity for acquiring such materials and equipment held as surplus property by WAA is given to persons and governmental agencies and instrumentalities acquiring for use in utilities for the Veterans' Emergency Housing Program and the Veterans Administration Construction Program. Special provision is made for a utility or governmental agency or instrumentality to use materials or equipment purchased under this section, to meet a public emergency arising within 90 days after such purchase and endangering the health or safety of a community.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Materials and equipment covered by this section.* This section applies only to the materials and equipment listed in the table at the end of this section. It applies whether the listed materials and equipment are new or used, and includes materials and equipment recovered or salvaged from dismantled surplus property. As used in this section, the term "materials" includes items customarily referred to as "supplies."

NOTE: Former paragraph (c) deleted and former paragraph (d) redesignated (c) Oct. 16, 1946.

(c) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of material or equipment and the method of sale, and prior to the time any materials or equipment covered by this section are first advertised or publicly offered for sale, such materials or equipment may be transferred only to:

(1) The Veterans Administration for use in the Veterans Administration Construction Program.

(2) The Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(d) *Advertising period.* During a period of time to be determined by WAA, the materials or equipment remaining to be disposed of after the period described in paragraph (c) of this section has expired shall be publicly advertised by WAA for disposal to as many of the following as WAA deems appropriate in view of the probable demand:

(1) Classes described in paragraphs (e) (1), (e) (2), and (e) (3) of this section.

(2) Priority groups established by the Surplus Property Act of 1944, as amended.

(3) Other buyers.

Such advertisement shall indicate that during a specified offering period orders will be filled in the order of precedence provided for in paragraphs (e) (f), and (g) of this section.

(e) *Offering period.* During the offering period specified in the public advertisement provided for in paragraph (d) of this section, WAA shall follow the order of precedence set out below in disposing of any materials or equipment covered by this section:

(1) State or local governmental agencies or instrumentalities that give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of sec. 35 (A) of the U. S. Criminal Code, that all the materials and equipment covered by this purchase order (1) are required for construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations for which priorities assistance has been assigned under the Veterans' Emergency Housing Program, or construction for which priorities assistance has been assigned under the Veterans Administration Construction Program, to which the following project or serial number or numbers have been assigned:_____ and (2) will be used within 90 days from the date of this purchase order in such construction or maintenance (or may be used within the 90 days, for the repair of an essential utility servicing other housing accommodations, in order to meet a public emergency in connection with such utility which endangers the health or safety of a community, but will not be used for normal maintenance, repair, or operation of such utility).

_____
Signature

(2) Publicly or privately owned utilities that give with their purchase orders a certificate in writing in substantially the form set out in subparagraph (1) of this paragraph.

(3) Contractors, subcontractors, or builders who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of sec. 35 (A) of the U. S. Criminal Code, that all the materials and equipment covered by this purchase order are required for and within 90 days of the date of this purchase order will be used in construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations for which priorities assistance has been assigned under the Veterans' Emergency Housing Program, or construction for which priorities assistance has been assigned under the Veterans Administration Construction Program, to which the following project or serial number or numbers have been assigned: _____.

_____
Signature

(4) Other persons.

During the offering period described in this paragraph, the agencies described in paragraph (c) of this section may not acquire any of the materials or equipment covered by this section which are being offered for disposal, until after the preferences of the persons, agencies, and instrumentalities described in subparagraphs (1), (2), and (3) of this paragraph have been satisfied.

(f) *Order of precedence within classes described in paragraphs (e) (1), (e) (2), and (e) (3).* Within class (1), (2), or (3) of paragraph (e) of this section, WAA shall follow the order of precedence set out below in filling orders for materials or equipment covered by this section:

(1) *In order of receipt.* Unless the Housing Expediter or WAA makes the determinations described in subparagraph (2) of this paragraph, WAA shall accept and fill orders in the sequence in which they are received by WAA.

(2) *By drawing of lots.* If the Housing Expediter or WAA determines, before the offering period described in paragraph (e) of this section begins, that:

(i) The amount of any material or equipment covered by this section to be offered for disposal by WAA at a particular place will be inadequate to fill the expected orders from persons, agencies and instrumentalities described in paragraph (e) (1) of this section (or from persons, agencies and instrumentalities described in paragraph (e) (2) or (e) (3) after the preceding preferences of paragraph (e) have been satisfied), and

(ii) The geographical distribution of such persons, agencies and instrumentalities would work an unusual and inequitable hardship upon some of them if the "order of receipt" rule were applied as provided in subparagraph (1) of this paragraph,

WAA shall then fill orders from such persons in a sequence determined by the drawing of lots.

(g) *Surplus Property Act priority groups.* During the period described in paragraph (c) of this section, any disposal by WAA of materials or equipment covered by this section shall be made without regard to the priority groups established by the Surplus Property Act of 1944, as amended. In addition, during the offering period described in paragraph (e) of this section, any disposal by WAA of materials or equipment covered by this section to persons, agencies or instrumentalities described in paragraphs (e) (1), (e) (2), or (e) (3) of this section shall be made without regard to the priority groups established in the Surplus Property Act. However, after the preference of such persons, agencies and instrumentalities have been satisfied, WAA may dispose of the remainder of any lot of materials or equipment in accordance with the Surplus Property Act and applicable regulations issued under that Act.

(h) *Minimum and maximum quantities.* During the offering period described in paragraph (e) of this section, WAA may dispose of any materials or equipment covered by this section:

(1) In such minimum quantities as WAA may determine.

(2) In such maximum quantities as WAA determines will be most equitable in view of the estimated demand for the particular materials or equipment offered for disposal. However, if one or more purchase orders from persons described in paragraphs (e) (1), (e) (2), or (e) (3) of this section remain partially unfilled at the end of the offering period, and if some of the particular material or equipment covered by such orders remains undisposed of at the end of the offering period, WAA shall apply such material or equipment to the unfilled orders (in the order of precedence provided for in paragraphs (e), (f), and (g) of this section).

(i) *Other terms of disposal.* During the offering periods described in paragraphs (c) and (e) of this section, WAA may dispose of any materials or equipment covered by this section upon such other terms and conditions as are not in conflict with this section.

NOTE: Former paragraphs (i) to (n) redesignated (j) to (o) Oct. 16, 1946.

RESTRICTIONS ON BUYERS

(j) *Use by persons, agencies or instrumentalities described in paragraph (e) of this section.* Any person or governmental agency or instrumentality obtaining materials or equipment by use of either of the certificates described in paragraph (e) of this section may use the materials or equipment so obtained only in accordance with the terms of that certificate.

(k) *Sales by persons, agencies or instrumentalities described in paragraph (e) of this section.* If it becomes impossible for a person, agency or instrumentality who acquired materials or equipment by use of either of the certificates described in paragraph (e) of this section to use all of them in accordance with terms of that certificate, he must publicly offer for sale the unused materials or equipment and must dispose of them only to a person or governmental agency or instrumentality as described in paragraph (e) of this section. In addition, he must not dispose of them even to such persons, agencies, or instrumentalities if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(l) *Effect of Housing Expediter directives, Housing Expediter certificates, CPA special directives, and CPA urgency certificates.* The relation between this section and directives and certificates issued by the Housing Expediter or the Civilian Production Administration is as follows:

(1) *Housing Expediter directives and CPA special directives.* Directives issued by the Housing Expediter and special directives issued by the Civilian Production Administration shall take precedence over the disposal procedure outlined in this section.

(2) *Housing Expediter certificates and CPA urgency certificates.* Housing Expediter certificates issued under Housing Expediter Priorities Regulation 4, and urgency certificates issued under Direction 16 to Priorities Regulation 13 of the Civilian Production Administration, shall take precedence over the disposal procedure outlined in this section, except paragraph (c), if the WAA Regional Office in charge of the material or equipment covered by such a certificate receives the certificate prior to the beginning of the advertising period provided for in paragraph (d) of this section.

(m) *Appeals.* Any person who considers that compliance with any provisions of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(n) *Violations.* Any person who wilfully violates any provision of this section or who knowingly makes any statement to the Housing Expediter or the War Assets Administration, as to any matter within their respective jurisdictions, which is false in any respect, or who willfully conceals a material fact in any certificate required to be executed under this section, or who wilfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable federal statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(o) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after each such transaction accurate and complete records of the details of the transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or any person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The record-keeping requirements of this section have

been approved by the Bureau of the Budget in accordance with that act.

(Title III, 56 Stat. 177, as amended; 60 Stat. 207; 50 U. S. C. App. Supp. 633; CPA Dir. 44, 11 F. R. 8936)

Issued this 16th day of October 1946.

WILSON W. WYATT,
Housing Expediter.

TABLE OF MATERIALS AND EQUIPMENT COVERED BY THIS REGULATION

NOTE: Table amended Oct. 16, 1946.

Braided hemp and yarn, for water, gas and sewer pipes.
Cable, electrical, lead covered.
Corporation cocks, brass, up to and including 2" for water.
Culvert pipe, cast iron and corrugated iron.
Gaskets, rubber, for water and gas pipe and mains.
Goosenecks, lead, with and without brass fittings, up to and including 2", water.
Hydrants, fire, all types, for water.
Insulators, for power.
Joint compound, sulfur for water, sulfur-sand and bituminous for sewers.
Lead, caulking.
Lightning arresters, for power.
Manhole frames and covers, cast iron, all types.
Meters:
- (a) Electrical domestic.
- (b) Gas, tinned steel and cast iron, for gas.
- (c) Water, 5/8" to 2".

Meter boxes:
- (a) Frames and covers (all types) for water.
- (b) Steel, for power.

Meter stops, up to and including 1½" for gas.
Pipe:
- (a) Asbestos-cement, up to and including 24".
- (b) Black, wrought, galvanized iron (services) up to and including 2" for gas and water.
- (c) Cast iron pressure, up to and including 24"
- (d) Steel (mains) up to and including 12" for gas and water.
- (e) Vitrified tile up to and including 24" sewers.

Pipe fittings:
- (a) Cast iron and asbestos-cement (mains) up to and including 24" and stops.
- (b) Black and galvanized iron (services) up to and including 2".
- (c) Vitrified clay fittings.
- (d) Couplings and fittings for steel pipe.

Poles and cross arms, wood distribution type, power.
Pole-line hardware, for power.
Regulators, gas.
Transformers, up to and including 50 Kva.
Tile, open joint, up to and including 6" for drainage and septic tank fields.
Tubing, copper and copper alloy, up to and including 2" for water and gas.
Service boxes, cast iron, for gas and water.
Valves, up to and including 24" for gas and water (mains and pipes).
Valve boxes and covers, cast iron, water and gas.
Wire, copper, electrical, insulated, weather-proofed, and bare.

[Priorities Reg. 2 as Amended Jan. 27, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SURPLUS MATERIALS AND EQUIPMENT

PURPOSE

Par.

(a) What this section provides.

RESTRICTIONS ON DISPOSALS BY WAA

(b) Materials and equipment covered by this section.
(c) Agencies eligible during period prior to sale.
(d) Public advertisement.
(e) Offering period.
(f) Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).
(g) Surplus Property Act priority groups.
(h) Minimum and maximum quantities.
(i) Other terms of disposal.

RESTRICTIONS ON BUYERS

(j) Use by persons, agencies, or instrumentalities described in paragraphs (e) (1) through (e) (4).
(k) Sales by persons, agencies or instrumentalities described in paragraph (e) (1) through (e) (4).

OTHER PROVISIONS

(l) Effect of Housing Expediter and CPA directives.
(m) Appeals.
(n) Violations.
(o) Reporting and record-making requirements.

PURPOSE

§ 803.2 *Surplus materials and equipment for utilities servicing the Veterans' Emergency Housing Program and the Veterans Administration Construction Program*—(a) *What this section provides.* This section, Housing Expediter Priorities Regulation 2, provides for the channeling of certain surplus materials and equipment held by the War Assets Administration into the construction and maintenance of utilities (water, power, gas, or sewerage) which are necessary for housing accommodations constructed under the Veterans' Emergency Housing Program, and for hospitals and other facilities constructed under the Veterans Administration Construction Program. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed in the table at the end of this section are suitable for the construction of housing accommodations and are in short supply. These materials, referred to in this section as "materials and equipment," are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal by War Assets Administration of any of these materials or equipment held as surplus by WAA must be made subject to this section. Under this section, first opportunity for acquiring such materials and equipment held as surplus property by WAA is given to persons and governmental agencies and instrumentalities acquiring for use in utilities for the Veterans' Emergency Housing Program and the Veterans Administration Construction Program. Special provision is made for a utility or governmental agency or instrumentality to use materials or equipment purchased under this section, to meet a public emergency arising within six months after such purchase and endangering the health or safety of a community.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Materials and equipment covered by this section.* This section applies only to the materials and equipment listed at the end of this section. It applies whether the listed materials and equipment are new or used, and includes materials and equipment recovered or salvaged from dismantled surplus property, if the dismantling is done under WAA direction and not by the purchaser. (Sales of surplus utilities for removal by the purchaser are governed by Housing Expediter Priorities Regulation 7.) As used in this section, the term "materials" includes items customarily referred to as "supplies."

(c) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of material or equipment and the method of sale, and prior to the time any materials or equipment covered by this section are first advertised or publicly offered for sale, such materials or equipment may be transferred only to:

(1) The Veterans Administration for use in the Veterans Administration Construction Program.

(2) The Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the Act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(3) Holders of unexpired Housing Expediter certificates (issued under Housing Expediter Priorities Regulation 4), or unexpired CPA urgency certificates (issued under Direction 16 to CPA Priorities Regulation 13).

As between a request for transfer received during this period from FPHA or VA, and an order from a certificate holder, WAA shall give preference to that which is first received.

Some WAA disposals under this section are of materials and equipment resulting from the dismantlement of surplus government installations, and are conducted at the location of the dismantling operation. At any such site, during the period described in this paragraph, total transfers to FPHA and VA of materials and equipment covered by this section shall not exceed 50% of the dollar value of all such materials and equipment available for disposal at the site.

(d) *Public advertisement.* During a period of time determined by WAA, the materials or equipment remaining at the end of the period described in paragraph (c) of this section shall be publicly advertised by WAA for disposal to:

(1) Priority groups described in paragraphs (e) (1) through (e) (4) of this section.

(2) Priority groups established by the Surplus Property Act of 1944, as amended.

(3) Other buyers.

Such advertisement shall be addressed to as many of these priority groups, and other buyers, as WAA deems appropriate in view of the probable demand. The advertisement shall indicate that during a specified offering period orders will be filled in the order of preference provided for in paragraphs (e), (f), and (g) of this section.

In the case of materials or equipment which are available in such small quantities that public advertisement would be impracticable, WAA may employ other forms of public offering.

During the advertising period (or other public offering) described in this paragraph, the Veterans Administration and Federal Public Housing Authority may not acquire any of the materials or equipment covered by this section which are being offered for disposal.

(e) *Offering period.* During the offering period specified in the public advertisement (or other public offering) provided for in paragraph (d) of this section, WAA shall follow the order of preference set out below in disposing of any materials or equipment covered by this section:

(1) Holders of unexpired Housing Expediter certificates, or unexpired CPA urgency certificates.

(2) State or local governmental agencies or instrumentalities that give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the usable materials and equipment covered by this purchase order (1) are required for construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations the construction of which has been authorized, prior to the date of this certificate, under the Veterans' Emergency Housing Program (or construction for which priorities assistance has been assigned under the Veterans Administration Construction Program), and (2) will be used within six months from the date of this order (i) in the construction or maintenance of such utilities, (ii) in replacing equivalent materials which will be used in the construction or maintenance of such

utilities, or (iii) for the repair of an essential utility servicing other housing accommodations, if necessary to meet a public emergency in connection with such utility which endangers the health or safety of a community, but not for normal maintenance, repair, or operation of such utility.

Signature

(3) Publicly or privately owned utilities that give with their purchase orders a certificate in writing in substantially the form set out in subparagraph (2) of this paragraph.

(4) Contractors, subcontractors, or builders who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the usable materials and equipment covered by this purchase order are required for and within six months of the date of this purchase order will be used in construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations the construction of which has been authorized, prior to the date of this certificate, under the Veterans' Emergency Housing Program, or construction for which priorities assistance has been assigned under the Veterans Administration Construction Program.

Signature

(5) Priority groups established by the Surplus Property Act of 1944, as amended.

(6) Other buyers.

At dismantlement sales of the kind described in paragraph (c) of this section, the above order of preference shall be modified by combining groups (1) through (4) above into one priority group, and giving equal preference to members of all four groups.

During the offering period covered by this paragraph, the Federal Public Housing Authority and Veterans Administration may not acquire any of the materials or equipment covered by this section which are being offered for disposal, until after the preferences of groups (1) through (4) of this paragraph have been satisfied.

(f) *Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).* Within each priority group (1), (2), (3), or (4) of paragraph (e) of this section, WAA shall follow the order of preference set out below in filling orders for materials or equipment covered by this section:

(1) *In order of receipt.* Unless the Housing Expediter or WAA makes the determinations described in subparagraph (2) of this paragraph, WAA shall accept and fill orders in the sequence in which they are received by WAA.

(2) *By drawing of lots.* If the Housing Expediter or WAA determines, before the offering period described in paragraph (e) of this section begins, that:

(i) The amount of any material or equipment covered by this section to be offered for disposal by WAA at a particular place will be inadequate to fill the expected orders from persons, agencies and instrumentalities described in paragraph (e) (2) of this section (or from persons, agencies, and instrumentalities described in paragraph (e) (3) or (4) after the preceding preferences have been satisfied), and

(ii) The geographical distribution of such persons, agencies and instrumentalities would work an unusual and inequitable hardship upon some of them if the "order of receipt" rule were applied as provided in subparagraph (1) of this paragraph,

WAA shall then fill orders from such persons in a sequence determined by the drawing of lots.

(g) *Surplus Property Act priority groups.* During the period described in paragraph (c) of this section, any disposal by WAA of materials or equipment covered by this section shall be made without regard to the priority groups established by the Surplus Property Act of 1944, as amended. In addition, during the offering period described in paragraph (e) of this section, any disposal by WAA of materials or equipment covered by this section to persons, agencies or instrumentalities described in paragraphs (e) (1) through (e) (4) of this section shall be made without regard to the priority groups established in the Surplus Property Act. However, after the preferences of such persons, agencies and instrumentalities have been satisfied, WAA may dispose of the remainder of any lot of materials or equipment in accordance with the Surplus Property Act and applicable regulations issued under that Act.

(h) *Minimum and maximum quantities.* During the offering period described in paragraph (e) of this section, WAA may dispose of any materials or equipment covered by this section:

(1) In such minimum quantities as WAA may determine.

(2) In such maximum quantities as WAA determines will be most equitable in view of the estimated demand for the particular materials or equipment offered for disposal. However, if one or more purchase orders from persons described in paragraphs (e) (1) through (e) (4) of this section remain partially unfilled at the end of the offering period, and if some of the particular material or equipment covered by such orders remains undisposed of at the end of the offering period, WAA shall apply such material or equipment to the unfilled orders (in the order of preference provided for in paragraphs (e), (f), and (g) of this section).

(i) *Other terms of disposal.* During the offering periods described in paragraphs (c) and (e) of this section, WAA may dispose of any materials or equipment covered by this section upon such other terms and conditions as are not in conflict with this section.

RESTRICTIONS ON BUYERS

(j) *Use by persons, agencies, or instrumentalities described in paragraphs (e) (1) through (e) (4).* As provided in HEPR 4, any person or governmental agency or instrumentality obtaining materials or equipment by use of a Housing Expediter certificate may use the items only for the purpose for which the certificate was issued. Any person, agency, or instrumentality obtaining materials or equipment by use of the certificate described in paragraph (e) (2), (e) (3), or (e) (4) of this section may use the materials or equipment so obtained only in accordance with the terms of that certificate.

(k) *Sales by persons, agencies or instrumentalities described in paragraphs (e) (1) through (e) (4).* If it becomes impossible for a person, agency or instrumentality who acquired materials or equipment by use of a Housing Expediter certificate to use them for the purpose for which the certificate was issued, the items may be disposed of only as provided in HEPR 4. If it becomes impossible for a person, agency, or instrumentality who acquired usable materials or equipment by use of the certificate described in paragraph (e) (2), (3), or (4) of this section to use all of them in accordance with terms of that certificate, he must publicly offer for sale such unused materials or equipment and must dispose of them only to a person or governmental agency or instrumentality as described in paragraphs (e) (2) through (e) (4) of this section. In addition, he must not dispose of them even to such persons, agencies, or instrumentalities if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(l) *Effect of Housing Expediter and CPA directives.* Directives issued by the Housing Expediter or the Civilian Production Administration shall take precedence over the disposal procedure outlined in this section. CPA directives shall take precedence over Housing Expediter directives.

(m) *Appeals.* Any person who considers that compliance with any provisions of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(n) *Violations.* Any person who wilfully violates any provision of this section or who knowingly makes any statement to the Housing Expediter or the War Assets Administration, as to any matter within their respective jurisdictions, which is false in any respect, or who willfully conceals a material fact in any certificate required to be executed under this section, or who wilfully falsifies any records required to be kept under this section, shall, upon conviction there-

of, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable federal statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(o) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after each such transaction, accurate and complete records of the details of the transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or any person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with that Act.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 27th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

TABLE OF MATERIALS AND EQUIPMENT COVERED BY THIS SECTION

NOTE: Table amended Jan. 27, 1947.

Braided hemp and yarn, for water, gas and sewer pipes.
Cable, electrical, lead covered.
Corporation cocks, brass, up to and including 2" for water.
Goosenecks, lead, with and without brass fittings, up to and including 2", water.
Hydrants, fire, all types, for water.
Insulators, for power.
Lead, caulking.
Lightning arresters, for power.
Manhole frames and covers, cast iron, all types.
Meters:
- (a) Electrical domestic.
- (b) Gas, tinned steel and cast iron, for gas.
- (c) Water, 5/8" to 2".

Meter boxes:
- (a) Frames and covers (all types) for water.
- (b) Steel, for power.

Meter stops, up to and including 1½" for gas.
Pipe:
- (a) Asbestos-cement, up to and including 24".
- (b) Black, wrought, galvanized iron (services) up to and including 2" for gas and water.
- (c) Cast iron pressure, up to and including 24".
- (d) Steel (mains) up to and including 12" for gas and water.
- (e) Vitrified tile up to and including 24" sewers.

Pipe fittings:
- (a) Cast iron and asbestos-cement (mains) up to and including 24" and stops.
- (b) Black and galvanized iron (services) up to and including 2".
- (c) Vitrified clay fittings.
- (d) Couplings and fittings for steel pipe.

Poles and cross arms, wood distribution type, power.
Pole-line hardware, for power.
Regulators, gas.
Transformers, up to and including 50 Kva.
Tile, open joint, up to and including 6" for drainage and septic tank fields.
Tubing, copper and copper alloy, up to and including 2" for water and gas.
Service boxes, cast iron, for gas and water.
Valves, up to and including 24" for gas and water (mains and pipes).
Valve boxes and covers, cast iron, water and gas.
Wire, copper, electrical, insulated, weather-proofed, and bare.

Superseded 11-8-46

SUBJECT: HEPR-3, dated 9-13-46 1/
Directives and Certificates for Surplus Equipment

This regulation provides that for a period of about 30 days nine types of surplus Government building equipment in critically short supply are to be disposed of principally to persons or agencies making a substantial contribution to the Veterans' Emergency Housing Program.

It applies to the specific list only of new or used equipment in WAA stocks for which a written offer for sale had not been made by WAA and accepted in writing prior to September 3, 1946. Housing Expediter directives or certificates will be issued for such equipment to persons or governmental agencies who will use the equipment in providing housing for veterans.

Applications by persons other than Federal Agencies for release of these items of equipment will be submitted to and approved by NHA Regional Housing Expediters as described in HEPR-4. Applications by FPHA field offices will be submitted via the Region to FPHA Washington Office.

1/ This is a new insert, and an entry should be made in the Index for Part II, Section 3.

Removed 2-5-47.

OBSOLETE

SUBJECT: HEPR-3, Amended 10-16-46 1/
Directives and Certificates for Surplus Equipment

This regulation has been revised to extend, until November 17, the preference for disposal of nine types of surplus Government building equipment to persons or agencies making a substantial contribution to the Veterans' Emergency Housing Program.

It applies only to the specific list of new or used equipment in WAA stocks for which a written offer for sale had not been made by WAA and accepted in writing prior to September 3, 1946. Housing Expediter directives or certificates will be issued for such equipment when it will be used in providing housing for veterans.

Applications by persons other than Federal Agencies for release of these items of equipment will be submitted to and approved by NHA regional housing expediters as described in HEPR-4. Applications by FPHA field offices and contractors should be submitted through the regional offices to the FPHA Central Office, addressed to the Priorities and Materials Survey Division.

1/ Supersedes HEPR-3, dated 9-13-46.

Superseded 10-16-46

[Priorities Reg. 3]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DIRECTIVES AND CERTIFICATES FOR SURPLUS EQUIPMENT

§ 803.3 *Housing Expediter directives and certificates for surplus equipment for the Veterans' Emergency Housing Program*—(a) *What this section provides.* This section provides for channeling certain surplus equipment held by the War Assets Administration into the Veterans' Emergency Housing Program, to be used for the construction of low and moderate cost housing accommodations for veterans. The equipment listed in the table at the end of this section is suitable for the construction of housing accommodations and is in critically short supply. Such equipment is not now available in sufficient quantities from new production. This section provides a preference for a specified period to persons or governmental agencies or instrumentalities who will use the equipment to make a substantial contribution to the Veterans' Emergency Housing Program. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

(b) *Equipment covered by this section.* This section applies only to the equipment listed in the table at the end of this section. It applies whether the equipment is new or used. It applies to all such equipment in WAA stocks (whether in WAA "confirmed inventory" or not) unless a written offer has been made by WAA for the disposal of such equipment and (1) prior to September 3, 1946, the offer was accepted in writing or (2) on September 3, 1946, the offer had not yet expired under its own terms, and prior to its expiration it is accepted in writing.

(c) *VEHP preference.* During the period of time defined in paragraph (d) of this section, the War Assets Administration shall not advertise, offer, sell, or dispose of any equipment covered by this section, except in accordance with an offer made in writing by WAA prior to September 3, 1946, or in accordance with a Housing Expediter directive, a Housing Expediter certificate (issued under Housing Expediter Priorities Regulation 4), a special directive issued by the Civilian Production Administration, or an urgency certificate issued by the Civilian Production Administration. Housing Expediter directives or certificates for such equipment will not be issued unless the Housing Expediter (or a Regional Housing Expediter under Housing Expediter Priorities Regulation 4) determines that the proposed use of the equipment will make a substantial contribution to the Veterans' Emergency Housing Program. Disposal shall be made pursuant to such Housing Expediter directives or certificates, regardless of whether the person, agency, or instrumentality named in the directive or certificate is a veteran or whether he holds a WAA Form 63 veteran's certificate.

(d) *Length of period.* The preference period under this section for disposals by WAA of surplus equipment to persons, agencies, or instrumentalities making a substantial contribution to the VEHP will begin with the effective date of this section and end thirty days after the time that WAA field procedures implementing Housing Expediter Priorities Regulation 4 are dispatched to the WAA field offices.

(Pub. Law 388, 79th Cong.; Public Law 507, 77th Cong., as amended; CPA Directive 44 (11 F. R. 8936))

Issued this 13th day of September 1946.

WILSON W. WYATT,
Housing Expediter.

TABLE OF EQUIPMENT COVERED BY THIS SECTION

Batching plants.
Cranes: Truck-mounted and crawler-type of ⅜, ½, ¾, 1¼ to 1½, 1¾ to 2, and 2½ cubic yard capacity. Equipped with shovel, dragline, backhoe and other types of front ends.
Ditching machines.
Motor graders.
Portable air compressors from 100 c. f. m. to 500 c. f. m., inclusive
Rock crushers, 25 tons per hour or under.
Tractors (track-laying).
Tractor type scrapers.
Wheel tractors 100 h. p. or over.

Removed 2-5-47

OBSOLETE

OFFICE OF HOUSING EXPEDITER

HEPR 3
OCT. 16, 1946
[As Amended]

[Priorities Reg. 3, as Amended]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DIRECTIVES AND CERTIFICATES FOR SURPLUS EQUIPMENT

§ 803.3 *Housing Expediter directives and certificates for surplus equipment for the Veterans' Emergency Housing Program*—(a) *What this section provides.* This section provides for channeling certain surplus equipment held by the War Assets Administration into the Veterans' Emergency Housing Program, to be used for the construction of low and moderate cost housing accommodations for veterans. The equipment listed in the table at the end of this section is suitable for the construction of housing accommodations and is in critically short supply. Such equipment is not now available in sufficient quantities from new production. This section provides a preference for a specified period to persons or governmental agencies or instrumentalities who will use the equipment to make a substantial contribution to the Veterans' Emergency Housing Program. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

(b) *Equipment covered by this section.* This section applies only to the equipment listed in the table at the end of this section. It applies whether the equipment is new or used (except for equipment in R-4 or X condition, as defined in WAA "Central Office Program No. 229 Revised, Machinery Branch"). It applies to all such equipment in WAA stocks (whether in WAA "confirmed inventory" or not) unless a written offer has been made by WAA for the disposal of such equipment and (1) prior to September 3, 1946, the offer was accepted in writing or (2) on September 3, 1946, the offer had not yet expired under its own terms, and prior to its expiration it is accepted in writing.

(c) *VEHP preference.* During the period of time defined in paragraph (d) of this section, the War Assets Administration shall not advertise, offer, sell, or dispose of any equipment covered by this section, except in accordance with an offer made in writing by WAA prior to September 3, 1946, or in accordance with a Housing Expediter directive, a Housing Expediter certificate (issued under Housing Expediter Priorities Regulation 4), a special directive issued by the Civilian Production Administration, or an urgency certificate issued by the Civilian Production Administration. Housing Expediter directives or certificates for such equipment will not be issued unless the Housing Expediter (or a Regional Housing Expediter under Housing Expediter Priorities Regulation 4) determines that the proposed use of the equipment will make a substantial contribution to the Veterans' Emergency Housing Program. Disposal shall be made pursuant to such Housing Expediter directives or certificates, regardless of whether the person, agency, or instrumentality named in the directive or certificate is a veteran or whether he holds a WAA Form 63, 73, or 1127 veteran's certificate.

(d) *Length of period.* The preference period under this section for disposals by WAA of surplus equipment to persons, agencies, or instrumentalities making a substantial contribution to the VEHP will begin with the effective date of this section and end on November 17, 1946.

(Title III, 56 Stat. 177, as amended; 60 Stat. 207; 50 U. S. C. App. Supp. 633; CPA Dir. 44; 11 F R. 8936)

Issued this 16th day of October 1946.

WILSON W. WYATT,
Housing Expediter.

TABLE OF EQUIPMENT COVERED BY THIS SECTION

Batching plants.
Cranes: Truck-mounted and crawler-type of ⅜, ½, ¾, 1¼ to 1½, 1¾ to 2, and 2½ cubic yard capacity. Equipped with shovel, dragline backhoe and other types of front ends.
Ditching machines.
Motor graders.
Portable air compressors from 100 c. f. m. to 500 c. f. m., inclusive.
Rock crushers, 25 tons per hour or under.
Tractors (track-laying).
Tractor type scrapers.
Wheel tractors 100 h. p. or over.

Removed 2-5-47

OBSOLETE

SUBJECT: Amendment 1 to HEPR-3, dated 11-14-46 1/
Changes in HEPR-3

HEPR-3 would have expired on November 17, but by this Amendment its provisions are extended until January 16, 1947.

The Table, listing types of equipment covered by HEPR-3, has also been amended, eliminating batching plants, rock crushers, and scrapers.

1/ This is a new insert, and an entry should be included in the Index for Part II, Section 3.

Received 2-5-47

OBSOLETE

Amdt. 1 to HEPR 3

OFFICE OF HOUSING EXPEDITER

NOV. 14, 1946

[Priorities Reg. 3, as amended Oct. 16, 1946, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DIRECTIVES AND CERTIFICATES FOR SURPLUS EQUIPMENT

Housing Expediter Priorities Regulation 3 (§ 803.3, 11 F. R. 12155) is amended by the following changes:

1. By substituting the words "January 16, 1947" for the words "November 17, 1946" in the 7th line of paragraph (d).

2. By amending the "Table of equipment covered by this section" to read as follows:

Cranes: Truck-mounted and crawler-type of ⅜, ½, ¾, 1¼ to 1½, 1¾ to 2, and 2½ cubic yard capacity. Equipped with shovel, dragline, backhoe, or other types of front ends.

Ditching machines.

Motor graders.

Portable air compressors from 100 c. f. m. to 500 c. f. m., inclusive.

Tractors (track-laying), 25.49 DBHP and up, except tractors with crane attachments.

Wheel tractors, 100 HP or over.

(Title III, 56 Stat. 177, as amended; 60 Stat. 207; 50 U. S. C. App. Supp. 633; CPA Dir. 44, 11 F. R. 8936)

Issued this 14th day of November 1946.

[SEAL] WILSON W. WYATT,
Housing Expediter.

Removed 2-5-47

OBSOLETE

SUBJECT: HEPR-4 dated 9-13-46 1/
Certificates for Surplus Materials and Equipment

This regulation provides a method for issuing Housing Expediter certificates which will give the holders a preference in acquiring from WAA certain types of equipment and materials which will be used to make a substantial contribution to veterans' housing.

Such certificates give the holder virtually a top priority in the purchase of specified surplus items held by the WAA, except for special directives issued by the Expediter or the CPA. The certificates are not valid to get materials or equipment from new production.

This regulation is not designed for use by the FPHA. Under HEPR-1 and -2 the FPHA has first call on WAA surplus building and utilities materials, except for such certificates and directives as may be issued under HEPR-3 and -4. Local public housing bodies, however, may qualify under the conditions set forth in paragraph (h) and the FPHA regional offices can assist them in filing their applications.

1/ This is a new insert, and an entry should be made in the Index for Part II, Section 3.

Removed 7-5-47

OBSOLETE

[Priorities Reg. 4]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

CERTIFICATES FOR SURPLUS MATERIALS AND EQUIPMENT

§ 803.4 *Housing Expediter certificates for surplus materials and equipment for the Veterans' Emergency Housing Program*—(a) *What this section provides.* This section provides for special assistance in obtaining from War Assets Administration certain surplus materials or equipment which are needed by persons who will use the materials or equipment in construction or production which will make a substantial contribution to the Veterans' Emergency Housing Program. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The special assistance is in the form of a "Housing Expediter certificate" which entitles the holder to receive a preference in acquiring from WAA the items of material or equipment covered by the certificate, if the items are in available WAA stocks. This section explains how applications should be filed for Housing Expediter certificates, describes the standards for approval of applications, and describes the issuance and effect of Housing Expediter certificates. Among other things, it explains the circumstances in which preference will be given by WAA to veterans holding Housing Expediter certificates.

DEFINITIONS

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

(1) "Available WAA stocks" means all materials and equipment in WAA stocks at any given time except those (i) which are committed to the Veterans Administration or the Federal Public Housing Authority, (ii) which have been publicly advertised or publicly offered for sale, (iii) for which a written offer for sale by WAA has been accepted in writing, or (iv) for which a written offer for sale by WAA has not yet expired under its own terms at the time in question. The term "available WAA stocks" includes any such materials or equipment held by WAA as surplus, whether in WAA "confirmed inventory" or not. It also includes any such materials or equipment listed on Exhibit A of WAA Regulation 2, as amended, "Property to be Set Aside for Veterans."

(2) An "industrially-made house, section, or panel" is one which is made in a factory or, in the case of concrete, precast either in a factory or on the building site.

(3) A "critical product" is one which the Housing Expediter has determined to be in such tight supply that the shortage of the product presents a serious threat to the Veterans' Emergency Housing Program. All such products are listed in the table at the end of this section.

(4) "New type material" means any material possessing some characteristics (such as composition, application, or design) different from existing conventional types of materials.

(5) "Person" means any individual, partnership, association, business trust, corporation, or any other organized group of persons (whether incorporated or not), or legal successor or representative of any of these, or any Federal, State, or local government, or agency, instrumentality, or subdivision thereof.

MATERIALS AND EQUIPMENT COVERED

(c) *Type of materials and equipment covered by this section.* Housing Expediter certificates may be issued under this section for materials and equipment which are in short supply and are needed by persons who can qualify under paragraphs (h) through (n) of this section. Such materials or equipment may be:

(1) Production materials (to be incorporated directly into a product),

(2) Construction materials (building materials, supplies, and equipment),

(3) Capital equipment (for construction, or for production of products or services), or

(4) Maintenance, repair, or operating supplies (including spare and replacement parts).

(d) *Only government-owned surplus.* Preference ratings issued under other regulations by the Civilian Production Administration or the National Housing Agency may be used to get materials or equipment out of new production. Housing Expediter certificates issued under this section may not be used to get materials or equipment from new production, but only to acquire government property which has been declared surplus to War Assets Administration and is in available WAA stocks. However, such surplus property may be new or used (including materials and equipment recovered or salvaged from dismantled surplus structures).

APPLICATIONS FOR HOUSING EXPEDITER CERTIFICATES

(e) *Filing of applications.* An application for a Housing Expediter certificate under this section should be made in duplicate on Form NHA 14–82. Copies of Form NHA 14–82 may be obtained from the offices of the Regional Housing Expediters and the Locality Housing Expediters. (See paragraph (k) of this section for circumstances in which it may also be necessary to file on Form NHA 14–54.) All applications except those filed under paragraph (n) of this section should be addressed to the Regional Housing Expediter of the NHA Region in which the applicant's place of business is located. Applications filed under paragraph (n) of this section should be addressed to the Housing Expediter, Washington 25, D. C.

(f) *Consideration of applications.* Applications for Housing Expediter certificates will be considered for approval in the following way:

(1) *Qualified applications.* An application will be considered qualified if it is properly completed and meets the standards for approval described in paragraphs (h) through (n) of this section.

(2) *Veterans' set-aside list.* A Housing Expediter certificate may be issued upon a qualified application filed under this section for an item listed on Exhibit A of WAA Regulation 2, as amended, "Property to be Set Aside for Veterans," even though the applicant is not a veteran or does not hold a WAA Form 63 veteran's certificate.

(3) *Inventory restriction.* An application for a Housing Expediter certificate filed under this section will not be approved for more production materials or operating supplies than the applicant will require to meet his scheduled operations during the 60 days immediately following the date of his application, less the amount he has on hand and expects to receive from other sources during that period.

(g) *Approval of applications.* Housing Expediter certificates will be issued in the following way upon applications which are found to be qualified:

(1) *Application filed with Regional Housing Expediter.* If the application is filed with the Regional Housing Expediter, he will consider it for approval as provided in paragraph (f) of this section. If the application is approved, the Regional Housing Expediter (acting for the Housing Expediter) will issue to the applicant a Housing Expediter certificate covering the required materials or equipment. The Regional Housing Expediter will also forward a copy of the certificate to the WAA Regional Office in the WAA Region where the applicant's place of business is located.

(2) *Application filed with Housing Expediter.* If the application is filed with the Housing Expediter, he will consider it for approval and issue a Housing Expediter certificate upon a qualified application in the same manner as described in subparagraph (1) of this paragraph.

GENERAL CONDITIONS FOR APPROVAL

(h) *General conditions for approval of applications.* It is the general policy of the Housing Expediter not to issue certificates for surplus materials or equipment held by WAA, but instead to permit such materials and equipment to be disposed of in accordance with Housing Expediter Priorities Regulations 1 and 2, the Surplus Property Act, and applicable regulations issued under the Surplus Property Act. However, the Housing Expediter may issue such certificates under this section if special circumstances as described in one of the paragraphs (i) through (n) of this sec-

tion are present, and if all the following general conditions are met:

(1) The Housing Expediter finds that the applicant's proposed use of the materials or equipment requested will make a substantial contribution to the Veterans' Emergency Housing Program.

(2) The applicant has been unable to get the materials or equipment from other sources than government-owned surplus in the time required.

(3) In the case of construction equipment, the applicant has been unable to secure in the time required contractual services to carry out the work for which the equipment is needed.

(4) The materials or equipment are purchased for use and not for resale.

(5) The applicant cannot obtain the required materials or equipment under Housing Expediter Priorities Regulation 1 or 2 because (i) the materials or equipment are not covered by HEPR–1 or HFPR–2, or (ii) the applicant is not eligible to acquire them under either of those regulations. (However, this condition does not bar an application for materials or equipment covered by HEPR–1 or HEPR–2 if the application is filed by a person—such as a producer of a "critical product" as defined in paragraph (b) (3) of this section—who is not eligible under HEPR–1 or HEPR–2, respectively.)

CONSTRUCTION AND PRODUCTION IMPORTANT TO VETERANS' EMERGENCY HOUSING PROGRAM

(i) *Continuous use of construction equipment for VEHP.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of construction equipment which is in short supply, if (1) the applicant is a builder; contractor; subcontractor; erector of industrially-made houses, sections, or panels (defined in paragraph (b) (2) of this section); or a utility and (2) the Housing Expediter finds that the applicant is likely to make substantially continuous use of the equipment in support of the Veterans' Emergency Housing Program.

(j) *To avoid serious delays in VEHP.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO (maintenance, repair, or operating supplies), if the Housing Expediter finds the item to be in such short supply that if it is not made available from surplus it will delay for a substantial period of time the construction of a large number of housing accommodations which have been partially completed under the Veterans' Emergency Housing Program. (If an applicant under this paragraph is a utility, it is not necessary that the housing accommodations be partially completed.) Applicants under this paragraph should pay special attention to paragraph (h) (5) of this section.

(k) *Industrially-made houses, sections, or panels.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a producer of industrially-made houses, sections, or panels (defined in paragraph (b) (2) of this section). To qualify under this paragraph, an applicant must produce industrially-made houses, sections, or panels found by the National Housing Agency to meet technical standards known as "HH Minimum Property Requirements." This finding will be based upon information submitted by the producer on Form NHA 14–54 along with his application for a Housing Expediter certificate on Form NHA 14–82 (unless the information asked for in Form NHA 14–54 has already been submitted to the National Housing Agency). The HH Minimum Property Requirements are available at the National Housing Agency, Washington 25, D. C., and at all State and local offices of the Federal Housing Administration and at the offices of the Regional Housing Expediters. Copies of Form 14–54 are available at the National Housing Agency, Washington 25, D. C., at the offices of the Regional Housing Expediters, and at all State and District Offices of the Federal Housing Administration. Applicants under this paragraph should pay special attention to paragraph (h) (5) of this section.

(l) *Critical products.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a producer of a "critical product" that is listed in the table at the end of this section. (For the definition of "critical product," see paragraph (b) (3) of this section.) It should be emphasized that it is the materials or equipment needed to produce the critical product, rather than the critical product itself, for which a Housing Expediter certificate may be issued under this paragraph.

(m) *New type materials.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a producer of a "new type material" (as defined in paragraph (b) (4) of this section) who (1) has an individual agreement with the Reconstruction Finance Corporation for a guaranteed market, or (2) has received other types of financial aid from a federal agency, pursuant to a directive from the Housing Expediter.

(n) *Basic materials.* Under the general conditions stated in paragraph (h) of this section, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a Federal, State, or local governmental agency or instrumentality for use in a specific program established by the Expediter (in cooperation with the applicant agency or instrumentality) to increase the production of a basic material, such as logs, for the Veterans' Emergency Housing Program.

EFFECT OF HOUSING EXPEDITER CERTIFICATES

(o) *Effect of Housing Expediter certificates.* WAA shall give the following effect to Housing Expediter certificates:

(1) *Valid for 60 days.* A Housing Expediter certificate shall be valid for 60 days after its date of issuance.

(2) *Search by WAA.* Each WAA Regional Office, upon receiving a copy of a Housing Expediter certificate, shall determine promptly whether the materials or equipment described in the certificate are in available WAA stocks, wherever located. When one WAA Regional Office requests other WAA Regional Offices to search for described materials or equipment, the first Regional Office shall notify the others of the serial number of the Housing Expediter certificate on which the search is being made.

(3) *Offer by WAA.* If a Regional Office of a particular WAA Region locates in available WAA stocks in that Region the materials or equipment described in a Housing Expediter certificate (whether in response to a search made on a certificate received by that Office, or a certificate notice of which has been received by that Office in accordance with subparagraph (2) of this paragraph), the WAA Regional Office shall promptly offer the materials or equipment for disposal to the person who is entitled to next preference under subparagraphs (4) and (5) of this paragraph.

(4) *Preference for holders of certificates.* Unless the Housing Expediter or the Civilian Production Administration specifically directs otherwise (see paragraphs (p) and (t) of this section), and except as provided in subparagraph (5) of this paragraph, each WAA Regional Office shall follow the order of precedence set out below in disposing of any materials or equipment in available WAA stocks in that Region:

(i) Persons who hold a Housing Expediter certificate or CPA urgency certificate (issued under Direction 16 to Priorities Regulation 13 of the Civilian Production Administration) which has been received by the WAA Regional Office, covers the materials or equipment in question, and has not yet expired.

(ii) Persons who hold a Housing Expediter certificate or CPA urgency certificate notice of which has been received by the WAA Regional Office from another WAA Regional Office (see subparagraph (2) of this paragraph), which covers the materials or equipment in question, and has not yet expired.

(iii) Other classes of persons.

Within class (i) or (ii) of this subparagraph, each WAA Regional Office shall give preference to the person holding the Housing Expediter certificate or CPA urgency certificate which was received by it, or notice of which was received by it, on the earliest date, and which has not yet expired.

(5) *Veterans' preference.* Unless the Housing Expediter or the Civilian Production Administration specifically directs otherwise, each WAA Regional Office shall follow the order of precedence set out below in disposing of any materials or equipment in available WAA

stock which are listed on Exhibit A of WAA Regulation 2, as amended, "Property to be Set Aside for Veterans":

(i) Persons who hold both a WAA Form 63 veteran's certificate which covers the materials or equipment in question, and a Housing Expediter certificate which has been received by the WAA Regional Office, covers the materials or equipment in question, and has not yet expired.

(ii) Persons who hold a Housing Expediter certificate which has been received by the WAA Regional Office, covers the materials or equipment in question, and has not yet expired.

(iii) Persons who hold a Housing Expediter certificate, notice of which has been received by the WAA Regional Office from another WAA Regional Office, which covers the materials or equipment in question, and has not yet expired.

(iv) Persons who hold a WAA Form 63 veteran's certificate which covers the materials or equipment in question.

Within class (i), (ii), or (iii) of this subparagraph, each WAA Regional Office shall give preference to the person holding the Housing Expediter certificate which was received by it, or notice of which was received by it, on the earliest date, and which has not yet expired.

(6) *Terms of sale.* WAA may make disposals of materials or equipment under this section upon such terms and conditions as are not in conflict with this section or with the Housing Expediter certificate upon which the disposal is made.

(p) *Effect of CPA special directives.* Special directives issued by the Civilian Production Administration for surplus materials or equipment shall take precedence over Housing Expediter certificates issued under this section.

USE OF HOUSING EXPEDITER CERTIFICATES

(q) *How to use a Housing Expediter certificate.* The following are the rules governing the use of Housing Expediter certificates:

(1) *Await offer from WAA.* At the time a Housing Expediter certificate is issued, the Regional Housing Expediter will advise the person to whom it is issued as to which WAA Regional Office will notify him if an offer is to be made by WAA in accordance with paragraph (o) (3) of this section. The holder of the certificate should not communicate with WAA until receipt of such an offer.

(2) *Present written order to WAA.* Within 10 days after WAA offers the materials or equipment described in a Housing Expediter certificate to the person named in the certificate, that person should present his copy of the certificate and his written order as required by WAA, together with adequate identification, to the WAA office designated in the offer received by him from WAA.

(3) *Not transferable.* A Housing Expediter certificate may be used only by the person named in it, and any rights conferred by it on that person may not be transferred.

RESTRICTIONS ON BUYERS

(r) *Use of materials or equipment obtained with Housing Expediter certificates.* Any material or equipment obtained from WAA by the use of a Housing Expediter certificate issued under this section may be used only for the purpose for which the certificate was obtained.

(s) *Sale of materials or equipment obtained with Housing Expediter certificates.* If it becomes impossible for a person who obtained materials or equipment under this section to use them for the purpose for which the Housing Expediter certificate was issued, the unused materials or equipment may be disposed of only on authorization in writing by the Housing Expediter upon the basis of a letter from the person explaining the situation and plans for disposal, if any. In general, disposal will be authorized only for purposes which would qualify for a Housing Expediter certificate under this section.

OTHER PROVISIONS

(t) *Housing Expediter directives.* In addition to Housing Expediter certificates, Housing Expediter directives may be issued covering government-owned surplus needed in the Veterans' Emergency Housing Program. Such directives may cover materials or equipment in WAA stocks even though the materials or equipment have already been publicly advertised or publicly offered for sale. Housing Expediter directives covering materials or equipment already publicly advertised or publicly offered for sale will, in general, be issued only if very extreme and unusual circumstances present such a serious threat to the Veterans' Emergency Housing Program that in the judgment of the Housing Expediter the action is mandatory. As with Housing Expediter certificates, such directives shall not apply to disposals of materials or equipment by WAA pursuant to special directives issued by the Civilian Production Administration.

(u) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25 D C., clearly stating the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(v) *Violations.* Any person who wilfully violates any provision of this section or who knowingly makes any statement to the Housing Expediter or the War Assets Administration, as to any matter within their respective jurisdictions, which is false in any respect, or who wilfully conceals a material fact in any certification required to be executed under this section, or who wilfully falsifies any records to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both, under the Veterans' Emergency Housing Act of 1946 and other applicable Federal Statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(w) *Reporting and record requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after the date of the transaction, accurate and complete records of the details of each such transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or any person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting and record requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Title III, 56 Stat. 177, as amended; 60 Stat. 207; 50 U. S. C. App. Supp. 633; CPA Dir. 44; 11 F. R. 8936)

Issued this 13th day of September 1946.

[SEAL] WILSON W. WYATT,
Housing Expediter.

TABLE OF CRITICAL PRODUCTS COVERED BY PARAGRAPH (1) OF THIS SECTION

Asbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement).
Asbestos-cement siding shingle and flat sheet specialized machinery.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, saturated felts, dry roofing felts, and saturated or coated sheathing papers).
Asphalt and tarred roofing products specialized machinery.
Bituminized fiber pipe.
Bituminized fiber pipe specialized machinery.
Boilers, low pressure, heating, steam and hot water.
Building and sheathing papers.
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).
Builders' hardware of the following types only: (1) butts, hinges, hasps; (2) door locks, lock trim; (3) sash, screen, and shelf hardware; (4) night latches, dead locks; (5) spring hinges; (6) sash balances, sash pulleys.
Cast iron soil pipe and fittings.
Cast iron pressure pipe.
Cast iron radiation.
Cement.
Cement mill specialized machinery.
Clay building products (common and face brick, clay structural tile, and clay sewer pipe).
Clay building products specialized machinery (such as dealring machines; extrusion heads, clay grinders and pulverizers, and brick presses).
Concrete building products (light weight and heavy weight aggregate concrete blocks and cement brick).
Concrete building products specialized machinery (such as concrete block and brick machines and attachments, including concrete mixers and skip loaders as commonly used in the concrete products industry).
Convector radiation (extended surface).

Flooring, hardwood.
Furnaces (warm air, floor, wall).
Gypsum board and gypsum lath.
Gypsum board and gypsum lath specialized machinery.
Gypsum liner.
Lime, finishing.
Logs.
Lumber.
Metal doors and frames.
Metal windows, sash and frames.
Metal plaster base (metal lath).
Millwork, suitable for housing construction.
Nails.
Pig iron (foundry grade).
Plaster, hardwall.
Plumbing fixture fittings and trim, including brass tubular goods.
Plumbing fixtures (of the following types, in residential-design models only: bathtubs, lavatories, sinks, sink-and-tray combinations, shower stalls, receptors, stall-and-receptor combinations, water closet bowls, tanks. Trim is not included).
Plywood, softwood, suitable for housing construction.
Sawmill and other woodworking specialized machinery.
Screen cloth, insect.
Steel, galvanized sheet.
Wiring devices (electrical) of the following kinds only:
(1) Sockets, lampholders, and lamp receptacles—medium screw base types (lighting fixtures and portable lamps not included); (2) convenience receptacles (outlets) suitable for residential use; (3) toggle switches (types designed specifically for tools and appliances not included); (4) wall and face plates; (5) outlet, switch, and receptacle boxes suitable for residential use (covers, hangers, supports, and clamps included); (6) box connectors for residential-type metal or non-metallic sheathed cable.

NHA
FPHA
9-26-46 Superseded 12-20-46

Bulletin 14
PART II - Section 3.5

SUBJECT: HEPR-5, dated 8-27-46
Authorization and Priorities Assistance for Housing.

Effective September 10, 1946, all new applications for authorizations and HH priorities ratings for housing will be filed under the new regulation (Housing Expediter Priorties Regulation No. 5) instead of under PR-33.

The actual procedure for issuance of priorities is unchanged. HEPR-5 will not affect applications already approved under PR-33, nor are there any fundamental changes affecting the operation of the priorities system with regard to using or obtaining preference ratings.

Applications filed before September 10 under PR-33 will be accepted and processed under PR-33, which will remain in effect with regard to all priorities applications filed before September 10, and will govern any subsequent actions related to such priorities.

In the future the HH series of preference ratings will have the authority of the Veterans Emergency Housing Act of 1946 and the Second War Power Act, rather than exclusively of the latter as was the case with PR-33.

Superseded 3-13-47.

OBSOLETE

SUBJECT: HEPR-5. Amended 12-13-46 1/
Authorization and Priorities Assistance for Housing

Current applications for construction, alteration or repair of dwelling accommodations under CPA's Order VHP-1, and for assignment of HH priorities assistance to obtain materials and equipment for such work, are subject to the provisions of HEPR-5.

All applications filed prior to September 10, 1946, and any subsequent actions related to such applications which do not involve additional dwelling units, are governed by the provisions of PR-33.

In this amendment of HEPR-5, there are several minor revisions, such as: elimination of the issuance of a building permit (par. c-2) as one prerequisite to filing an application; elimination of the hardship requirement (par. i-2) in requests for increases in sales prices or rents; inclusion of the provision (in Par. o-2) that payment for rental of furniture shall hereafter be considered a part of the maximum rent; and deletion of the reference to Form NHA-14-56A in paragraph (n). Form NHA-14-56A was never issued and this paragraph, as revised, obviates the need for it and for Form CPA-4387 as well, in connection with approvals authorized on Form CPA-4386 under PR-33.

In addition, paragraph (c) (1) (vi) has been extensively revised to explain the conditions under which authorization or priorities assistance may be granted for repairs or alterations. Paragraph (o) (12) includes a definition for "public organization", followed by a definition for the term "educational institution".

Chapter 3480 of the Manual of Policy and Procedure contains instructions and exhibits, which supplement and explain the provisions of HEPR-5 as they affect FPHA projects and the processing of applications by FPHA.

1/ Supersedes: HEPR-5, dated 8-27-46;
Amdt. 1 to HEPR-5, dated 9-10-46;
Int. 1 to HEPR-5, dated 10-31-46; and
Int. 2 to HEPR-5, dated 11-15-46.

SUBJECT: HEPR-5, Amended 2-13-47 1/

This Regulation continues to be applicable to housing accommodations for which authorization and assignment of HH priorities were granted under it, on Form NHA-14-56, prior to December 24, 1946.

The regulation has been superseded by HPR as the document which controls NHA processing and has been modified on the basis that no new applications for HH priorities will be processed, and accordingly has been condensed and perfected. A revision of previous requirements, conforming with a current amendment in HPR, provides that builders may wait until completion of construction before displaying the amount of approved rentals and sales prices on placards, also, that wives of student veterans may live in dwellings provided by colleges for married veterans.

1/ Supersedes: HEPR-5, dated 12-13-46
Amdt. 1 to HEPR-5, dated 12-23-46

Superseded 12-13-46

[Housing Expediter Priorities Reg. 5]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Par.

(a) What this section provides.
(b) Housing construction covered by regulation.
(c) Eligibility and filing of applications.
(d) Approval of applications.
(e) Use of HH rating.
(f) Posting of placards.
(g) Construction inspection.
(h) Housing required to be held for rent.
(i) Maximum sales prices and rents.
(j) Preferences for veterans.
(k) Notices of restrictions.
(l) Prohibition against transfer of authorization.
(m) Appeals.
(n) Amendments and supplemental applications.
(o) Definitions.
(p) Communications.
(q) Violations and enforcement.
(r) Reports.

§ 803.5 *Authorization and priorities assistance for housing*—(a) *What this section provides.* This section provides priorities assistance to implement the Veterans' Emergency Housing Program which calls for the construction of moderate and low-cost dwelling accommodations to meet the needs of returning veterans. It also provides for giving specific authorization under the Civilian Production Administration Veterans' Housing Program Order 1 (11 F.R. 7409) to persons wishing to construct, repair, make additions or alterations to, improve, or convert, or install fixtures in housing accommodations. This section explains who may apply for authorization and for priorities assistance, the circumstances under which applications will be approved, the way in which the priorities assistance given may be used and the conditions which will be imposed on the applicant and succeeding owners as long as this section is in force. The building materials for which priorities assistance may be given under this regulation are listed in Schedule A to Civilian Production Administration Priorities Regulation 33 (11 F.R. 4085). (If a person building dwelling accommodations needs priorities assistance for materials not listed in that Schedule A, he may apply for such assistance to the Civilian Production Administration under Civilian Production Administration Priorities Regulation 28 if he qualifies under its provisions.) This section does not apply to or affect applications filed under Civilian Production Administration Priorities Regulation 33 prior to the effective date of this section or to any dwelling accommodations approved in such applications. Any supplemental applications or requests for changes in those applications which do not involve additional dwelling units shall be made in accordance with CPA Priorities Regulation 33.

(b) *Housing construction covered by this regulation.* (1) The following kinds of construction, alteration, or repair are included in this section where the application qualifies under paragraphs (c) and (d) or relief is granted on appeal under paragraph (m):

(i) The construction of any building in which 50% or more of the floor space involved is to be used (*a*) for family residential purposes or (*b*) for single-person residential purposes where the construction is by or under the sponsorship of an educational institution or by a public organization or where the building is a boarding or rooming house which is not primarily for transients or overnight guests. A building under this subparagraph includes subsidiary buildings on residential property where used for residential purposes, such as private garages, tool sheds, piers, greenhouses and the like, and includes dining halls and other essential residential accommodations used entirely as part of dormitory or other single-person accommodations also covered by the application. This subparagraph applies to farmhouses and other farm living accommodations and bunkhouses for transitory farm labor. It does not include any military housing or summer or winter camps or any hotels or tourist cabins primarily for transients and overnight guests.

(ii) Additions, alterations, or repairs to a building where 50% or more of the floor area involved in the proposed additions, alterations, or repairs will be used for dewelling accommodations of the kinds described above.

(2) Construction not included in this section is under the jurisdiction of the Civilian Production Administration. Also, if an application under this section involves construction, additions, alterations, or repairs of which more than 25% is non-residential in the case of applications for one-family or two-family dwellings or more than 15% in the case of other applications, a recommendation will be obtained from the Civilian Production Administration as to the essentiality of the non-residential part of the work. (As provided below, such construction may receive authorization but not priorities assistance under this section.)

APPLICATIONS

(c) *Eligibility and filing of applications*—(1) *Persons eligible.* Applications for authorization under Civilian Production Administration Veterans' Housing Program Order 1 or for priorities assistance under this section, or both, may be made by the following:

(i) A veteran who wishes to build, alter, or repair a house for his occupancy as owner. A proposed maximum sales price (except in cases of farmhouses) not to exceed $10,000 must be stated if the application covers the construction of a house, to be applicable in case of sale of the house. The estimated cost of any alteration or repair of any house, or the construction of a farmhouse, under this subparagraph may not exceed $10,000.

(ii) A person who wishes to build, complete, or convert (dwellings or other structures into) family dwelling accommodations to which veterans will be given preference in selling or renting as provided in this section. The maximum sales price for applications of this sort may not exceed $10 000 for a one-family dwelling or $17 000 for a two-family dwelling. The maximum shelter rent may not exceed $80 a month for each dwelling unit (except for conversion units for which rent need not be specified under paragraphs (i) (3) (i) and (i) (4) (i) of this section).

(iii) A person who wishes priorities assistance to complete dwelling accommodations under construction on March 26, 1946 (and therefore exempt from CPA VHP–1), which cannot come within the preceding subparagraph either because it will be impracticable because of commitments made or construction performed to sell or rent them within the specified amounts or to give the initial preference to veterans required by that subparagraph. The governmental agency processing the application may waive the requirements stated in the preceding subparagraph where appropriate in such cases. Except in unusual circumstances, applications of this sort will not be approved if the proposed sales price is over $15 000 or if the proposed shelter rent is over $120 a month.

(iv) A person who wishes to reconstruct (or build on another site in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster, where the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant, *Provided*, That any application under this subparagraph must be made not later than 6 months after such destruction or damage. If the proposed work involves rebuilding more than half of the building (or involves building on another site) maximum sales prices or shelter rents must be stated (except in cases of farmhouses) which must be limited to $10,000 and $80 a month, respectively, except where this would result in great hardship. In cases of farmhouses, the estimated cost of construction may not exceed $10 000 except where this would result in great hardship.

(v) A person who wishes to re-erect a dwelling which must be moved because the land on which it is located has been, or is in the process of being, acquired by eminent domain (or by sale to a purchaser having the authority to acquire the land by eminent domain) *Provided*, That (*a*) the applicant establishes that the re-erected dwelling will be used for dwelling accomodations, (*b*) the applicant certifies and agrees that in re-erecting the dwelling he will reuse all of the materials in it to the extent practicable, and that no additional materials will be used except the minimum amount necessary for the re-erection, and (*c*) the local office of the agency processing the

application has received a certification by an appropriate official of the agency or corporation acquiring such land stating that it has been acquired or is in the process of being acquired. An application submitted under this paragraph shall not be subject to the provisions of paragraphs (i), (j), and (k) of this section unless the dwelling is to be re-erected for sale or for rent.

(vi) A person who wishes authorization to make repairs or alterations to dwelling accommodations in order to maintain them in a habitable condition or to return them to a habitable condition, or to provide space for additional persons who are veterans or members of the immediate family of the applicant, *Provided*, That the estimated cost of the construction to provide such additional space for any such person shall not exceed $1,500. Priorities assistance will be granted under this subparagraph only for repairs necessary to return a dwelling to a habitable condition which has been vacant for at least six months for lack of such repairs, and in such cases the dwellings repaired shall be subject to the same limitations and restrictions as provided for dwellings approved under paragraph (c) (1) (ii) of this section.

(vii) A producer of a scarce material or product needed for the construction or production of dwelling accommodations, facilities or materials or needed for public health or safety, who wishes to construct, repair, or alter dwelling accommodations which are necessary to increase or maintain the production of the scarce material or product and are to be held for rent to employees of the industry producing the scarce material or product. Dwelling accommodations requested under this subparagraph will be approved only upon the recommendation of the Civilian Production Administration with respect to the need for the scarce material or product and after a determination by the Office of the Administrator of the National Housing Agency as to the necessity for the dwelling accommodations to increase or maintain the productoin of the scarce material or product. The maximum shelter rent for applications of this sort may not exceed $80 a month for the dwelling or any apartment in it. The maximum sales price may not exceed $10,000 for a one-family or $17,000 for a two-family dwelling, to be applicable in the event of sale for investment purposes.

(viii) A person who wishes to construct, repair or alter a farm dwelling where the construction, repair, or alteration is necessary to increase or maintain the production of essential food products. No sales price or rent need be stated in an application under this subparagraph, but the cost of the construction, repair or alteration of any such dwelling shall not exceed $10 000.

(ix) An educational institution (or a person under its sponsorship) or a public organization which wishes to construct, repair, or alter a dormitory or other single-person housing facility for student veterans. The application will not be approved if the maximum rent proposed is more than the amount charged for comparable accommodations in the area. If the application is made by a person under the sponsorship of an educational institution, the application must be accompanied by a letter from that institution which (*a*) requests that the application be approved, (*b*) states that there is not a sufficient number of available rooms in the community for its student veterans, and (*c*) represents that the institution will refer student veterans to the proposed accommodations as long as this section is effective.

(x) A person who wishes to construct or erect dwelling accommodations for experimental or testing purposes or to obtain materials for other experimental or testing purpose, where the proposed work is determined by the Director or Acting Director of the Technical Branch of the Office of the Administrator of the National Housing Agency to be essential to the Veterans' Emergency Housing Program. Such dwelling accommodations shall not be subject to paragraphs (i), (j), and (k) of this section unless sold or rented for dwelling purposes.

(2) *Filing application.* Applications under this section should be made on NHA Form 14–56 and filed with the appropriate State or District Office of the Federal Housing Administration, except that (i) applications covering dwelling accommodations on a farm should be filed with the appropriate County Agricultural Conservation Committee, (ii) applications by educational institutions, or persons under their sponsorship, or by public organizations (whether under paragraph (c) (1) (ix) or other paragraphs of this section) should be filed with the appropriate Regional Office of the Federal Public Housing Authority, and (iii) applications to construct or erect dwelling accommodations or to obtain materials for experimental or testing purposes should be filed with the Technical Branch, of the Office of the Administrator of the National Housing Agency. Applications should not be filed unless the construction is already under way (in the case of construction started before the issuance of CPA VHP–1, March 26, 1946) or unless the applicant plans to start actual construction within 90 days of the approval of the original application. The applicant should have already obtained effective control of the land involved, and given evidence of readiness to start within 90 days (for example, by securing necessary building permits, getting assurance of financing, making arrangements for utilities and the like). The applicant must also state the proposed sales prices or rent for the accommodations, where they are required.

(3) *Construction standards.* When application is made to the Federal Housing Administration under this section for authorization or priorities assistance to build a new dwelling or dwellings for sale or rent with preference to veterans, the plans, outline specifications, and other exhibits specified in HH Form 1015 for each type of dwelling to be built, shall be attached to and made a part of the original application. Such plans, outline specifications, and other exhibits must meet or exceed the "HH Minimum Property Requirements" as defined in paragraph (o) of this section, except that such plans, outline specifications and other exhibits for multiple-family dwellings need only meet or exceed the requirements in the "HH Minimum Property Requirements" applicable to space and privacy in the dwelling units themselves. A veteran who makes application to the Federal Housing Administration for authorization or priorities assistance to build a dwelling for his occupancy as owner need not submit the plans, outline specifications, and exhibits specified in HH Form 1015, but may elect to submit them as part of the application, as provided above, in which event the applicant and the dwelling or dwellings proposed in the application shall be subject to the provisions of this subparagraph. (This permits a veteran to elect to receive a free inspection service on the construction of a house built for his occupancy as owner.) If the applicant does not make such election, he shall file with his application one copy of his contract with a contractor who has agreed to do all or part of the construction involved, unless the applicant represents that all of the construction work will be done by the applicant. Any dwelling accommodations to be built or converted under this section must meet the standards as to space, accommodations and the like which are customary in the community for year-round occupancy.

(4) *Residential purposes.* Where application is made for priorities assistance as well as authorization, at least 75% of the floor space involved in the construction, addition, alteration, or repair, in the case of one-family or two-family houses, must be for residential purposes, or at least 85% of the floor space in the case of other dwellings must be for residential purposes.

(5) *Estimated cost.* The estimated cost of construction (as approved by the Federal Housing Administration or other agency with which the application may be filed) of any dwelling, including the land and other improvements, for which a maximum sales price is required to be established under this section may not exceed the maximum sales price proposed in the application.

(d) *Approval of applications*—(1) *Requirements.* The application may be approved if (i) the available supply of building materials reserved by quota, allocation, or other means for the Veterans' Emergency Housing Program or for the appropriate kind of construction or use under the Program has not been fully committed, (ii) the conditions and requirements indicated in paragraph (c) of this section have been met, and (iii) the proposed sales prices or rents (where required) are reasonably related to the value of the proposed accommodations (taking into consideration (*a*) reasonable construction costs not in excess of the legal maximum prices of the materials and services required for the construction, (*b*) the fair market value of the land (immediately prior to construction) and improvements sold with the housing accommodations, and (*c*) a margin of profit reflecting the generally prevailing profit margin upon comparable units during the calendar year 1941). Upon approval, the applicant will be granted

an authorization to construct or an HH rating, or both. One copy of the application will be returned to the applicant bearing an application serial number.

(2) *Agreements.* An applicant who constructs, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, except where he has obtained prior written approval for a change from the Federal Housing Administration or other agency where applications under this section may be filed.

CONSTRUCTION

(e) *Use of HH rating.* The HH rating assigned for dwelling accommodations may be used only to obtain materials of the kinds listed on Schedule A to Civilian Production Administration Priorities Regulation 33 and only to obtain the minimum quantities of such materials which are needed for the dwelling accommodations as described and approved in the application. All materials obtained by using the HH rating shall be used only in the construction of the dwelling accommodations as described and approved in the application. Schedule A to Civilian Production Administration Priorities Regulation 33 explains how the rating may be applied to a purchase order, who may use the rating to obtain materials, when it expires and how it may be extended under certain circumstances. An applicant who has failed to comply with the requirements of the next paragraph may not use an HH rating under this section.

(f) *Posting of placards*—(1) *Dwellings rented or sold to veterans.* When an application is approved under this regulation, a placard or placards will be sent to the applicant indicating that the dwelling accommodations are being built under the Veterans' Emergency Housing Program. If the application covers the construction of dwelling accommodations to be rented or sold to veterans under paragraph (c) (1) (ii) or paragraph (c) (1) (ix) of this section, the placard will contain a statement to this effect and will contain spaces for the maximum sales price or rent and the application serial number. The applicant must insert in the placard or placards clearly, legibly, and permanently the application serial number and the appropriate rent or sales price, not in excess of the amount specified in the application as approved. The applicant must post a placard in front of each separate residential building on the site in a conspicuous location within 5 days after the time construction is begun and must continue to post the placard until completion of the building, and, unless all the accommodations in the building have been sold or rented to veterans in accordance with paragraph (j), for 60 days afterwards in the case of sale or 30 days afterwards in the case of rent.

(2) *Other dwellings authorized.* If the application is not based on paragraph (c) (1) (ii) or paragraph (c) (1) (ix) of this section, the placard will contain a space for the application serial number which must be inserted by the applicant. This placard must be posted in front of the building in a conspicuous location within 5 days after construction is begun, or after receipt of the placard in case of an application under (c) (1) (iii) of this section, and must remain posted until the work is completed.

(g) *Construction inspection.* When the Federal Housing Administration approves an application for authorization or priorities assistance for a dwelling which must comply with all or part of the "HH Minimum Property Requirements" it shall transmit to the applicant three postal cards (HH Form No. 1010) for use by him in reporting construction progress. The applicant shall properly fill out each card and mail it, at the stage of construction indicated on the card by the applicant, to the State or District Office of the Federal Housing Administration where his application was approved. The first card shall be mailed when construction has begun. The second card shall be mailed when the dwelling has been enclosed and roofed, structural framing completed and exposed, and roughing-in of heating, plumbing, and electric work installed and visible for inspection. The third card shall be mailed when the dwelling has been substantially completed. The Federal Housing Administration will make an inspection of the dwelling upon receipt of the second postal card referred to above and a second inspection upon receipt of the third postal card, for the purpose of determining whether the construction conforms to the plans, outline specifications, and other exhibits made a part of the application. Inspections under the National Housing Act, where applicable, may be made in place of the inspections provided in this paragraph. An applicant who has failed to fill out and mail each card as required by this paragraph may not use an HH rating under this section and may not sell or rent the dwelling involved until such card has been filled out and mailed to the State or District Office of the Federal Housing Administration where his application was approved.

HOLDING FOR RENT

(h) *Housing required to be held for rent.* If an application as approved contains a statement or otherwise indicates that a dwelling or an apartment will be held for rent, the original applicant and any subsequent owner shall hold the dwelling or apartment for rent as long as this regulation remains in effect (but not later than December 31, 1947), except that the structure may be sold (at not more than the maximum sales price, if specified in the application) to any person for investment purposes, provided that such person shall not occupy the dwelling or apartment but shall hold it for rent in accordance with this section. Any subsequent owner of dwelling accommodations approved under paragraph (c) (1) (vii) of this section shall continue to hold them for rent to the persons described in that paragraph.

MAXIMUM SALES PRICES AND RENTS

(i) *Maximum sales prices and rents*—(1) *General.* The restrictions on sales prices and rents contained in this paragraph must be observed as long as this section remains in effect. They apply to sales prices and rents for dwellings of the kinds described below when built or converted under this section. The restrictions on sale prices contained in this section do not apply to property being sold in the course of judicial proceedings in connection with foreclosures and do not prohibit any subsequent sale of such property at or below the amount of the sales price in such proceedings. In case of any dwelling unit provided by converting a structure in a Defense Rental Area established by the Office of Price Administration the maximum rent specified in the application as approved is not the authorized amount at which the dwelling may be rented as the rents for converted units must be determined by the Office of Price Administration. Approval of a proposed sales price or rent under this section should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes. Within 30 days of any sale, by the applicant or a subsequent owner, of any dwelling accommodations for which a maximum sales price has been established under this section, the seller shall fill out in triplicate a sales report form (NHA Form 14–39). The seller shall file the original of this form with the local area rent office of the Office of Price Administration. (If the dwelling accommodations are not in an area under OPA rent control, the seller shall send the original of the form to the nearest OPA area rent office. For requirements on filing a rent registration form, see OPA Rent Regulation for Housing.)

(2) *One-family dwellings.* (i) An application to build or convert a one-family dwelling must contain a statement of the proposed maximum sales price, whether or not the builder proposes to sell the building, except under the conditions described in paragraphs (c) (1) (iv), (v) or (viii) of this section. If the applicant proposes to rent the building, the application must also contain a statement of the proposed maximum rent and maximum shelter rent.

(ii) An applicant or subsequent owner must not sell a one-family dwelling built or converted under this section, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(iii) No person shall rent a one-family dwelling built or converted under this section for more than the maximum rent specified in the application as approved. If no rent was specified in the application for a dwelling built under this section, the person wishing to rent the dwelling may (except after the first renting in an area under Federal rent control) request the Federal Housing Administration (or other agency with which the application was filed) to set a rent

on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set. A maximum shelter rent of more than $80 a month will not be approved except where unusual hardship would result. (After the first renting of the dwelling in an area under Federal rent control, the request to set or approve a rent should be made to the OPA Area Rent Office or, in the District of Columbia, to the Administrator of Rent Control.)

(3) *Two-family dwellings.* (i) An application to build or convert a two-family dwelling must contain statements of both the proposed maximum sales price for the entire dwelling and the proposed maximum rent and maximum shelter rent for each apartment in the dwelling, whether the applicant proposed to sell or rent the dwelling or the apartments in it. However, if a person wishes to convert a one-family dwelling to a two-family dwelling and he or a continuing tenant is going to occupy part of the dwelling, a proposed maximum sales price for the entire dwelling or a proposed maximum shelter rent for the part of the dwelling to be occupied by him or the continuing tenant need not be specified.

(ii) An applicant or subsequent owner must not sell a two-family dwelling built or converted under this regulation, including land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(iii) No person shall rent an apartment in a two-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a part of a two-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been submitted to and approved in writing by the Federal Housing Administration or other agency which approved the original application. The proposed maximum sales price may be approved if it is reasonably related to the value of the accommodations (determined in accordance with paragraph (d) of this section). No person shall sell such accommodations for more than such maximum sales price.

(4) *Multiple-family dwellings.* (i) An application to build or convert a multiple-family dwelling must contain a statement of the proposed maximum rent and the proposed maximum shelter rent for each apartment or for each group of apartments having the same maximum rent. However, if a person wishes to convert a one or two-family dwelling to a multiple-family dwelling and he or a continuing tenant is going to occupy part of the dwelling, a proposed maximum shelter rent for the part of the dwelling to be occupied by him or a continuing tenant need not be specified. An application by a person who wishes to build, complete, or convert a multiple dwelling structure otherwise qualifying under this section shall not be disapproved because the owner, or his building service employee, will reside in the structure, if the accommodations to be so occupied do not exceed in floor space a normal one-family unit in the structure, and *Provided*, That such space is less than 15% of the floor space of the structure used for residential purposes.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a multiple-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been approved as provided above in paragraph (i) (3) (iii) of this section. No person shall sell such accommodations for more than such maximum sales price.

(5) *Dormitories.* (i) An application by an educational institution (or a person under its sponsorship) or public organization for a dormitory or other single-person housing facility must contain a statement of the maximum rent to be charged each occupant.

(ii) As long as this regulation remains in effect, no person (whether the applicant or any other person) shall rent accommodations in a dormitory or other housing facility built or converted under this section for more than the maximum rent specified in the application as approved.

(6) *Requests for increases in sales prices and rents because of increased costs.* An applicant may apply by letter in triplicate to the Federal Housing Administration (or other agency with which the application was filed) for an increase in the sales price or rent approved in the application before the house is sold (i. e., before title has passed) or initially rented. The application will not be approved unless it can be shown that he has incurred additional or increased costs in the construction over which he had no control, or which could not reasonably have been anticipated by him at the time of the initial application, or unless it can be shown that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it impracticable for him to sell or rent at the price or rent approved in the application. No increase in sales price or rent will be granted in excess of the increase in construction costs, or a proper proportion thereof in the case of rent, or the increase in operating costs, as the case may be. However, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to an amount more than $80 a month will be granted except where unusual hardship would result to the applicant for the increase.

(7) *Requests for increases in sales prices or rents because of improvements.* A subsequent owner or any owner-occupant of a dwelling built or converted under this regulation may apply by letter in triplicate, or by such form as may be prescribed, to the Federal Housing Administration (or other agency with which the application was filed) for an increase in the sales price or rent specified in the application, if he has made major structural changes or improvements (not including ordinary maintenance and repair) to the dwelling which would warrant an increase. No increase will be granted in excess of the cost of such changes or improvements, or a proper proportion thereof in the case of a requested increase in rent. However, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to an amount more than $80 a month will be granted except where unusual hardship would result to the applicant for the increase. If an increase in rent is needed because of subsequent changes or improvements, and the accommodations have previously been rented and are in a Defense Rental Area established by the Office of Price Administration, the owner should apply to the Area Rent Office of the Office of Price Administration for an increase (or in the District of Columbia, to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the local office of the Federal Housing Administration (or other agency with which the application was filed). Upon the filing of this copy of the instrument granting the increase, the new rent granted becomes the maximum rent under this section. The right to apply for any increase in the sales price or rent specified in the application shall have no effect upon the authorized sales price or rent until the increase has been approved in writing in accordance with this section. (Under Civilian Production Administration Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

(8) *Evasion.* It shall be a violation of this section to condition a sale or rent upon the purchase of, or the agreement to purchase, any commodity, service or property interest, except where this regulation specifically permits the consideration paid for such commodity, service, or property interest to be included in or added to the maximum sales price or maximum rent. No person shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations covered by this section. The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequently by a tenant under a written lease for his own convenience.

PREFERENCES FOR VETERANS

(j) *Preferences for veterans*—(1) *General.* This paragraph tells how preferences will be given under this section to veterans in the initial or any subsequent sale or rental as long as this regulation

remains in effect. Although these preferences for veterans are limited to the periods specified below, the restrictions of paragraph (i) of this section on sales prices and rents continue as long as this regulation remains in effect. The preferences for veterans provided by this paragraph do not apply to sales in the course of judicial proceedings in connection with foreclosures. Sales subsequent to such judicial sales, however, are subject to the provisions of this paragraph. The provisions of this paragraph do not apply to dwellings for which neither a maximum sales price nor a maximum rent must be stated in the application or established under this section, or to dwellings approved on applications under (c) (1) (vii) of this section, or to the initial occupancy of a dwelling or an apartment in it approved under this regulation for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwelling.* (i) An applicant who has built or converted a one-family dwelling under this section must publicly offer it for sale or for rent to veterans for their own occupancy at or below the maximum sales prices or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a one-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If a one-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant) at or below the maximum rent specified in the application as approved or set by the appropriate agency under this section.

(3) *Two-family dwellings.* (i) An applicant who has built or converted a two-family dwelling under this section must publicly offer it for sale or the apartments in it for rent to veterans for their own occupancy at or below the maximum sales price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a two-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any other person then a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If an apartment in a two-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant) at or below the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) An applicant who has built or converted a multiple-family dwelling under this section must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans for their own occupancy at or below the maximum rent specified in the application as approved.

(ii) No other person shall rent an apartment in a multiple-family dwelling built under this section to any person other than a veteran unless he has publicly offered the apartment for rent to veterans for at least 30 days (or during construction and for 30 days after completion) at or below the maximum rent specified in the application as approved.

(5) *Dormitories.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans otherwise eligible to occupy the dwelling accommodations, except that if an educational institution builds a dormitory under this section, it may make available to nonveterans 40% of the accommodations in the dormitory if it makes available to veterans an equivalent number of similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

NOTICES OF RESTRICTIONS

(k) *Notices of restrictions*—(1) *Deeds.* The applicant and every person who has acquired title to a dwelling (whether completed or not) approved under paragraphs (c) (1) (ii) and (ix) of this section must, as long as this section remains in effect, include a statement in the following form in any deed, conveyance, or other instrument by which the dwelling is sold, transferred, or mortgaged to any other person:

> The building on the premises hereby sold, transferred, or mortgaged was built (converted) under Housing Expediter Priorities Regulation 5 (Application Serial No. —). Under that regulation a limit is placed on either the sales price or the rent for the premises, or both, and preferences are given to veterans of World War II in selling or renting. The premises must also be held for rent if the application as approved under that regulation contains a statement to that effect. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent owner will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Housing Expediter Priorities Regulation 5 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby sold, transferred, or mortgaged.

(2) *Advertisements.* The applicant and every subsequent owner, and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraphs (c) (1) (ii) and (ix) of this section are offered for sale or for rent:

> This house (apartment) is being (was) built under the Veterans' Emergency Housing Program for sale (for rent) at or below $------ (insert maximum sales price or rent). It is being offered for sale (for rent) only to veterans during construction and for 60 (30 in case of rent) days after completion (or for the next 60 days in case of subsequent sale or 30 days in case of subsequent rent).

OTHER PROVISIONS

(l) *Prohibition against transfer of authorization.* No person to whom an authorization has been given or an HH rating has been assigned shall transfer the authorization or rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the Federal Housing Administration (or other agency with which the original application was filed) attaching to his application a statement from the former applicant (or his representatives) joining in the request for the granting of the authorization or the assignment of the rating to the new applicant.

(m) *Appeals.* Any person affected by this section who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from any provisions of this section should be filed with the appropriate local office of the Federal Housing Administration (or other agency with which the application was filed), and the appeal shall be forwarded to the Washington office of that agency for consideration, together with any recommendations made by the local office.

(n) *Amendments and supplemental applications.* An applicant may apply to the agency which approved his application for an amendment to it. If the amendment covers changes in the specifications of the proposed dwelling or dwellings or changes in the proposed sales price or rent, or a change in the construction schedule involving several buildings, the request for an amendment may be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the application as amended and approved. If the request is for permission to use the rating for dwellings listed on the original application, but not to be started within 90 days of issuance, the request should be filed on NHA Form 14–

56A. If the request for an amendment requires additional buildings or dwelling units not included in the original application, a new application on NHA Form 14–56 covering the new units should be filed.

(o) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) The term "maximum rent" means the total consideration paid by the tenant for the dwelling accommodations including charges paid by the tenant for tenant services specified on the application and including charges paid by the tenant for garage as specified on the application, but excluding charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. Any payment, contribution, or investment required of or made by a tenant, or prospective tenant, of the dwelling unit in connection with a mutual ownership or similar plan, whether such payment, contribution, or investment be made as a lump sum or in several amounts or whether it be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise, shall be considered as part of the maximum rent.

(3) The term "maximum shelter rent" means the maximum rent, less charges for tenant services and garage. The total charges for tenant services will not be approved if more than $3 per room per month. The charge for garage will not be approved if more than $10 per month and will be allowed only for multiple-family dwellings.

(4) The term "maximum sales price" means the total consideration paid (including any charge made a condition to the sale) by the buyer for such dwelling accommodations with accompanying land and improvements, excluding only those incidental charges (which may not be charged in the first sale unless enumerated in the application as approved), such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community where such accommodations are located and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. Any payment, contribution, or investment required of or made by an occupant or prospective occupant, other than a tenant of the dwelling unit, in connection with a mutual ownership, stock company, or other group plan, whether such payment be made as a lump sum or in several amounts or whether such payment be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise, shall be considered as part of the maximum sales price. (See paragraph (i) (3) and (4) of this section with respect to sales prices for interests in multiple-family or two-family dwellings.)

(5) The term "person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(6) The term "one-family dwelling" means a building designed for occupancy by one family and to be occupied, rented, or sold as a unit, including a detached or semi-detached house or a row house, but not including an apartment house or a two-family "one-over-one" house or a farmhouse.

(7) The term "two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a unit not including semi-detached or row houses covered by paragraph (o) (6) of this section.

(8) The term "multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families, not including semi-detached or row houses covered by paragraphs (o) (6) or (o) (7) of this section.

(9) The term "begun construction" means to have physically incorporated at the site materials which will be an integral part of the construction.

(10) The term "convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) The term "HH Minimum Property Requirements" shall be the same as the "Property Standards," "Minimum Construction Requirements," and "Minimum Requirements for Rental Housing," as established for the area and amended from time to time by the Federal Housing Administration under the National Housing Act, insofar as they apply to the structure itself and its water supply and sewage disposal systems, or as modified by rulings or standards issued by the National Housing Agency on special methods of construction or substitute materials. The "HH Minimum Property Requirements" will be made available in all State and District Offices of the Federal Housing Administration.

(p) *Communications.* All communications concerning this section should be addressed to the local office of the Federal Housing Administration or other appropriate agency indicated in paragraph (c) (2) of this section.

(q) *Violations and enforcement.* The maximum sale price, rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or rent of any dwelling accommodations at a price or rent in excess of the maximum sales price or the maximum rent applicable to such sale or rent under the provisions of this section, or to solicit or attempt, offer, or agree to make any such sale or rent. If any person sells housing accommodations in excess of the maximum amount authorized for such accommodations under this section, the person who buys such accommodations may, within one year from the date of the sale, bring an action for the amount by which the consideration exceeded the maximum authorized selling price, plus reasonable attorney's fees and costs as determined by the court. If the person who may bring such action has not previously done so, the Housing Expediter (or the department, agency, or officer as he shall direct) may bring an action or suit to compel restitution of the amount by which the consideration exceeded the maximum authorized selling price. Any person who wilfully violates any provision of this regulation, and any person who knowingly makes any statement to any Department or agency of the United States, false in any material respect, or who wilfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) relating to priorities assistance for housing, may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(r) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 388, 79th Cong.; Pub. Law 507, 77th Cong., as amended; CPA Directive 41 (11 F.R. 9514))

This regulation shall become effective September 10, 1946.

Issued this 27th day of August 1946.

[SEAL] WILSON W. WYATT,
Housing Expediter.

Superseded 2-13-47

OBSOLETE

[Housing Expediter Priorities Regulation 5, as Amended Dec. 13, 1946]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Par.

(a) What this section provides.
(b) Housing construction covered by this section.
(c) Eligibility and filing of applications.
(d) Approval of applications.
(e) Use of HH rating.
(f) Posting of placards.
(g) Construction inspection.
(h) Housing required to be held for rent.
(i) Maximum sales prices and rents.
(j) Preferences for veterans.
(k) Notices of restrictions. (Deeds and advertisements.)
(l) Prohibition against transfer of authorization.
(m) Appeals.
(n) Amendments and supplemental applications.
(o) Definitions.
(p) Communications.
(q) Violations and enforcement.
(r) Reports.

§ 803.5 *Authorization and priorities assistance for housing*—(a) *What this section provides.* This section, (Housing Expediter Priorities Regulation 5), provides priorities assistance to implement the Veterans' Emergency Housing Program, which calls for the construction of moderate and low-cost dwelling accommodations to meet the needs of returning veterans. It also provides for giving specific authorization under the Civilian Production Administration Veterans' Housing Program Order 1 to persons wishing to construct, repair, make additions or alterations to, improve, or convert, or install fixtures in housing accommodations.

This section explains:

(1) Who may apply for authorization and for priorities assistance.

(2) How to apply.

(3) The conditions upon which applications will be approved.

(4) The way in which the priorities assistance given may be used.

(5) The conditions which will be imposed on the applicant and succeeding owners as long as this section is in force.

The building materials for which priorities assistance may be given under this section are listed in Schedule A to Civilian Production Administration Priorities Regulation 33. If a person building dwelling accommodations needs priorities assistance for materials not listed in that Schedule A, he may apply for such assistance to the Civilian Production Administration under Civilian Production Administration Priorities Regulation 28 if he qualifies under its provisions.

This section does not apply to or affect applications filed under Civilian Production Administration Priorities Regulation 33 prior to the effective date of this section, or to any dwelling accommodations approved in such applications. Any supplemental applications or requests for changes in those applications which do not involve additional dwelling units shall be made in accordance with CPA Priorities Regulation 33.

(b) *Housing construction covered by this section.* (1) The following kinds of construction, alteration, or repair are included in this section where the application qualifies under paragraphs (c) and (d) or relief is granted on appeal under paragraph (m):

(i) The construction of any building in which 50% or more of the floor space involved is to be used (a) for family residential purposes or (b) for single-person residential purposes where the construction is by or under the sponsorship of an educational institution or by a public organization or where the building is a boarding or rooming house which is not primarily for transients or overnight guests. A building includes subsidiary buildings on residential property where used for residential purposes, such as private garages, tool sheds, piers, greenhouses and the like, and includes dining halls and other essential residential accommodations used entirely as part of dormitory or other single-person accommodations also covered by the application. Farmhouses and other farm living accommodations and bunkhouses for transitory farm labor are included under this subparagraph. Military housing, summer or winter camps, and hotels or tourist cabins primarily for transients and overnight guests, are not included.

(ii) Additions, alterations, or repairs to a building where 50% or more of the floor area involved in the proposed additions, alterations, or repairs will be used for dwelling accommodations of the kinds described above.

(2) Construction not included in this section is under the jurisdiction of the Civilian Production Administration. Also, if an application under this section involves construction, additions, alterations, or repairs of which more than 25% is non-residential in the case of applications for one-family or two-family dwellings, or more than 15% in the case of other applications, a recommendation will be obtained from the Civilian Production Administration as to the essentiality of the non-residential part of the work. (As provided below, such construction may receive authorization but not priorities assistance under this section.)

APPLICATIONS

(c) *Eligibility and filing of applications*—(1) *Persons eligible.* Applications for authorization under Civilian Production Administration Veterans' Housing Program Order 1 or for priorities assistance under this section, or both, may be made by the following:

(i) *Veteran.* A veteran who wishes to build, complete, alter, or repair a house for his occupancy as owner. A proposed maximum sales price (except in cases of farmhouses) not to exceed $10,000 must be stated if the application covers the construction of a house, to be applicable in case of sale of the house. The estimated cost of any alteration or repair of any house, or the construction of a farmhouse, under this subparagraph may not exceed $10,000.

(ii) *Builder for veterans.* A person who wishes to build or complete family dwelling accommodations (or convert dwellings or other structures into family dwellings accommodations) to which veterans will be given preference in selling or renting as provided in this section. The maximum sales price for applications of this sort may not exceed $10,000 for a one-family dwelling or $17,000 for a two-family dwelling. The maximum shelter rent may not exceed $80 a month for each dwelling unit (except for conversion units for which rent need not be specified under paragraphs (i) (3) (i) and (i) (4) (i) of this section).

(iii) *Started on or before March 26, 1946.* A person who wishes priorities assistance to complete dwelling accommodations under construction on March 26, 1946 (and therefore exempt from CPA VHP–1), which cannot come within the preceding subparagraph because commitments made or construction performed make it impracticable either to sell or rent them within the specified amounts or to give the initial preference to veterans. The governmental agency processing the application may waive the requirements stated in the preceding subparagraph where appropriate in such cases. Except in unusual circumstances, applications of this sort will not be approved if the proposed sales price is over $15,000 or if the proposed shelter rent is over $120 a month.

(iv) *Disaster.* A person who wishes to reconstruct (or build on another site in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster. Such a person is eligible only if the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant. Any application under this subparagraph must be made not later than 6 months after such destruction or damage.

If the proposed work involves rebuilding more than half of the building (or involves building on another site) maximum sales prices or shelter rents must be stated except in cases of farmhouses. These must be limited to $10,000 and $80 a month, respectively, except where this would result in great hardship. In cases of farmhouses, the estimated cost of construction may not exceed $10,000, except where this would result in great hardship.

(v) *Eminent domain.* A person who wishes to re-erect a dwelling which must be moved because the land on which it

is located has been, or is in the process of being, acquired by eminent domain (or by sale to a purchaser having the authority to acquire the land by eminent domain). Such a person is eligible only if (a) he establishes that the re-erected dwelling will be used for dwelling accommodations, (b) he certifies and agrees that in re-erecting the dwelling he will reuse all of the materials in it to the extent practicable, and that no additional materials will be used except the minimum amount necessary for the re-erection, and (c) the local office of the agency processing the application receives a certification from the agency or corporation acquiring such land, stating that it has been acquired or is in the process of being acquired. An application submitted under this paragraph shall not be subject to the provisions of paragraphs (i), (j), and (k) of this section unless the dwelling is to be re-erected for sale or for rent.

(vi) *Repairs or alterations to make a house habitable or to provide space for additional persons.*

Authorization only

A person who wishes authorization to make repairs or alterations to dwelling accommodations necessary in order to maintain them in a habitable condition or to return them to a habitable condition, or to make a summer home habitable for year-round or winter occupancy by a veteran, or to provide space for additional persons who are either veterans or members of the immediate family of the applicant. If space for additional persons is provided, the estimated cost of the construction shall not exceed $1,500 per person. In the event that such additional space is vacated, the applicant or a subsequent owner or other person must not, while this section is in effect, rent it to any person other than a member of his immediate family or a veteran, unless it has been publicly offered for rent to veterans for at least 30 days on the same or more favorable terms.

Authorization and priorities assistance

Priorities assistance will be granted under this subparagraph only for emergency plumbing and heating repairs as explained in (*a*) below or for general repairs as explained in (*b*) below or for alterations to provide space for additional persons who are both veterans and members of the immediate family of the applicant as explained in (*c*) below.

(*a*) *Plumbing and heating repairs.* Priorities assistance will be granted for the delivery of plumbing and heating supplies listed in Schedule A to CPA Priorities Regulation 33 to make emergency repairs to a dwelling rendered uninhabitable by the failure of plumbing or heating facilities to function, if it is not possible to make the facilities function without such supplies. Such supplies shall not be used to replace existing equipment unless the equipment is worn or damaged beyond repair. A dwelling will be considered uninhabitable only if continued occupancy would constitute a threat to the health or safety of the occupant. The estimated total cost of supplies for which priorities assistance is given under this subdivision (*a*) may not exceed $200 (or $500 in the case of such supplies to repair a building designed for occupancy by six or more families). However, if the emergency repairs require the acquisition of a furnace, the cost of a gravity circulation warm air heating furnace need not be included in the estimated total cost.

(*b*) *General repairs.* Priorities assistance will be granted for any repairs necessary to return a dwelling to a habitable condition which has been vacant for at least six months for lack of such repairs, and in such cases the dwellings repaired shall be subject to the same limitations and restrictions as provided for dwellings approved under paragraph (c) (1) (ii) of this section.

(*c*) *Space for additional persons.* Priorities assistance will be granted for alterations to dwelling accommodations to provide space for additional persons who are veterans and are also members of the immediate family of the applicant. The estimated cost of construction to provide the space for such additional persons shall not exceed $1,500 per person. The application for priorities assistance under this subdivision (*c*) shall state the name of such additional person to be housed, his relationship to the applicant, that he is a veteran (as that term is defined in paragraph (o)), and that he has expressed his intention to occupy the space to be provided by means of the alterations. In the event that the space is vacated, the applicant or a subsequent owner or other person must not, while this section remains in effect, rent it to any person other than a veteran unless it has been publicly offered for rent to veterans for at least 30 days on the same or more favorable terms.

(vii) *Producer of scarce item.* A producer of a scarce material or product needed for the construction or production of dwelling accommodations, facilities or materials or needed for public health or safety, who wishes to construct, repair, or alter dwelling accommodations which are necessary to increase or maintain the production of the scarce material or product and are to be held for rent to employees of the industry producing the scarce material or product. Dwelling accommodations requested under this subparagraph will be approved only upon the recommendation of the Civilian Production Administration with respect to the need for the scarce material or product and after a determination by the Office of the Administrator of the National Housing Agency as to the necessity for the dwelling accommodations to increase or maintain the production of the scarce material or product. The maximum shelter rent for applications of this sort may not exceed $80 a month for the dwelling or any apartment in it. The maximum sales price may not exceed $10,000 for a one-family or $17,000 for a two-family dwelling, to be applicable in the event of sale for investment purposes.

(viii) *Farm dwelling.* A person who wishes to construct, repair or alter a farm dwelling where the construction, repair, or alteration is necessary to increase or maintain the production of essential food products. No sales price or rent need be stated in an application under this subparagraph, but the cost of the construction, repair or alteration of any such dwelling shall not exceed $10,000.

(ix) *Educational institution or public organization.* An educational institution (or a person under its sponsorship) or a public organization which wishes to construct, repair, or alter a dormitory or other single-person housing facility for student veterans. The application will not be approved if the maximum rent proposed is more than the amount charged for comparable accommodations in the area. If the application is made by a person under the sponsorship of an educational institution, the application must be accompanied by a letter from that institution which (a) requests that the application be approved, (b) states that there is not a sufficient number of available rooms in the community for its student veterans, and (c) represents that the institution will refer student veterans to the proposed accommodations as long as this section is effective.

(x) *Experimental housing.* A person who wishes to construct or erect dwelling accommodations for experimental or testing purposes or to obtain materials for other experimental or testing purposes, where the proposed work is determined by the Technical Office of the Office of the Administrator of the National Housing Agency to be essential to the Veterans' Emergency Housing Program. Such dwelling accommodations shall not be subject to paragraphs (i), (j), and (k) of this section unless sold or rented for dwelling purposes.

(2) *Filing applications.* Applications under this section should be made on NHA Form 14–56 (or on NHA Form 14–92 in cases of applications for priorities assistance for plumbing and heating repairs under subparagraph (c) (1) (vi)). They should be filed with the appropriate State or District Office of the Federal Housing Administration, except that:

(i) Applications covering dwelling accommodations on a farm should be filed with the appropriate County Agricultural Conservation Committee.

(ii) Applications by educational institutions, or persons under their sponsorship, or by public organizations (whether under paragraph (c) (1) (ix) or other paragraph of this section) should be filed with the appropriate Regional Office of the Federal Public Housing Authority.

(iii) Applications to construct or erect dwelling accommodations or to obtain materials for experimental or testing purposes should be filed with the Technical Office of the Office of the Administrator of the National Housing Agency.

Applications should not be filed unless the applicant is the owner of the land involved or has already obtained effective control of such land, and unless the applicant plans to start actual construction within 90 days of the approval of the application. The applicant must give evidence of readiness to start, for example, by getting assurance of financing, making arrangements for utilities and the like. The applicant must state the pro-

posed sales price or rent for the accommodations, where they are required.

(3) *Construction standards*—(i) *New dwellings for sale or rent to veterans.* When application is made to the Federal Housing Administration under this section for authorization or priorities assistance to build a new dwelling or dwellings for sale or rent with preference to veterans, the plans, outline specifications, and other exhibits specified in HH Form 1015 for each type of dwelling to be built, shall be attached to and made a part of the original application. Such plans, outline specifications, and other exhibits must meet or exceed the "HH Minimum Property Requirements" as defined in paragraph (o) of this section. However, for multiple-family dwellings they need only meet or exceed the requirements in the "HH Minimum Property Requirements" applicable to space and privacy in the dwelling units themselves.

(ii) *Veterans building for own occupancy.* A veteran who makes application to the Federal Housing Administration for authorization or priorities assistance to build a dwelling for his occupancy as owner need not submit the plans, outline specifications, and exhibits specified in HH Form 1015, but may elect to submit them as part of the application, as provided above, in which event the applicant and the dwelling or dwellings proposed in the application shall be subject to the provisions of this subparagraph. (This permits a veteran to elect to receive a free inspection service on the construction of a house built for his occupancy as owner.) If the applicant does not make such election, he shall file with his application one copy of his contract with a contractor who has agreed to do all or part of the construction involved, unless the applicant represents that all of the construction work will be done by the applicant.

(iii) *General.* All dwelling accommodations to be built or converted under this section must meet the standards as to space, accommodations and the like which are customary in the community for year-round occupancy.

(4) *Residential purposes.* Where application is made for priorities assistance as well as authorization, at least 75% of the floor space involved in the construction, addition, alteration, or repair, in the case of one-family or two-family houses, must be for residential purposes, or at least 85% of the floor space in the case of other dwellings or projects must be for residential purposes.

(5) *Estimated cost.* The estimated cost of construction (as approved by the Federal Housing Administration or other agency with which the application may be filed) of any dwelling, including the land and other improvements, for which a maximum sales price is required to be established under this section may not exceed the maximum sales price proposed in the application.

(d) *Approval of applications*—(1) *Requirements for approval.* The application may be approved if (i) the available supply of building materials reserved by quota, allocation, or other means for the Veterans' Emergency Housing Program or for the appropriate kind of construction or use under the Program has not been fully committed, (ii) the conditions and requirements indicated in paragraph (c) of this section have been met, and (iii) the proposed sales prices or rents (where required) are reasonably related to the value of the proposed accommodations. In determining this value, consideration will be given to (a) reasonable construction costs, (b) the fair market value of the land (immediately prior to construction) and improvements sold with the housing accommodations, and (c) a margin of profit reflecting the generally prevailing profit margin upon comparable units during the calendar year 1941. Upon approval, the applicant will be granted an authorization to construct or an HH rating, or both. One copy of the application will be returned to the applicant bearing an application serial number.

(2) *Restrictions on applicant.* An applicant who constructs, completes, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, unless he has obtained prior written approval for a change from the Federal Housing Administration or other agency with which his application was filed.

CONSTRUCTION

(e) *Use of HH rating.* The HH rating assigned for dwelling accommodations may be used only to obtain materials of the kinds listed on Schedule A to Civilian Production Administration Priorities Regulation 33 and only to obtain the minimum quantities of such materials which are needed for the dwelling accommodations as described and approved in the application. All materials obtained by using the HH rating shall be used only in the construction of the dwelling accommodations as described and approved in the application. Schedule A to Civilian Production Administration Priorities Regulation 33 explains how the rating may be applied to a purchase order, who may use the rating to obtain materials, when it expires and how it may be extended under certain circumstances. An applicant who has failed to comply with the requirements of the next paragraph may not use an HH rating under this section.

(f) *Posting of placards*—(1) *Dwellings rented or sold to veterans.* When an application is approved under this section, a placard or placards will be sent to the applicant indicating that the dwelling accommodations are being built under the Veterans' Emergency Housing Program. If the application covers the construction of dwelling accommodations to be rented or sold to veterans under paragraph (c) (1) (ii) or paragraph (c) (1) (ix) of this section, the placard will contain a statement to this effect and will contain spaces for the maximum sales price or rent and the application serial number. The applicant must insert in the placard or placards clearly, legibly, and permanently the application serial number and the appropriate rent or sales price, not in excess of the amount specified in the application as approved. The applicant must post a placard in front of each separate residential building on the site in a conspicuous location within 5 days after the time construction is begun and must continue to post the placard until completion of the building. Unless all the accommodations in the building have been sold or rented to veterans in accordance with paragraph (j), the applicant must continue to post the placard for 60 days after completion in the case of sale or 30 days afterwards in the case of rent.

(2) *Other dwellings authorized.* If the application is not based on paragraph (c) (1) (ii) or paragraph (c) (1) (ix) of this section, the placard will contain a space for the application serial number which must be inserted by the applicant. This placard must be posted in front of the building in a conspicuous location within 5 days after construction is begun, or after receipt of the placard in case of an application under (c) (1) (iii) of this section, and must remain posted until the work is completed.

(g) *Construction inspection.* As explained in paragraph (c) (3), some dwellings built under this section must comply with all or part of the "HH Minimum Property Requirements." When the Federal Housing Administration approves an application for authorization or priorities assistance for such a dwelling, it will transmit to the applicant three postal cards (HH Form No. 1010) for use by him in reporting construction progress. The applicant shall properly fill out each card and mail it, at the stage of construction indicated below, to the State or District Office of the Federal Housing Administration where his application was approved. The first card shall be mailed when construction has begun. The second card shall be mailed when the dwelling has been enclosed and roofed, structural framing completed and exposed, and roughing-in of heating, plumbing, and electric work installed and visible for inspection. The third card shall be mailed when the dwelling has been substantially completed. The Federal Housing Administration will make an inspection of the dwelling upon receipt of the second postal card referred to above and a second inspection upon receipt of the third postal card. These are for the purpose of determining whether the construction conforms to the plans, outline specifications, and other exhibits made a part of the application. Inspections under the National Housing Act, where applicable, may be made in place of the inspections provided in this paragraph. An applicant who has failed to fill out and mail each card as required by this paragraph may not use an HH rating under this section and may not sell or rent the dwelling involved until such card has been filled out and mailed to the State or District Office of the Federal Housing Administration where his application was approved.

HOLDING FOR RENT

(h) *Housing required to be held for rent.* If an application as approved contains a statement or otherwise indicates that a dwelling or an apartment will be held for rent, the original applicant and

any subsequent owner shall hold the dwelling or apartment for rent as long as this section remains in effect (but not later than December 31, 1947). However, the structure may be sold (at not more than the maximum sales price, if specified in the application) to any person for investment purposes. In such case the purchaser shall not occupy the dwelling or apartment but shall hold it for rent in accordance with this section. Any subsequent owner of dwelling accommodations approved under paragraph (c) (1) (vii) of this section shall continue to hold them for rent to the persons described in that paragraph.

MAXIMUM SALES PRICES AND RENTS

(i) *Maximum sales prices and rents*—(1) *General.* The restrictions on sales prices and rents contained in this paragraph must be observed as long as this section remains in effect. They apply to sales prices and rents for dwellings of the kinds described below when built or converted under this section.

The restrictions on sale prices contained in this section do not apply to property being sold in the course of judicial proceedings in connection with foreclosures and do not prohibit any subsequent sale of such property at or below the amount of the sales price in such proceedings.

In the case of any dwelling unit provided by converting a structure in a Defense Rental Area established by the Office of Price Administration the maximum rent specified in the application as approved is not the authorized amount at which the dwelling may be rented as the rents for converted units must be determined by the Office of Price Administration.

Approval of a proposed sales price or rent under this section should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes.

Within 30 days of any sale, by the applicant or a subsequent owner, of any dwelling accommodations for which a maximum sales price has been established under this section, the seller shall fill out in triplicate a sales report form (NHA Form 14–39). The seller shall file the original and one signed copy of this form with the local Area Rent Office of the Office of Price Administration. If the dwelling accommodations are not in an area under OPA rent control, the seller shall send the original and one signed copy of the form to the nearest OPA Area Rent Office.

For requirements on filing a rent registration form, see OPA Rent Regulation for Housing.

(2) *One-family dwellings.* (i) An application to build or convert a one-family dwelling must contain a statement of the proposed maximum sales price, except under the conditions described in paragraphs (c) (1) (iv), (v) or (viii) of this section. This applies whether or not the builder proposes to sell the building. If the applicant proposes to rent the building, the application must also contain a statement of the proposed maximum rent and maximum shelter rent.

(ii) An applicant or subsequent owner must not sell a one-family dwelling built or converted under this section, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(iii) No person shall rent a one-family dwelling unit built or converted under this section for more than the maximum rent specified in the application as approved. If no rent was specified in the application for a dwelling built under this section, the person wishing to rent the dwelling may request the Federal Housing Administration (or other agency with which the application was filed) to set a rent. This will be done on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set. A maximum shelter rent of more than $80 a month will not be approved except where unusual hardship would result. After the first renting of the dwelling in an area under Federal rent control, the request to set or approve a rent should not be made as described above, but should be made to the OPA Area Rent Office or, in the District of Columbia to the Administrator of Rent Control.

(3) *Two-family dwellings.* (i) An application to build or convert a two-family dwelling must contain statements of both the proposed maximum sales price for the entire dwelling and the proposed maximum rent and maximum shelter rent for each apartment in the dwelling. This applies whether the applicant proposes to sell or rent the dwelling or the apartments in it. However, if a person wishes to convert a one-family dwelling to a two-family dwelling and he or a continuing tenant is going to occupy part of the dwelling, a proposed maximum sales price for the entire dwelling or a proposed maximum shelter rent for the part of the dwelling to be occupied by him or the continuing tenant need not be specified.

(ii) An applicant or subsequent owner must not sell a two-family dwelling built or converted under this section, including land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(iii) No person shall rent an apartment in a two-family dwelling built or converted under this section for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a part of a two-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been submitted to and approved in writing by the Federal Housing Administration or other agency which approved the original application. The proposed maximum sales price may be approved if it is reasonably related to the value of the accommodations (determined in accordance with paragraph (d) of this section). No person shall sell such accommodations for more than such maximum sales price.

(4) *Multiple-family dwellings.* (i) An application to build or convert a multiple-family dwelling must contain a statement of the proposed maximum rent and the proposed maximum shelter rent for each apartment or for each group of apartments having the same maximum rent. However, if a person wishes to convert a one or two-family dwelling to a multiple-family dwelling and he or a continuing tenant is going to occupy part of the dwelling, a proposed maximum shelter rent for the part of the dwelling to be occupied by him or a continuing tenant need not be specified. An application by a person who wishes to build, complete, or convert a multiple dwelling structure otherwise qualifying under this section shall not be disapproved merely because the owner, or his building service employee, will reside in the structure. However, the accommodations to be so occupied must not exceed in floor space a normal one-family unit in the structure. In addition, such space must be less than 15% of the floor space of the structure used for residential purposes.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this section for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a multiple-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been approved as provided above in paragraph (i) (3) (iii) of this section. No person shall sell such accommodations for more than such maximum sales price.

(5) *Dormitories.* (i) An application by an educational institution (or a person under its sponsorship) or public organization for a dormitory or other single-person housing facility must contain a statement of the maximum rent to be charged each occupant.

(ii) As long as this section remains in effect, no person (whether the applicant or any other person) shall rent accommodations in a dormitory or other housing facility built or converted under this section for more than the maximum rent specified in the application as approved.

(6) *Requests for increases in sales prices or rents because of increased costs.* An applicant may apply by letter in triplicate to the Federal Housing Administration (or other agency with which the application was filed) for an increase in the maximum sales price or maximum rent approved in the application before title to the dwelling has passed or before it is initially rented. The increase will not be approved unless it can be shown that he has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial application, or unless it can be shown that he will incur additional or increased costs in the operation of rented

accommodations over which he has no control, and that these increased or additional costs will make it unreasonable to require him to sell or rent at the price or rent approved in the application. No increase in sales price or rent will be granted in excess of the increase in construction costs, or a proper proportion thereof in the case of rent, or the increase in operating costs, as the case may be.

(7) *Requests for increases in sales prices or rents because of improvements.* If he has made major structural changes or improvements (not including ordinary maintenance and repair) to the dwelling which would warrant an increase, a subsequent owner or any owner-occupant of a dwelling built or converted under this section may apply for an increase in the sales price or rent specified in the application. Such an application should be made by a letter in triplicate, or by such form as may be prescribed, to the Federal Housing Administration or other agency with which the original application was filed. No increase will be granted in excess of the cost of such changes or improvements, or a proper proportion thereof in the case of a requested increase in rent. Moreover, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to an amount more than $80 a month will be granted except where unusual hardship would result to the applicant for the increase. If an increase in rent is needed because of subsequent changes or improvements, and the accommodations have previously been rented and are in a Defense Rental Area established by the Office of Price Administration, the owner should apply to the Area Rent Office of the Office of Price Administration for an increase (or in the District of Columbia, to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the local office of the Federal Housing Administration (or other agency with which the application was filed). Upon the filing of this copy of the instrument granting the increase, the new rent granted becomes the maximum rent under this section. The right to apply for any increase in the sales price or rent specified in the application shall have no effect upon the authorized sales price or rent until the increase has been approved in writing in accordance with this section. (Under Civilian Production Administration Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

(8) *Evasion*—(i) *Tie-in sale.* It shall be a violation of this section to condition a sale or rent upon the purchase of, or the agreement to purchase, any commodity, service or property interest, except where this section specifically permits the consideration paid for such commodity, service, or property interest to be included in or added to the maximum sales price or maximum rent.

(ii) *Security deposit.* No person shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations covered by this section. The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequently by a tenant under a written lease for his own convenience.

PREFERENCES FOR VETERANS

(j) *Preferences for veterans*—(1) *General.* This paragraph tells how preferences will be given under this section to veterans in the initial or any subsequent sale or rental as long as this section remains in effect. Although these preferences for veterans are limited to the periods specified below, the restrictions of paragraph (i) of this section on sales prices and rent continue as long as this section remains in effect. The preferences for veterans provided by this paragraph do not apply to sales in the course of judicial proceedings in connection with foreclosures. Sales subsequent to such judicial sales, however, are subject to the provisions of this paragraph. The provisions of this paragraph do not apply to dwellings for which neither a maximum sales price nor a maximum rent must be stated in the application or established under this section, or to dwellings approved on applications under (c) (1) (vii) of this section, or to the initial occupancy of a dwelling or an apartment in it approved under this section for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwelling.* (i) An applicant who has built or converted a one-family dwelling under this section must publicly offer it for sale or for rent to veterans for their own occupancy at or below the maximum sale price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a one-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If a one-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant) at or below the maximum rent specified in the application as approved or set by the appropriate agency under this section.

(3) *Two-family dwellings.* (i) An applicant who has built or converted a two-family dwelling under this section must publicly offer it for sale or the apartments in it for rent to veterans for their own occupancy at or below the maximum sales price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a two-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any other person than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If an apartment in a two-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant) at or below the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) An applicant who has built or converted a multiple-family dwelling under this section must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans for their own occupancy at or below the maximum rent specified in the application as approved.

(ii) No person shall rent an apartment in a multiple-family dwelling built under this section to any person other than a veteran unless he has publicly offered the apartment for rent to veterans for at least 30 days (or during construction and for 30 days after completion) at or below the maximum rent specified in the application as approved.

(5) *Dormitories.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans otherwise eligible to occupy the dwelling accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to nonveterans if it makes available to veterans an equivalent number of similar or better accommodations in other domitories at rents not larger than the rents specified in the application as approved.

NOTICES OF RESTRICTIONS

(k) *Notices of restrictions*—(1) *Deeds.* The applicant and every person who has acquired title to a dwelling (whether completed or not) approved under paragraphs (c) (1) (i), (ii) and (ix) of this section must, as long as this section remains in effect, include a statement in the following form in any deed, conveyance, or other instrument by which the

dwelling is sold, transferred, or mortgaged to any other person:

The building on the premises hereby sold, transferred, or mortgaged was built (converted) under Housing Expediter Priorities Regulation 5 (Application Serial No. —). Under that regulation a limit is placed on either the sales price or the rent for the premises, or both, and preferences are given to veterans of World War II in selling or renting. The premises must also be held for rent if the application as approved under that regulation contains a statement to that effect. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent owner will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Housing Expediter Priorities Regulation 5 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby sold, transferred, or mortgaged.

(2) *Advertisements.* The applicant and every subsequent owner, and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraphs (c) (1) (i), (ii) and (ix) of this section are offered for sale or for rent:

This house (apartment) is being (was) built under the Veterans' Emergency Housing Program for sale (for rent) at or below $------ (insert maximum sales price or rent). It is being offered for sale (for rent) only to veterans during construction and for 60 (30 in case of rent) days after completion (or for the next 60 days in case of subsequent sale or 30 days in case of subsequent rent).

OTHER PROVISIONS

(1) *Prohibition against transfer of authorization.* No person to whom an authorization has been given or an HH rating has been assigned shall transfer the authorization or rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the Federal Housing Administration (or other agency with which the original application was filed). He should attach to his application a statement from the former applicant (or his representatives) joining in the request for the granting of the authorization or the assignment of the rating to the new applicant.

(m) *Appeals.* Any person affected by this section who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from any provisions of this section should be filed with the appropriate local office of the Federal Housing Administration (or other agency with which the application was filed). The appeal will be forwarded to the Washington office of that agency for consideration, together with any recommendations made by the local office.

(n) *Amendment and supplemental applications.* An applicant may apply to the agency which approved his application for an amendment to it. If the amendment covers changes in the specifications of the proposed dwelling or dwellings or changes in the proposed sales price or rent, or a change in the construction schedule involving several buildings, the request for an amendment should be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the application as amended and approved. If the request for an amendment requires additional buildings or dwelling units not included in the original application, a new application on NHA Form 14–56 covering the new units should be filed.

(o) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active miiltary or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations. This includes charges paid by the tenant for tenant services specified on the application and charges paid by the tenant for garage as specified on the application. However, it does not include charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made.

Any payment, contribution, or investment required of or made by a tenant, or prospective tenant, of the dwelling unit in connection with a mutual ownership or similar plan, shall be considered as part of the maximum rent. This is so whether such payment, contribution, or investment be made as a lump sum or in several amounts or whether it be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise.

Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of any dwelling accommodations heretofore or hereafter constructed under this section, shall be considered a part of the maximum rent. However, if the rental of furniture was voluntarily requested by the tenant, any payments pursuant to an agreement entered into with the tenant prior to December 13, 1946, need not be included in the maximum rent.

(3) The term "maximum shelter rent" means the maximum rent, less charges for tenant services and garage. The total charges for tenant services will not be approved if more than $3 per room per month. The charge for garage will not be approved if more than $10 per month, and will be allowed only for multiple-family dwellings.

(4) "Maximum sales price" means the total consideration paid (including any charge made a condition to the sale) by the buyer for the dwelling accommodations with accompanying land and improvements. The only items which are excluded are those incidental charges, such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community where such accommodations are located, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. (Such incidental charges may not be charged in the first sale unless enumerated in the application as approved.)

Any payment, contribution, or investment required of or made by an occupant or prospective occupant, other than a tenant of the dwelling unit, in connection with a mutual ownership, stock company, or other group plan, shall be considered as part of the maximum sales price. This is so whether such payment be made as a lump sum or in several amounts or whether such payment be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise. (See paragraph (i) (3) and (4) of this section with respect to sales prices for interests in multiple-family or two-family dwellings.)

(5) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(6) "One-family dwelling" means a building designed for occupancy by one family and to be occupied, rented, or sold as a unit, including a detached or semi-detached house or a row house, but not including an apartment house or a two-family "one-over-one" house or a farmhouse.

(7) "Two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a unit not including semi-detached or row houses covered by subparagraph (6).

(8) "Multiple-family dwelling" means a building containing three or more separate living accommodations for three

or more families, not including semi-detached or row houses covered by subparagraphs (o) (6), or (o) (7) of this section.

(9) "Begun construction" means to have physically incorporated at the site, materials which will be an integral part of the construction.

(10) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) "HH Minimum Property Requirements" shall be the same as the "Property Standards," "Minimum Construction Requirements," and "Minimum Requirements for Rental Housing," as established for the area and amended from time to time by the Federal Housing Administration under the National Housing Act, insofar as they apply to the structure itself and its water supply and sewage disposal systems, or as modified by rulings or standards issued by the National Housing Agency on special methods of construction or substitute materials. The "HH Minimum Property Requirements" will be made available in all State and District Offices of the Federal Housing Administration.

(12) "Public organization" means a governing body such as the United States Government, a state, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(13) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(14) "This section" means this regulation, Housing Expediter Priorities Regulation 5.

(p) *Communications.* All communications concerning this section should be addressed to the local office of the Federal Housing Administration or other appropriate agency indicated in subparagraph (c) (2) of this section.

(q) *Violations and enforcement*—(1) *General.* The maximum sales price, rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or rent of any dwelling accommodations at a price or rent in excess of the maximum sales price or the maximum rent applicable to such sale or rent under the provisions of this section, or to solicit or attempt, offer, or agree to make any such sale or rent.

(2) *Suit by purchaser for overcharge.* If any person sells housing accommodations in excess of the maximum amount authorized for such accommodations under this section, the person who buys such accommodations may, within one year from the date of the sale, bring an action for the amount by which the consideration exceeded the maximum authorized selling price, plus reasonable attorney's fees and costs as determined by the court.

(3) *Suit by Housing Expeditor for restitution.* If the person who may bring such action has not previously done so, the Housing Expediter (or the department, agency, or officer as he shall direct) may bring an action or suit to compel restitution of the amount by which the consideration exceeded the maximum authorized selling price.

(4) *Penalties.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any Department or agency of the United States, false in any material respect, or who wilfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) relating to priorities assistance for housing, may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(r) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

60 Stat. 207; Title III 56 Stat. 177, as amended; E. O. 9638 (10 F. R. 12591); CPA Directive 42 (11 F. R. 9514).

Approved and signed this 7th day of December 1946, effective as amended, the 13th day of December 1946.

DAVID L. KROOTH,
Acting Housing Expediter.

INTERPRETATION 1

PUBLIC OFFERING

Paragraph (j) of Housing Expediter Priorities Regulation 5 provides generally that the owner of dwelling accommodations constructed under the regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If, however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent and then sells or rents to a nonveteran, the owner has violated the regulation. (Issued October 31, 1946.)

INTERPRETATION 2

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (j) of Housing Expediter Priorities Regulation 5 sets forth the preference which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (i) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be publicly offered for sale or rent to veterans of World War II (as defined in HEPR 5) during construction and for 60 days after completion if offered for sale, or during construction and for 30 days after completion if offered for rent. In case of subsequent sales or rentals the accommodations must again be offered to veterans for a period of 60 days if offered for sale or 30 days if offered for rent. The requirements that housing accommodations be offered for 60 or 30 days does not prevent the offeror accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules:

(a) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move to another town. The veteran must publicly offer the house to other veterans of World War II for 60 days. He must not charge more than $7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by FHA. However, if any customary brokerage fees are paid for services rendered in connection with this subsequent sale, whether paid by the buyer or the seller, they may be added to the sales price.

(b) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder publicly offered the dwelling to veterans during construction and for 60 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for $7,500. The non-veteran now wishes to sell the house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of $7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this subsequent sale, whether paid by the buyer or the seller, they may be added to the sales price.

(c) A one-family dwelling was built under the regulation. A maximum sales price of $7500 was approved but no rent was stated in the application. The builder, instead of selling the dwelling at once, decided to rent it. The builder must apply to FHA for approval of a maximum rent before he rents the building.

(d) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than $63, whether he rents to a veteran or a non-veteran unless the FHA authorizes an increase.

(e) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7500. The builder, leased it to a non-veteran for $63 a month, no veteran having applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than $63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(f) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than $63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than $63 a month.

(g) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than $63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans. (Issued November 15, 1946.)

Interpretation 3

A veteran building "for his own occupancy"

Paragraph (c) of Housing Expediter Priorities Regulation 5 provides in part that a veteran (as defined) who wishes to build for his own occupancy as owner may apply for authorization and priorities assistance under the regulation. A veteran is considered to be building "for his own occupancy" if the dwelling to be constructed and owned by him will be physically occupied by him for residential purposes substantially all of the time and the veteran intends to occupy the dwelling permanently or for an indefinite period of time.

A veteran is also considered to be building "for his own occupancy" if he is to personally occupy the dwelling permanently or for an indefinite period of time, subject to normal or necessary extended absences, and the dwelling is to be physically occupied substantially all of the time for residential purposes by his immediate family (i. e., the veteran's wife or minor children). (Issued December 6, 1946.)

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Expediter Priorities Reg. 5, Incl. Ints. 1–4, as Amended, Feb. 13, 1947]

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Par.
(a) What this section provides.
(b) [Deleted Feb. 13, 1947.]

APPLICATIONS

(c) Kinds of applications approved.
(d) Restrictions on applicant.

CONSTRUCTION

(e) Use of HH rating.
(f) Posting of placards or signs.
(g) Construction inspection.

HOLDING FOR RENT

(h) Housing required to be held for rent.

MAXIMUM SALES PRICES AND RENTS

(i) Maximum sales prices and rents.

PREFERENCES FOR VETERANS

(j) Preferences for veterans.

NOTICES OF RESTRICTIONS

(k) Notices of restrictions. (Deeds and advertisements.)

OTHER PROVISIONS

(l) Prohibition against transfer of authorization.
(m) Appeals.
(n) Amendments to applications.
(o) Definitions.
(p) Communications.
(q) Violations and enforcement.
(r) Reports.

§ 803.5 *Authorization and priorities assistance for housing*—(a) *What this section provides.* This section, (Housing Expediter Priorities Regulation 5), was the method by which the Housing Expediter provided priorities assistance under the Veterans' Emergency Housing Program on applications filed from September 10, 1946 until December 24, 1946. During that period it was also the method by which persons who wished to construct, repair, make additions to, alter, install fixtures in, improve, or convert housing accommodations restricted by Civilian Production Administration's Veterans' Housing Program Order 1 could apply for authorization under that order when the work was to be done on structures used for residential purposes. Applications under the regulation were made to the National Housing Agency or an agency acting for it under a delegation. On December 24, 1946, this system of applications was superseded by requests for permits under the Housing Permit Regulation. A person who has received authorization or a preference rating for the construction of any building under this section (HEPR 5) may surrender his authorization and apply for a permit as provided in the Housing Permit Regulation if he has not yet begun construction of such building. If a permit is granted, the provisions of this section shall be inapplicable with respect to construction begun after December 24 and covered by the permit, and the approved application will be amended or cancelled to exclude such construction therefrom. The provisions of this section remain applicable to all housing accommodations built, altered, completed or repaired hereunder. This includes all housing accommodations which have been authorized hereunder upon which construction has begun on or before December 24, 1946, and all housing accommodations started after December 24, 1946, unless the applicant properly surrendered his authorization in accordance with the Housing Permit Regulation. Such construction, subject to the conditions of this section, may continue to receive priorities assistance, and the applicant and succeeding owners will be subject to the provisions of this section as long as it remains in effect. Requests for changes in applications approved under this section which do not involve additional dwelling units shall be made in accordance with the provisions of this section.

(b) [Deleted Feb. 13, 1947.]

APPLICATIONS

(c) *Kinds of applications approved.* Applications for authorization under Civilian Production Administration's Veterans' Housing Program Order 1 or for priorities assistance under this section, or both, have been approved when made by persons in the following categories:

(1) A veteran wishing to build, complete, alter, or repair a house for his occupancy as owner.

(2) A person wishing to build or complete family dwelling accommodations (or convert dwellings or other structures into family dwelling accommodations) to which veterans will be given preference in selling or renting.

(3) A person wishing priorities assistance to complete dwelling accommodations under construction on March 26, 1946, not eligible for authorization under the preceding subparagraph.

(4) A person wishing to reconstruct (or build on another site in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster if the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant.

(5) A person wishing to re-erect a dwelling which is required to be moved because the land on which it is located has been or is in the process of being acquired by eminent domain. An application submitted under this subparagraph is not subject to the provisions of paragraphs (i), (j), and (k) of this section unless the dwelling is to be re-erected for sale or for rent.

(6) A person wishing authorization to make repairs or alterations to dwelling accommodations necessary in order to maintain them in a habitable condition or to return them to a habitable condition, or to make a summer home habitable for year-round or winter occupancy by a veteran, or to provide space for additional persons who are either veterans or members of the immediate family of the applicant, or both.

(7) A producer of a scarce material or product needed for the construction or production of dwelling accommodations, facilities or materials or needed for public health or safety, wishing to construct, repair, or alter dwelling accommodations which are necessary to increase or maintain the production of the scarce material or product, and which are to be held for rent to employees of the industry producing the scarce material or product.

(8) A person wishing to construct, repair, or alter a farm dwelling, such construction, repair, or alteration, being necessary to increase or maintain the production of essential food products.

(9) An educational institution (or a person under its sponsorship) or a public organization wishing to construct, repair, or alter a dormitory or other single-person housing facility for student veterans.

(10) A person wishing to construct or erect dwelling accommodations for experimental or testing purposes or to obtain materials for other experimental or testing purposes. Such dwelling accommodations are not subject to paragraphs (i), (j), and (k) of this section unless sold or rented for dwelling purposes.

(d) *Restrictions on applicant.* An applicant who constructs, completes, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, unless he has obtained prior written approval for a change from the agency which approved the original application.

CONSTRUCTION

(e) *Use of HH rating.* The HH rating assigned for dwelling accommodations may be used only to obtain materials of the kinds listed on Schedule A to Civilian Production Administration's Priorities Regulation 33 and only to obtain the minimum quantities of such materials which are needed for the dwelling accommodations as described and approved in the application. All materials obtained by using the HH rating shall be used only in the construction of the dwelling accommodations as described and approved in the application and attachments thereto. Schedule A to Civilian Production Administration's Priorities Regulation 33 explains how the rating may be applied to a purchase order, who may use the rating to obtain materials, when it expires and how it may be extended under certain circumstances. An applicant who has failed to comply with the requirements of the next paragraph may not use an HH rating under this section.

(f) *Posting of placards or signs.* Upon approval of an application for new construction or conversions under this sec-

tion, a placard or placards was sent to the applicant indicating that the dwelling accommodations are being built under the Veterans' Emergency Housing Program. If the application was approved under paragraph (c) (2) or (c) (9) of this section, the applicant must insert the application serial number in the placard or placards, legibly and permanently, and must post a placard in front of each separate residential building on the site in a conspicuous location within 5 days after the time construction is begun and must continue to post the placard until completion of the building. Unless all the accommodations in the building have been sold or rented to veterans in accordance with paragraph (j), the applicant must continue to post the placard for 60 days after completion in the case of offer for sale or 30 days afterwards in the case of offer for rent. As soon as any residential accommodation is completed, the builder must insert, legibly and permanently, the appropriate rent and sales price, not in excess of those specified in the application as approved. The applicant may post a project sign instead of posting the placards sent to him. If he chooses to use a project sign, he must post at least one sign having the approximate dimensions of 3 feet by 5 feet or more in a conspicuous location on the site of each project. Such a sign must contain the same information that is required on placards as provided above and all provisions applying to placards, apply to signs posted instead of placards.

(g) *Construction inspection.* Some applications have been approved under this section pursuant to provisions that the dwellings built thereunder must comply with all or part of the "HH Minimum Property Requirements". When the Federal Housing Administration has approved an application for authorization or priorities assistance for such a dwelling, it transmits to the applicant three postal cards (HH Form No. 1010) for use by him in reporting construction progress. The applicant shall properly fill out each card received by him and mail it at the stage of construction indicated below to the State or District Office of the Federal Housing Administration where his application was approved. The first card shall be mailed when construction has begun. The second card shall be mailed when the dwelling has been enclosed and roofed, structural framing completed and exposed, and roughing-in of heating, plumbing, and electric work installed and visible for inspection. The third card shall be mailed when the dwelling has been substantially completed. The Federal Housing Administration will make an inspection of the dwelling upon receipt of the second postal card referred to above and a second inspection upon receipt of the third postal card. These are for the purpose of determining whether the construction conforms to the plans, outline specifications, and other exhibits made a part of the application. Inspections under the National Housing Act, where applicable, may be made in place of the inspections provided in this paragraph. An applicant who has failed to fill out and mail each card as required by this paragraph may not use an HH rating under this section and may not sell or rent the dwelling involved until such card has been filled out and mailed to the State or District Office of the Federal Housing Administration where his application was approved.

HOLDING FOR RENT

(h) *Housing required to be held for rent.* If an application as approved contains a statement or otherwise indicates that a dwelling or an apartment will be held for rent, the original applicant and any subsequent owner shall hold the dwelling or apartment for rent as long as this section remains in effect (but not later than December 31, 1947). However, the structure may be sold (at not more than the maximum sales price if specified in the application) to any person for investment purposes. In such case the purchaser shall not occupy the dwelling or apartment but shall hold it for rent in accordance with this section. Any subsequent owner of dwelling accommodations approved under paragraph (c) (7) of this section shall continue to hold them for rent to the persons described in that paragraph.

MAXIMUM SALES PRICES AND RENTS

(i) *Maximum sales prices and rents*—(1) *General.* The restrictions on sales prices and rents contained in this paragraph must be observed as long as this section remains in effect. They apply to sales prices and rents for dwellings of the kinds described below when built or converted under this section.

The restrictions on sale prices contained in this section do not apply to property being sold in the course of judicial or statutory proceedings in connection with foreclosures and do not prohibit any subsequent sale of such property at or below the amount of the sale price in such proceedings.

In the case of any dwelling unit provided by converting a structure in a Defense Rental Area established pursuant to the Emergency Price Control Act of 1942, as amended, the maximum rent specified in the application as approved is not the authorized amount at which the dwelling may be rented as the rents for converted units must be determined by the Office of Temporary Controls (Office of Price Administration).

Approval of a proposed sales price or rent under this section should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes.

Within 30 days of any sale, by the applicant or a subsequent owner, of any dwelling accommodations for which a maximum sales price has been established under this section, the seller shall fill out in triplicate a sales report form (NHA form 14–39). The seller shall file the original and one signed copy of this form with the local Area Rent Office of the Office of Temporary Controls (Office of Price Administration). If the dwelling accommodations are not in an area under OTC rent control, the seller shall send the original and one signed copy of the form to the nearest OTC Area Rent Office.

For requirements on filing a rent registration form, see OPA Rent Regulation for Housing.

(2) *One-family dwellings.* (i) An applicant or subsequent owner must not sell a one-family dwelling built or converted under this section, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(ii) No person shall rent a one-family dwelling unit built or converted under this section for more than the maximum rent specified in the applicaiton as approved. If no rent was specified in the application for a dwelling built under this section, the person wishing to rent the dwelling may request the agency with which the application was filed to set a rent. This will be done on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set. After the first renting of the dwelling in an area under Federal rent control, the request to set or approve a rent should not be made as described above, but should be made to the OTC Area Rent Office or, in the District of Columbia to the Administrator of Rent Control.

(3) *Two-family dwellings.* (i) An applicant or subsequent owner must not sell a two-family dwelling built or converted under this section, including land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(ii) No person shall rent an apartment in a two-family dwelling built or converted under this section for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a part of a two-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been submitted to and approved in writing by the agency which approved the original application. No person shall sell such accommodations for more than such maximum sales price.

(4) *Multiple-family dwellings.* No person shall rent an apartment in a multiple-family dwelling built or converted under this section for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a multiple-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been submitted to and approved in writing by the agency which approved the original application. No person shall sell such accommodations for more than such maximum sales price.

(5) *Dormitories.* As long as this section remains in effect, no person (whether the applicant or any other person) shall rent accommodations in a

dormitory or other housing facility built or converted under this section for more than the maximum rent specified in the application as approved.

(6) *Requests for increases in sales prices or rents because of increased costs.* An applicant may apply by letter in triplicate to the agency with which the application was filed for an increase in the maximum sales price or maximum rent approved in the application before title to the dwelling has passed or before it is initially rented. The increase will not be approved unless it can be shown that he has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial application, or unless it can be shown that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it unreasonable to require him to sell or rent at the price or rent approved in the application. No increase in sales price or rent will be granted in excess of the increase in construction costs, or a proper proportion thereof in the case of rent, or the increase in operating costs, as the case may be.

(7) *Requests for increases in sales prices or rents because of improvements.* If he has made major structural changes or improvements (not including ordinary maintenance and repair) to the dwelling which would warrant an increase, a subsequent owner or any owner-occupant of a dwelling built or converted under this section may apply for an increase in the sales price or rent specified in the application. Such an application should be made by a letter in triplicate, or by such form as may be prescribed, to the agency with which the original application was filed. No increase will be granted in excess of the cost of such changes or improvements, or a proper proportion thereof in the case of a requested increase in rent. Moreover, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to an amount more than $80 a month will be granted except where unusual hardship would result to the applicant for the increase. If an increase in rent is needed because of subsequent changes or improvements, and the accommodations have previously been rented and are in a Defense Rental Area established pursuant to the Emergency Price Control Act of 1942, as amended, the owner should apply to the Area Rent Office of the Office of Temporary Controls (OPA) for an increase (or in the District of Columbia, to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the local office of the agency with which the application was filed. Upon the filing of this copy of the instrument granting the increase, the new rent granted becomes the maximum rent under this section. The right to apply for any increase in the sales price or rent specified in the application shall have no effect upon the authorized sales price or rent until the increase has been approved in writing in accordance with this section. (Under Civilian Production Administration's Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

(8) *Tie-in sale.* It shall be a violation of this section to condition a sale or rent upon the purchase of, or the agreement to purchase, any commodity, service or property interest, except where this section specifically permits the consideration paid for such commodity, service, or property interest to be included in or added to the maximum sales price or maximum rent.

PREFERENCES FOR VETERANS

(j) *Preferences for veterans*—(1) *General.* This paragraph tells how preferences will be given under this section to veterans in the initial or any subsequent sale or rental as long as this section remains in effect. Although these preferences for veterans are limited to the periods specified below, the restrictions of paragraph (i) of this section on sales prices and rent continue as long as this section remains in effect. The preferences for veterans provided by this paragraph do not apply to sales in the course of judicial or statutory proceedings in connection with foreclosures. Sales subsequent to such sales, however, are subject to the provisions of this paragraph. The provisions of this paragraph do not apply to dwellings for which neither a maximum sales price nor a maximum rent were required to be stated in the application or established under this section, or to dwellings approved on applications under paragraph (c) (7) of this section, or to the initial occupancy of a dwelling or an apartment in it approved under this section for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwelling.* (i) An applicant who has built or converted a one-family dwelling under this section must publicly offer it for sale or for rent to veterans for their own occupancy at or below the maximum sales price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a one-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If a one-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant) at or below the maximum rent specified in the application as approved or set by the appropriate agency.

(3) *Two-family dwellings.* (i) An applicant who has built or converted a two-family dwelling under this section must publicly offer it for sale or the apartments in it for rent to veterans for their own occupancy at or below the maximum sales price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a two-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If an apartment in a two-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant) at or below the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) An applicant who has built or converted a multiple-family dwelling under this section must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans for their own occupancy at or below the maximum rent specified in the application as approved.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this section to any person other than a veteran unless he has publicly offered the apartment for rent to veterans for at least 30 days (or during construction and for 30 days after completion) at or below the maximum rent specified in the application as approved. However, an owner or his building service employee may reside in such a multiple-family dwelling if the accommodations to be occupied by him do not exceed in floor space a normal one-family unit in the structure, and if the space so occupied does not exceed 15% of the floor space of the structure used for residential purposes.

(5) *Dormitories.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans and their dependents otherwise eligible to occupy the dwelling accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to nonveterans if it makes available to veterans an equivalent number of

similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

NOTICES OF RESTRICTIONS

(k) *Notices of restrictions*—(1) *Deeds.* The applicant and every person who has acquired title to a dwelling (whether completed or not) approved under paragraph (c) (1), (2) or (9) of this section must, as long as this section remains in effect, include a statement in the following form in any deed, conveyance, or other instrument by which the dwelling is sold, transferred, or mortgaged to any other person:

The building on the premises hereby sold, transferred or mortgaged was built (converted) under Housing Expediter Priorities Regulation 5 (Application Serial No. ——). Under that regulation a limit is placed on either the sales price or the rent for the premises, or both, and preferences are given to veterans of World War II in selling or renting. The premises must also be held for rent if the application as approved under that regulation contains a statement to that effect. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent owner will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Housing Expediter Priorities Regulation 5 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby sold, transferred, or mortgaged.

(2) *Advertisements.* The applicant and every subsequent owner, and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraph (c) (1), (2) or (9) of this section are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent) at or below $_____ (insert maximum sales price or rent) only to veterans, during construction and for 60 (30 in case of rent) days after completion (or for the next 60 days in case of subsequent sale or 30 days in case of subsequent rent).

OTHER PROVISIONS

(l) *Prohibition against transfer of authorization.* No person to whom an authorization has been given or an HH rating has been assigned shall transfer the authorization or rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the agency with which the original application was filed. He should attach to his application a statement from the former applicant (or his representatives) joining in the request for the granting of the authorization or the assignment of the rating to the new applicant.

(m) *Appeals.* Any person affected by this section who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from any provisions of this section should be filed with the appropriate local office of the Federal Housing Administration or other agency with which the application was filed.

(n) *Amendments to applications.* An applicant may apply to the agency which approved his application for an amendment to it, *Provided,* That such amendment does not involve the construction of additional dwelling units. The request for an amendment should be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the application as amended and approved.

(o) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations. This includes charges paid by the tenant for tenant services specified on the application and charges paid by the tenant for garage as specified on the application. However, it does not include charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. The total charges for tenant services will not be approved if more than $3 per room per month. The charge for garage will not be approved if more than $10 per month, and will be allowed only for multiple-family dwellings.

Any payment, contribution, or investment required of or made by a tenant, or prospective tenant, of the dwelling unit in connection with a mutual ownership or similar plan, shall be considered as part of the maximum rent. This is so whether such payment, contribution or investment be made as a lump sum or in several amounts or whether it be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise.

Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of any dwelling accommodations heretofore or hereafter constructed under this section, shall be considered a part of the maximum rent. However, if the rental of furniture in dwelling accommodations was voluntarily requested by a tenant, any payments for furniture pursuant to an agreement entered into with such tenant prior to December 13, 1946 (or any payments by a subsequent tenant for furniture in such dwelling accommodations), need not be included in the maximum rent.

(3) The term "maximum shelter rent" means the maximum rent, less charges for tenant services and garage.

(4) "Maximum sales price" means the total consideration paid (including any charge made a condition to the sale) by the buyer for the dwelling accommodations with accompanying land and improvements. The only items which are excluded are those incidental charges, such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community where such accommodations are located, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. (Such incidental charges may not be charged in the first sale unless enumerated in the application as approved.)

Any payment, contribution, or investment required of or made by an occupant or prospective occupant, other than a tenant of the dwelling unit, in connection with a mutual ownership, stock company, or other group plan, shall be considered as part of the maximum sales price. This is so whether such payment be made as a lump sum or in several amounts or whether such payment be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise. (See paragraph (i) (3) and (4) of this section with respect to sales prices for interests in multiple-family or two-family dwellings.)

(5) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(6) "One-family dwelling" means a building designed for occupancy by one family and to be occupied, rented, or sold as a unit, including a detached or semi-detached house or a row house, but not including an apartment house or a two-family "one-over-one" house or a farm-house.

(7) "Two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a

unit, not including semi-detached or row houses covered by the preceding subparagraph (6).

(8) "Multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families, not including semi-detached or row houses covered by paragraph (o) (6), or (o) (7) of this section.

(9) "Begun construction" means to have physically incorporated at the site, materials which will be an integral part of the construction.

(10) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) "HH Minimum Property Requirements" shall be the same as the "Property Standards", "Minimum Construction Requirements", and "Minimum Requirements for Rental Housing", as established for the area and amended from time to time by the Federal Housing Administration under the National Housing Act, insofar as they apply to the structure itself and its water supply and sewage disposal systems, or as modified by rulings or standards issued by the National Housing Agency on special methods of construction or substitute materials. The "HH Minimum Property Requirements" will be made available in all State and District Offices of the Federal Housing Administration.

(12) "Public organization" means a governing body such as the United States Government, a state, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(13) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(14) "This section" means this regulation, Housing Expediter Priorities Regulation 5.

(p) *Communications.* All communications concerning this section should be addressed to the office of the agency to which the application was submitted.

(q) *Violations and enforcement*—(1) *General.* The maximum sales price, rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or rent of any dwelling accommodations at a price or rent in excess of the maximum sales price or the maximum rent applicable to such sale or rent under the provisions of this section, or to solicit or attempt, offer, or agree to make any such sale or rent.

(2) *Suit by purchaser for overcharge.* If any person sells housing accommodations in excess of the maximum amount authorized for such accommodations under this section, the person who buys such accommodations may, within one year from the date of the sale, bring an action or suit for the amount by which the consideration exceeded the maximum authorized selling price, plus reasonable attorney's fees and costs as determined by the court.

(3) *Suit by Housing Expediter for restitution.* If the person who may bring such action has not previously done so, the Housing Expediter (or the department, agency, or officer as he shall direct) may bring an action or suit to compel restitution of the amount by which the consideration exceeded the maximum authorized selling price.

(4) *Penalties.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who wilfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) relating to priorities assistance for housing, may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(r) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; Title III 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

Issued this 13th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

PUBLIC OFFERING

Paragraph (j) of Housing Expediter Priorities Regulation 5 provides generally that the owner of dwelling accommodations constructed under the regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If, however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent and then sells or rents to a nonveteran, the owner has violated the regulation. (Issued October 31, 1946.)

INTERPRETATION 2

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (j) of Housing Expediter Priorities Regulation 5 sets forth the preference which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (i) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be publicly offered for sale or rent to veterans of World War II (as defined in HEPR 5) during construction and for 60 days after completion if offered for sale, or during construction and for 30 days after completion if offered for rent. In case of subsequent sales or rentals the accommodations must again be offered to veterans for a period of 60 days if offered for sale or 30 days if offered for rent. The requirements that housing accommodations be offered for 60 or 30 days does not prevent the offeror accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules:

(a) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move to another town. The veteran must publicly offer the house to other veterans of World War II for 60 days. He must not charge more than $7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by FHA. However, if any customary brokerage fees are paid for services rendered in connection with this subsequent sale, whether paid by the buyer or the seller, they may be added to the sales price.

(b) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder publicly offered the dwelling to veterans during construction and for 60 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for $7,500. The non-veteran now wishes to sell the house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of $7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this subsequent sale, whether paid by the buyer or the seller, they may be added to the sales price.

(c) A one-family dwelling was built under the regulation. A maximum sales price of $7,500 was approved but no rent was stated in the application. The builder, instead of selling the dwelling at once, decided to rent it. The builder must apply to FHA for approval of a maximum rent before he rents the building.

(d) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than $63, whether he rents to a veteran or a non-veteran unless the FHA authorizes an increase.

(e) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder, leased it to a non-veteran for $63 a month, no veteran having

applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than $63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(f) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than $63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than $63 a month.

(g) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than $63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans. (Issued November 15, 1946.)

[Interpretation 3 deleted February 13, 1947]

INTERPRETATION 4

CHARGES IN EXCESS OF MAXIMUM SALES PRICE REQUESTED BECAUSE OF INCIDENTAL CHARGES, EXTRAS, OR ADDITIONAL CONSTRUCTION

Under paragraph (i) of Housing Expediter Priorities Regulation 5 a seller must not require a purchaser, as a condition to the sale of a house authorized under that Regulation, to buy or agree to buy any commodity, service or property interest, except where the regulation specifically permits the charges for the commodity, service or property interest to be added to the maximum sales price. Under paragraph (o) items which may be added are those incidental charges, such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. (Such incidental charges may not be made in the first sale unless enumerated in the application as approved.) This means that, except for such customary incidental charges, the seller must offer the dwelling accommodations to the purchaser at or below the approved maximum sales price and free from charges and extras. The following examples illustrate the effect of this general rule:

1. *Abstract fees, title insurance and financing charges.* It is permissible for the purchaser to pay the abstract fees and title insurance over and above the maximum sales price and to pay incidental charges (such as fire insurance, title insurance, mortgagee's appraisal fees, and future taxes) in connection with financing a particular purchase if these charges are not made a condition to the sale. If it is customary in the community for the buyer to assume these incidental charges and they have been actually incurred for services rendered, he may even be required to pay them as a condition to the sale. (Such incidental charges may not be made in the first sale unless enumerated in the application as approved). In connection with financing, the purchaser must be given an opportunity to purchase the dwelling for cash at or below the approved maximum sales price and to finance the purchase in any way he desires.

2. *Previously incurred charges.* Charges which have been incurred by the builder before the sale of the dwelling must not be charged the purchaser in addition to the maximum sales price. A request that a prospective purchaser pay such charges for prior services would be necessarily making the charges a condition to the sale. Charges of this kind include accumulated taxes before the date of sale, interest before the sale, prepayment penalties in connection with a builder's loan, fees for survey of site, and fire and liability insurance before the sale.

3. *Charges for additional construction or for equipment or fixtures not specified in the application.* The builder must publicly offer the dwelling described in his application at or below the approved maximum sales price. He may not under his authorization do any additional construction in connection with the authorized construction over and above what is specified in his application, except where he gets written approval from the agency which approved the original application. He must not increase his sales price above the original approved maximum sales price by reason of any such additional construction or added equipment, except where the increased price has been approved in writing by the agency which approved the original application.

A person who has bought a house built under Housing Expediter Priorities Regulation 5 and who has made improvements to the house (authorization for such improvements may be required by VHP–1) must not charge more than the approved maximum sales price for the house if he sells it, unless he has obtained permission for the increased charge from the agency which approved the original application. [Issued February 3, 1947]

SUBJECT: Amendment 1 to HEPR-5, dated 9-10-46
Emergency Plumbing and Heating Repairs

This Amendment to the basis regulation for HH priorities assistance was necessitated because of recent actions under which the bulk of plumbing and heating items was ordered set aside for use in veterans' housing. This new action provides that HH priorities assistance may be granted for non-veterans' housing to obtain heating or plumbing supplies necessary for emergency repairs to a dwelling unit made uninhabitable by a breakdown of these facilities.

Under these provisions the HH priorities rating may be assigned by the FPHA for such emergency repairs to public housing projects which do not give preference to occupancy by veterans. The total cost of supplies may not exceed $500 for repairs to a building designed for occupancy by six or more families. Priorities assistance for RM&R work, other than emergency repairs for plumbing and heating facilities, will continue to be made in accordance with established procedures.

NHA
FPHA
1-20-47 Revised

OBSOLETE

Bulletin 14

as of 3-13-47 PART II - Section 3.5

SUBJECT: Amendment 1 to HEPR-5, dated 12-23-46 1/
Cessation of HH Priorities Issuance

This Amendment provides that no new authorizations are to be given under HEPR-5 after December 24, 1946.

The provisions of HEPR-5, however, remain applicable to all construction covered by previously approved applications; and changes in those applications may be authorized, except that requests for additional dwelling units and those not started within 90 days of authorization must necessarily be processed under the current Housing Permit Regulation (HPR).

1/ This is a new insert, and an entry should be made in the Index for Part II, Section 3.

OBSOLETE

Amdt. 1 to HEPR 5

OFFICE OF HOUSING EXPEDITER

DEC. 23, 1946

[HEPR 5, as Amended Dec. 23, 1946, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Section 803.5, Housing Expediter Priorities Regulation 5, (11 F. R. 14453) is amended as follows:

After December 24, 1946, no new authorization or priority ratings under this section (Housing Expediter Priorities Regulation 5) will be issued. Requests for changes in applications approved under this section which do not involve additional dwelling units shall be made in accordance with the provisions of this section. However, if a person has received authorization or priorities assistance, or both, by means of an approved application under this section and has not begun construction of all the dwellings approved in the application, he may surrender his approved application to the agency which has authority to issue permits under § 806.1 (Housing Permit Regulation) issued by the Office of Housing Expediter and apply for a permit, in accordance with the provisions of said Housing Permit Regulation, for construction of the dwellings on which construction has not begun. If a permit is granted, the provisions of this section shall be inapplicable with respect to construction begun after December 24 and covered by the permit, and the approved application will be amended or cancelled to exclude such construction therefrom. However, such a person may elect to use the priority rating and authorization originally granted, subject to the provisions of this section, rather than obtain a permit under the Housing Permit Regulation. The provisions of this section remain applicable to all construction covered by approved applications hereunder, except construction excluded by the cancellation or amendment, of applications as explained above.

This amendment shall become effective December 24, 1946.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514).

Issued this 23d day of December 1946.

FRANK R. CREEDON,
Housing Expediter.

12-12-2046

SUBJECT: Interpretation 2 to HEPR-5 dated 11-15-46 1/
Clarification of Veterans Preference Requirements

This Interpretation explains that housing accommodations built for sale or rent under the VEHP cannot be sold or rented for a second time unless again publicly offered to veterans. A similar clarification is contained in Interpretation 2 to PR-33.

In cases of subsequent sales or rentals, the ruling states that the accommodations must be offered publicly to veterans for a period of 60 days if offered for sale, or 30 days for rental housing. Housing authorized before August 6, 1946 need be publicly offered for sale for only 30 days.

Both interpretations contain several specific examples illustrating the effect of the general rules set forth in HEPR-5 and PR-33.

1/ This is a new insert, and an entry should be made in the Index for Part II, Section 3.

[Housing Expediter Priorities Regulation 5, Interpretation 2]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS EMERGENCY HOUSING ACT OF 1946

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (j) of Housing Expediter Priorities Regulation 5 sets forth the preference which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (i) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be publicly offered[1] for sale or rent to veterans of World War II (as defined in HEPR 5)[2] during construction and for 60 days after completion if offered for sale, or during construction and for 30 days after completion if offered for rent. In case of subsequent sales or rentals the accommodations must again be offered to veterans for a period of 60 days if offered for sale or 30 days if offered for rent. The requirements that housing accommodations be offered for 60 or 30 days does not prevent the offeror accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules:

(a) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move to another town. The veteran must publicly offer the house to other veterans of World War II for 60 days. He must not charge more than $7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by FHA. However, if any customary brokerage fees are paid for services rendered in connection with this subsequent sale, whether paid by the buyer or the seller, they may be added to the sales price.

(b) A one-family dwelling was built under the regulation, with a maximum sales price of $7 500. The builder publicly offered the dwelling to veterans during construction and for 60 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for $7,500. The non-veteran now wishes to sell the house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of $7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this subsequent sale, whether paid by the buyer or the seller, they may be added to the sales price.

(c) A one-family dwelling was built under the regulation. A maximum sales price of $7500 was approved but no rent was stated in the application. The builder, instead of selling the dwelling at once, decided to rent it. The builder must apply to FHA for approval of a maximum rent before he rents the building.

(d) A one-family dwelling was built under the regulation, having a maximum rent of $53 a month and a maximum sales price of $7500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than $63, whether he rents to a veteran or a non-veteran unless the FHA authorizes an increase.

(e) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7500. The builder, leased it to a non-veteran for $63 a month, no veteran having applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than $63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(f) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than $63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than $63 a month.

(g) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than $63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans.

Issued this 15th day of November 1946.

DAVID L. KROOTH,
General Counsel.

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[1] See Interpretation 1 to Housing Expediter Priorities Regulation 5 (11 F. R. 12931) which defines and explains the requirements of the regulation with respect to public offering.

[2] 11 F. R. 9508.

SUBJECT: HEPR-6, dated 11-19-46 1/
Prefabricated Housing

This Regulation explains how prefabricators may get an HH rating and the right to place certified orders for certain materials to be used in the production of prefabricated houses, sections, panels or packages. Direction 8 to PR-33 which formerly explained the procedure for such priorities assistance, has been amended to explain only the restrictions on prefabricators' and dealers' sales of prefabricated items.

The major points introduced in HEPR-6 are (1) Redefinition of prefabrication houses, sections, panels, and packages (par. b); (2) new criteria which producers of panels, packages and sections must meet to qualify for priorities (par. g, h, and i); and (3) rules on sales and purchases are applicable to all prefabricated sections, panels and packages, whether or not produced with priorities assistance (par. s, t, and u).

The provisions in paragraph (u) are applicable to priorities assistance for any public organization or educational institution whose applications are processed by the FPHA and which involve the use of prefabricated housing. Paragraph (u) provides that a manufacturer of prefabricated housing may not extend an HH rating which he receives from a customer, thus he cannot use such ratings to apply to purchase orders for production materials.

1/ This is a new insert, and an entry should be included in the Index for Part II, Section 3.

Removed 2-5-47

OBSOLETE

[Priorities Reg. 6]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

PREFABRICATED HOUSING

Par.

(a) What this section provides.
(b) Definitions.
(c) Filing of applications.
(d) Interim applications.
(e) VEHP use.
(f) Technical standards.
(g) Prefabricated panels.
(h) Prefabricated packages.
(i) Prefabricated sections.
(j) Production standards.
(k) Nature of authorizations.
(l) Quantities authorized.
(m) Extending customers' ratings.
(n) Placing orders.
(o) Delivery date restrictions.
(p) Effect of orders placed by prefabricators.
(q) Use of materials.
(r) Disposal of materials.
(s) Prefabricators' and dealers' sales.
(t) Dealers' purchases.
(u) Application by builder under HEPR 5.
(v) Communications and appeals.
(w) Record-keeping requirements.
(x) Reporting requirements.
(y) Violations.

§ 803.6 *Prefabricated housing under the Veterans' Emergency Housing Program*—(a) *What this section provides.* This section explains how prefabricators may get priorities assistance (an HH rating and the right to place certified orders) for certain materials to be used in the factory production of prefabricated sections, panels, and packages, under the Veterans' Emergency Housing Program. It also explains which regulations and orders of the Civilian Production Administration control (1) the prefabricator's use of an HH rating and certified orders, (2) the materials which may be obtained with their use, (3) the use of materials so obtained, and (4) restrictions on prefabricators' and dealers' sales of prefabricated houses, sections, panels, and packages.

DEFINITIONS

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

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, panels, or packages.

(2) "Prefabricated house" means a house of which at least the exterior walls are formed by the assembly of prefabricated panels or sections as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which encloses living, storage, or utility space on at least two sides, is manufactured in a factory, is transported to the building site without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof or truss panel which is manufactured in a factory, is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce a prefabricated house, and meets whichever of the following standards of minimum prefabrication is applicable:

(i) *Wood panels.* A prefabricated exterior wall panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core, with surfacing material or wall sheathing attached to at least one side.

A prefabricated partition, ceiling or truss panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core.

A prefabricated floor or roof panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core with surfacing material, subfloor or roof sheathing attached to at least one side.

(ii) *Metal panels.* A prefabricated exterior wall panel constructed principally of metal shall consist of at least (*a*) a completely assembled panel frame or core with surfacing material or wall sheathing attached to at least one side, (*b*) a specially fabricated sheet of metal designed to serve both sheathing and structural purposes, or (*c*) a combination of specially fabricated metal sheets and structural frame (or core) members, either assembled or unassembled, designed and fabricated for incorporation in a prefabricated house of a specific design.

A prefabricated floor, partition, ceiling, roof or truss panel constructed principally of metal shall consist of at least (*a*) a completely assembled panel frame or core, (*b*) a specially fabricated metal sheet designed and fabricated for incorporation in a prefabricated house of a specific design, (*c*) specially fabricated structural frame (or core) members designed and fabricated for incorporation in a prefabricated house of a specific design, or (*d*) a combination of (*b*) and (*c*), either assembled or unassembled.

(iii) *Concrete panels.* A prefabricated exterior wall panel constructed principally of concrete shall consist of at least (*a*) a precast concrete slab having an area of 15 square feet or more on one surface or (*b*) a combination of such a precast concrete slab and structural framing members, either assembled or unassembled, designed and manufactured for incorporation in a prefabricated house of a specific design.

A prefabricated floor, partition, ceiling, roof or truss panel constructed principally of concrete shall consist of at least (*a*) a precast concrete slab having an area of 15 square feet or more on one surface, or (*b*) precast concrete structural panel frame (or core) members designed and manufactured for incorporation in a prefabricated house of a specific design, or (*c*) a combination of (*a*) and (*b*), either assembled or unassembled, designed and manufactured for incorporation in a prefabricated house of a specific design.

A prefabricated panel may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) The terms "prefabricated section" and "prefabricated panel" do not include: (i) fabricated structural steel such as standard columns and standard beams or stock metal siding or roofing, etc., primarily designed for use in conventional construction, (ii) concrete blocks, precast joists, precast concrete panels and similar concrete items primarily designed for use in conventional construction, (iii) millwork, including kitchen cabinets, as defined in Order L–359 of the Civilian Production Administration, (iv) items of furniture and equipment not designed to be permanently attached to and made a part of a house, or (v) building materials cut to size and shape for assembly at the building site, if not specifically covered by the definitions in subparagraphs (3) and (4) of this paragraph.

(6) "Prefabricated package" mean the aggregation of prefabricated sectior and panels, building materials, an equipment which is shipped in a lot by a prefabricator, to be incorporated in a prefabricated house. (See paragraph (h) of this section on authorizations for loose materials and equipment to be included in a prefabricated package.)

(7) "Loose materials and equipment" included in a prefabricated package means the materials and equipment in the package which are not permanently attached to or incorporated in the prefabricated sections and panels comprising the rest of the package. "Loose materials and equipment" shipped with a prefabricated section means those which are not permanently attached to or incorporated in the prefabricated section at the time it is shipped.

(8) "Schedule A materials" means the items listed in Schedule A to Priorities Regulation 33 (§ 944.54) of the Civilian Production Administration. These are the items for which priorities assistance may be given to prefabricators by the National Housing Agency under this section.

(9) A prefabricator's "approved production" for a particular quarter means the number of units which he can produce with the amount of the materials listed in paragraph (l) (1) of this section for which priorities assistance is authorized by the National Housing Agency for that quarter.

(10) "NHA" means the National Housing Agency.

(11) "CPA" means the Civilian Production Administration.

(12) "This section" means this regulation, Housing Expediter Priorities Regulation 6.

PREFABRICATORS' APPLICATIONS FOR PRIORITIES ASSISTANCE

(c) *Filing of applications.* A prefabricator may make quarterly applications for priorities assistance in getting "Schedule A materials." Applications are to be made on Form NHA 14–53. They should be filed with the National Housing Agency, Washington 25, D. C., at least 45 days before the beginning of the quarter for which they are filed. The National Housing Agency will consider the applications for approval as explained in paragraphs (e) through (j) of this section. Copies of Form NHA 14–53 may be obtained from the National Housing Agency, Washington 25, D. C., and from the Regional Offices of the National Housing Agency.

(d) *Interim applications.* In some cases, additional requirements may arise after a prefabricator's application for a particular quarter has been approved. If this happens, a prefabricator may file a supplementary ("interim") application for priorities assistance to obtain additional Schedule A materials if:

(1) The prefabricator finds that he has facilities to produce in the quarter more than his "approved production" based on the authorization previously given by the National Housing Agency for that quarter, or

(2) The prefabricator modifies the design of his product so that additional Schedule A materials above the quantities originally authorized by the National Housing Agency are required for the manufacture of his product.

Interim applications should be made on Form NHA 14–53. Such an application should be clearly marked as an "Interim Application" for the quarter. If the application is filed under subparagraph (2) of this paragraph, it should be accompanied by plans showing the proposed design modifications.

NHA CONSIDERATION OF APPLICATIONS

(e) *VEHP use.* Priorities assistance will be given by the National Housing Agency only for quantities of Schedule A materials which are to be used fully in prefabricated housing under the Veterans' Emergency Housing Program.

(f) *Technical standards.* Priorities assistance will be given by the National Housing Agency only for Schedule A materials to be used for the following purposes:

(1) The manufacture of prefabricated panels designed to be incorporated in prefabricated houses found by the National Housing Agency to meet standards of space, arrangement, and construction known as "HH Minimum Property Requirements."

(2) The making up of prefabricated packages designed to be incorporated in prefabricated houses found by the National Housing Agency to meet the HH Minimum Property Requirements.

(3) The manufacture and installation of prefabricated sections designed to be incorporated in houses (whether prefabricated or not) found by the National Housing Agency to meet the HH Minimum Property Requirements.

The findings by the National Housing Agency referred to in this paragraph will be based upon information submitted by the prefabricator on Form NHA 14–54 or in such other manner as may be required by the National Housing Agency. Information regarding the HH Minimum Property Requirements is available at the National Housing Agency, Washington 25, D. C., and at all State and District Offices of the Federal Housing Administration.

(g) *Prefabricated panels.* Priorities assistance for Schedule A materials to be incorporated in prefabricated panels will be given by the National Housing Agency only to those prefabricators who meet one of the following tests:

(1) The prefabricator ships, to each purchaser, all the prefabricated exterior wall panels (as defined in paragraph (b) (4) of this section) of a prefabricated house.

(2) The prefabricator submits evidence of an agreement he has entered into with one or more prefabricators dividing among them the production responsibility for the manufacture of prefabricated elements designed to be incorporated in a prefabricated house, and together these prefabricators ship, to each purchaser, all the prefabricated exterior wall panels of a prefabricated house.

(h) *Prefabricated packages.* The following are special rules on priorities assistance for Schedule A materials to be incorporated in prefabricated packages:

(1) In addition to prefabricated sections and panels, a prefabricated package produced under this section may contain, in the amount provided for in subparagraph (2) of this paragraph, the following "loose materials and equipment":

(i) Mechanical, plumbing, heating, and electrical material and equipment; cooking, refrigeration, and laundry equipment; kitchen cabinets; and

(ii) Other loose materials and equipment.

(2) Priorities assistance will be given by the National Housing Agency for Schedule A materials to be included in a prefabricated package as loose materials and equipment only if the dollar value of all loose materials and equipment not listed in subparagraph (1) (i) of this paragraph which are contained in the package is less than one half of the following amount: the dollar value of the entire prefabricated package minus the dollar value of all materials and equipment in the package—whether "loose" or not—which are listed in subparagraph (1) (i) of this paragraph.

(i) *Prefabricated sections.* Priorities assistance may be given by the National Housing Agency for Schedule A materials to be shipped with a prefabricated section to be incorporated in a house whether or not the house is prefabricated. However, such assistance will be given only for Schedule A materials listed in paragraph (h) (1) (i) of this section which are required for installation in or attachment to the prefabricated section, and for the minimum quantities of other loose materials and equipment required for the installation of the prefabricated section.

(j) *Production standards.* Priorities assistance will be given by the National Housing Agency under this section only after the National Housing Agency has taken into consideration the following factors:

(1) The prefabricator's use of scarce materials,

(2) The suitability of his product for low and moderate cost housing under the Veterans' Emergency Housing Program, and

(3) The prefabricator's apparent ability to produce, based upon plant facilities and methods, general experience, distribution facilities and methods, and other relevant considerations.

GRANTING OF AUTHORIZATION

(k) *Nature of authorizations.* Priorities assistance granted on Form NHA 14–53 will be in the form of authority to place HH rated orders or certified orders for approved quantities of "Schedule A materials" (see paragraph (b) (8) of this section). The authorization will cover quantities to be so ordered for delivery in a particular quarter. It may also include an advance authorization enabling the prefabricator (subject to the inventory restrictions referred to in paragraph (o) of this section) to place such orders for a part of his requirements to be delivered in the next quarter, pending receipt of his regular authorization for that quarter.

(l) *Quantities authorized.* Form NHA 14–53 authorizations will be for the following quantities of Schedule A materials:

(1) For the following materials, the permitted quantities are the quantities numerically expressed in the authorization: housing construction lumber, millwork (other than built-in kitchen cabinets), residential hardwood flooring, gypsum board and lath, building board, and construction plywood (softwood).

(2) For the other Schedule A materials (excluding those listed in subparagraph (1) of this paragraph, but including built-in kitchen cabinets), the permitted quantities are the minimum quantities needed to meet the prefabricator's "approved production" requirements (see paragraph (b) (9) of this section).

Form NHA 14–53 authorizations issued before November 19, 1946 for the fourth quarter of 1946 specified kitchen cabinets among those materials for which a numerically expressed quantity of material was authorized. Such authorizations shall be considered to be automatically amended on November 19, 1946 to be for the minimum quantities of kitchen cabinets needed to meet the prefabricator's approved production requirements for the fourth quarter.

PREFABRICATORS' USE OF PRIORITIES ASSISTANCE

(m) *Extending customers' ratings.* In accordance with applicable CPA regulations (Priorities Regulation 3 (32 CFR, 944.23) and Direction 8 to Priorities Regulation 33 (32 CFR, 944.54)), a prefabricator must not extend (pass on to his supplier) an HH rating which he receives from a customer.

(n) *Placing orders.* A prefabricator who has been granted priorities assistance on Form NHA 14–53 may place orders for the approved quantities of

Schedule A materials, (for delivery during the quarter covered by the authorization) as follows:

(1) *Certified orders for some Schedule A materials.* For housing construction lumber, millwork, residential hardwood flooring, and construction plywood (softwood, he may place certified orders as explained in the applicable CPA order (Order L–358 or L–359) covering the particular material.

(2) *HH rated orders for other Schedule A materials.* For the other Schedule A materials (excluding those listed in subparagraph (1) of this paragraph), he may use an HH rating on his purchase orders. The HH rating may be applied to a purchase order by placing on the order a written certificate as explained in Direction 8 to CPA Priorities Regulation 33. The certificate is as set out below:

Veterans' Emergency Housing Program
Prefabricated Housing
Serial No. ———
Ratings: HH

I certify to the Civilian Production Administration and the National Housing Agency that the materials covered by this order will be used only in accordance with applicable regulations of those Agencies, including Direction 8 to PR 33.

Prefabricator.

(o) *Delivery date restrictions.* In accordance with Direction 8 to CPA Priorities Regulation 33 (32 CFR, 944.54), a prefabricator placing certified or HH rated orders under this section must not specify a delivery date which is (1) more than 30 days before the time the materials are to be used by him or (2) later than the end of the third calendar month after the month in which the order is placed. "Delivery date" means the date of delivery at the prefabricator's plant or warehouse.

(p) *Effect of orders placed by prefabricator.* The effect of HH rated and certified orders is controlled by CPA Priorities Regulation 1 (32 CFR, 944.1–20) and certain other CPA regulations and orders. For the materials covered by paragraph (n) (1) of this section, the other applicable CPA orders are Orders L–358 and L–359. For the materials covered by paragraph (n) (2) of this section, the other applicable CPA regulation is Schedule B to PR 33.

(q) *Use of materials.* In accordance with applicable CPA regulations (PR 1 and Direction 8 to PR 33), materials obtained with priorities assistance may be used only for the purposes for which that assistance was granted. This rule applies to materials obtained under this section or under Direction 8 to CPA Priorities Regulation 33.

(r) *Disposal of materials.* If a prefabricator is unable to use materials obtained with priorities assistance under this section, or under Direction 8 to CPA Priorities Regulation 33, for the purposes for which the assistance was granted, he may use or dispose of them only as follows:

(1) By "special sale," in accordance with Priorities Regulation 13 (32 CFR, 944.34) of the Civilian Production Administration.

(2) By such other use as may be authorized in writing by the National Housing Agency, upon written application from the prefabricator.

SALES AND PURCHASE RESTRICTIONS

(s) *Prefabricators' and dealers' sales.* In accordance with Direction 8 to CPA Priorities Regulation 33, a prefabricator or a dealer (wholesale or retail) may sell a prefabricated section, panel, or package only as follows:

(1) On an order bearing either an HH rating or a dealer's certification as set out in paragraph (t) of this section, or

(2) In accordance with Housing Expediter Priorities Regulation 5 (§ 803.5) (or CPA Priorities Regulation 33, where applicable) if sold erected by the prefabricator or dealer.

(t) *Dealers' purchases.* In accordance with Direction 8 to CPA Priorities Regulation 33, a dealer may order a prefabricated section, panel, or package either by extending an HH rating served on him or by placing the following certification on his purchase order:

I certify to the Civilian Production Administration and the National Housing Agency that the prefabricated sections, panels, and packages covered by this order will be sold by me only in accordance with applicable regulations of those agencies, including Direction 8 to Priorities Regulation 33.

Dealer

(u) *Application by builder under HEPR 5.* A person eligible under the Veterans' Emergency Housing Program to erect a prefabricated house or section may apply under Housing Expediter Priorities Regulation 5 (§ 803.5) for an authorization to construct and an HH rating. (Before September 10, 1946, such applications were made under CPA Priorities Regulation 33.) If his application is approved, the builder will be subject to all the requirements of the priorities regulation under which his application was approved, including restrictions on sales price and rents, and requirements for preference to veterans, where applicable. When the application is approved, the builder will be assigned an HH rating which he may use to get a prefabricated section, panel, or package and the necessary quantities of the other Schedule A materials. This rating may be applied in accordance with, and subject to, the limitations of Schedule A to PR 33 and of other applicable CPA regulations. A prefabricator or a dealer may apply in the same way as any other builder, if he wishes to erect a prefabricated house or section. A prefabricator acting as an erector will be subject to the same requirements of HEPR 5 (or PR 33) as a builder.

OTHER PROVISIONS

(v) *Communications and appeals.* Communications regarding the provisions of this section should be addressed to the National Housing Agency, Washington 25, D. C. Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the National Housing Agency, Washington 25, D. C., clearly stating the specific provision appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(w) *Record-keeping requirements.* Each person subject to this section must keep and preserve for at least two years records showing quantities of all Schedule A materials (including prefabricated sections and panels) received and dates of receipt. In addition, each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration applies must keep and preserve for at least two years the records described in CPA Priorities Regulation 1. The record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(x) *Reporting requirements.* Information and reports relating to matters covered by this section, or by Direction 8 to CPA Priorities Regulation 33, may be required from time to time by the National Housing Agency (or person or agency authorized by NHA to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(y) *Violations.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who wilfully conceals a material fact in any certificate required to be filed under this section, or who wilfully falsifies any records required to be kept under this section shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Second War Powers Act of 1942, Veterans' Emergency Housing Act of 1946, and other applicable Federal Statutes. Any person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(Title III, 56 Stat. 177, as amended; 60 Stat. 207; 50 U. S. C. App. Supp. 633; CPA Dir. 42, 11 F. R. 9514)

Issued this 19th day of November 1946.

WILSON W. WYATT,
Housing Expediter.

SUBJECT: Housing Permit Regulation - HPR, dated 12-23-46 1/
Authorization for Housing

Effective December 24, 1946, the construction and repair of housing accommodations will be subject to the provisions of this Regulation, which requires authorization by Federal permits.

The issuance of additional priority ratings for housing construction is discontinued under the operation of the permit system. Outstanding priority ratings, authorized under HEPR-5 or PR-33 prior to December 24, remain valid.

Order VHP-1, the basic limitation order on construction, continues in full effect. Permission to commence construction must be secured unless specifically exempted under VHP-1.

The major restrictions under this Regulation are:

(1) The proposed dwelling must be designed for year-round occupancy;
(2) The total calculated floor area of a dwelling unit is restricted to 1500 square feet;
(3) In the case of rental housing projects, maximum shelter rents excluding charge for services, may not exceed a project average of $80 per unit; and
(4) Housing not for veterans or owner-occupancy is still prohibited.

The six months vacancy requirements for authorization to make repairs has been eliminated. Paragraph (c) (5) now provides eligibility for anyone to make repairs to keep the buildings in habitable condition.

Under the permit system, FPHA will continue to process applications submitted by public organizations, educational institutions, and persons under the sponsorship of educational institutions.

1/ This is a new insert for the Bulletin.

SUBJECT: Housing Permit Regulation - HPR, Amended 2-13-47 1/
Authorization for Housing

This Regulation governs the issuance of permits for the building, altering or repairing of housing accommodations.

The permit system operates particularly to assure veterans' preference on housing for sale or rent, and to prevent construction of luxury type housing by its restrictions on floor area and bathroom fixtures. Other major conditions are that the housing must be designed for year-round occupancy, and rental for family units must not exceed an $80 average.

Under the permit system, FPHA is the processing agency for applications submitted by public organizations, educational institutions, and persons under the sponsorship of educational institutions who wish to provide single-person accommodations for student veterans.

This amendment provides clarifying and prefecting changes, among which is reference to form OHE-14-56 instead of NHA-14-56.

1/ Supersedes HPR, dated 12-23-46

Superseded 2-13-47.

COMPLETE

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Permit Regulation]

AUTHORIZATION FOR HOUSING

Par.
(a) What this section provides.
(b) Housing construction covered by this section.

APPLICATIONS

(c) Persons eligible.
(d) Filing applications.
(e) Plans and specifications.
(f) Approval of applications.
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CONSTRUCTION

(h) Construction standards and limitations.
(i) Posting of placards.

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(j) Maximum rents.

PREFERENCES FOR VETERANS

(k) Preferences for veterans.

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(l) Definitions.

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(m) Advertisements.
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(q) Communications.
(r) Violations and enforcement.
(s) Reports.

§ 806.1 *Authorization for housing*—(a) *What this section provides.* In accordance with the Veterans' Emergency Housing Program for 1947, this section (Housing Permit Regulation), provides for giving specific authorization under the Civilian Production Administration (Office of Temporary Controls) Veterans' Housing Program Order 1 to veterans and certain other persons wishing to construct, repair, make additions or alterations to, install fixtures in, improve, or convert housing accommodations. Such authorization will be given in the form of a construction permit.

This section explains:

(1) Who may apply for a construction permit.

(2) How to apply.

(3) The conditions upon which applications for permits will be approved.

(4) The conditions which will be imposed on the applicant and succeeding owners while this section is in effect.

New authorizations and priority ratings under Housing Expediter Priorities Regulation 5 will not be issued after the effective date of this section. However, this section does not apply to or affect dwelling accommodations heretofore approved under Civilian Production Administration (OTC) Priorities Regulation 33 or Housing Expediter Priorities Regulation 5. Any requests for changes in applications filed under those regulations which do not involve additional dwelling units shall be made in accordance with CPA Priorities Regulation 33 or Housing Expediter Priorities Regulation 5, whichever is applicable. However, if a person is authorized to use an HH rating under either of those regulations but has not begun the construction of all the dwellings approved in his application, he may return his approved application to the Federal Housing Administration (or in appropriate cases to the Federal Public Housing Authority) and apply for a permit in accordance with this section for the construction of the dwellings on which construction has not begun. If the permit is granted, with respect to construction covered by the permit, the provisions of this section shall be applicable instead of the provisions of the regulation under which his priority application was approved, and his priority application will be amended to exclude the construction for which the permit is granted. However, such a person is not required to obtain a permit under this section, but may elect to use the HH rating and authorization originally granted, subject to the provisions of the regulation under which it was granted.

(b) *Housing construction covered by this section.* (1) The following kinds of construction, alteration, or repair are included in this section where the application qualifies under paragraphs (c) through (f) or relief is granted on appeal under paragraph (o):

(i) The construction of any building in which 50% or more of the floor space involved is to be used (*a*) for family residential purposes or (*b*) for single-person residential purposes where the construction is by or under the sponsorship of an educational institution or by a public organization or where the building is a boarding or rooming house which is not primarily for transients or overnight guests. A building includes subsidiary buildings on residential property where used for residential purposes, such as private garages, tool sheds, piers, greenhouses and the like, and includes dining halls and other essential residential accommodations used entirely as part of dormitory or other single-person accommodations also covered by the application. Farmhouses and other farm living accommodations and bunkhouses for transitory farm labor are included under this subparagraph. Military housing, summer or winter camps, and hotels or tourist cabins primarily for transients and overnight guests, are not included.

(ii) Additions, alterations, or repairs to a building where 50% or more of the floor area involved in the proposed additions, alterations, or repairs will be used for dwelling accommodations of the kinds described above.

(2) Construction not included in this section is under the jurisdiction of the Office of Temporary Controls (Civilian Production Administration). Also, if an application under this section involves construction, additions, alterations, or repairs of which more than 25% is non-residential, a recommendation will be obtained from the Office of Temporary Controls (CPA) as to the essentiality of the non-residential part of the work.

APPLICATIONS

(c) *Persons eligible.* Applications for a construction permit under this section may be made by the following:

(1) *Veteran.* A veteran who wishes to build, complete, alter, or repair a house (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner. The cost of any alteration or repair of any house under this subparagraph may not exceed $10,000.

(2) *Builder for veterans.* A person who wishes to build or complete family dwelling accommodations (or convert dwellings or other structures into family dwelling accommodations) to which veterans will be given preferences in selling or renting as provided in this section. (Any applicant, although not a veteran, may initially occupy a dwelling unit in a two-family or multiple dwelling owned by him and constructed under this section.)

(3) *Non-veteran building for own occupancy.* A person who wishes to build a house (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

(4) *Disaster.* A person who wishes to reconstruct (or build on another site in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster. Such a person is eligible only if the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant. Any application under this subparagraph must be made not later than 6 months after such destruction or damage.

(5) *Repairs or alterations to make a house habitable or to provide space for additional persons.* A person who wishes authorization to make repairs or alterations to dwelling accommodations necessary in order (i) to maintain them in a habitable condition or to return them to a habitable condition, or (ii) to make a summer home habitable for winter occupancy by a veteran, or (iii) to provide space for additional persons who are either veterans or members of the immediate family of the applicant. If space for additional persons is provided, under subdivision (iii), the estimated cost of the construction shall not exceed $1500 per person. In the event that such additional space is vacated, the applicant or a subsequent owner or other person must not, while this section is in effect, rent it to any person other than a member of his immediate family or a veteran, unless it has been publicly offered for rent to veterans for at least 30 days on the same or more favorable terms.

(6) *Educational institution or public organization.* An educational institution (or a person under its sponsorship) or a public organization which wishes to construct, repair, or alter a dormitory or other single-person housing facility (or

to repair or alter any dwelling accommodations) for student veterans. The application will not be approved if the maximum rent proposed is more than the amount charged for comparable accommodations in the area. If the application is made by a person under the sponsorship of an educational institution, the application must be accompanied by a letter from that institution which (i) requests that the application be approved, (ii) states that there is not a sufficient number of available rooms in the community for its student veterans, and (iii) represents that the institution will refer student veterans to the proposed accommodations as long as this section is in effect.

(7) *Experimental housing.* A person who wishes to construct or erect dwelling accommodations for experimental or testing purposes, where the proposed work is determined by the Technical Office of the Office of the Administrator of the National Housing Agency to be essential to the Veterans' Emergency Housing Program.

(d) *Filing applications.* Applications for construction permits under this section should be made on NHA Form 14–56, and filed with the appropriate State or District Office of the Federal Housing Administration, except that:

(1) Applications by educational institutions, or persons under their sponsorship, or by public organizations (whether under paragraph (c) (6) or other paragraph of this section) should be filed with the appropriate Regional Office of the Federal Public Housing Authority.

(2) Applications to construct or erect dwelling accommodations for experimental or testing purposes should be filed with the Technical Office of the Office of the Administrator of the National Housing Agency.

(e) *Plans and specifications.* When an application is made in which a maximum rent is required to be stated, as provided by paragraph (j) (2), plans and outline specifications shall be attached to and made a part of such application.

(f) *Approval of applications.* The application for a permit may be approved if (1) the conditions and requirements in paragraphs (c) through (e) of this section have been met, and (2) the proposed rents, where required to be stated, are reasonably related to the proposed accommodations. Upon approval, a copy of the approved application will be given to the applicant and will constitute his construction permit.

(g) *Restrictions on applicants.* An applicant who constructs, completes, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, unless he has obtained prior written approval for a change from the agency with which his application was filed.

CONSTRUCTION

(h) *Construction standards and limitations—(1) Suitability for year-round occupancy.* No person shall build or convert any dwelling accommodations under this section except accommodations which are suitable and intended for year-round occupancy.

(2) *Maximum floor area.* No person shall build or convert any dwelling accommodations under this section in which the total calculated floor area of any dwelling unit exceeds 1500 square feet. Calculated area comprises the square foot area of spaces above basement or foundation including utility rooms, vestibules, halls, closets, stair wells and interior chimneys and fire places. It does not include garages, unfinished attics, open porches, attached terraces, balconies and projecting fire places or chimneys outside the exterior walls. Measurements are taken to the outside surfaces of exterior walls. In a half story, measurements are taken to the outside surfaces of exterior walls or partitions enclosing the areas, but any area where the ceiling height is less than five feet is not included.

(3) *Bathroom fixtures.* No person shall install in any dwelling or apartment constructed under this section any bathroom fixtures which will result in the dwelling having more such fixtures than are normally required for one bathroom.

(i) *Posting of placards or signs.* When permits are granted under paragraphs (c) (2) or (c) (6) of this section, the applicants must post either placards or signs as explained in this paragraph.

(1) *Placards.* When such permits are granted, a placard or placards will be sent to the applicant indicating that the dwelling accommodations are being built for veterans under the Veterans' Emergency Housing Program. If the permit covers the construction of dwelling accommodations to be rented, the placard will contain a space for the maximum rent. If the applicant posts a placard or placards, he must insert clearly, legibly, and permanently the application serial number and, in the case of construction for rent, must also insert the appropriate rent, not in excess of the amount specified in the application as approved. Such a placard must be posted in a conspicuous location in front of each separate residential building within five days after the time construction is begun and must continue to be posted until completion of the building. Unless all the accommodations in the building have been sold or rented to veterans, the applicant must continue to post the placard for 60 days after completion of the building in the case of sale or 30 days afterwards in the case of rent.

(2) *Signs.* If the applicant elects to post a project sign in lieu of the placards sent to him, he must post a sign having the approximate dimensions of three by five feet (or greater) in a conspicuous location on the site of the project. Such a sign must contain the same information that is required on placards as provided in subparagraph (1) of this paragraph.

MAXIMUM RENTS

(j) *Maximum rents—(1) General.* The restrictions on rents contained in this paragraph apply to all new family or single-person dwellings or apartments built under this section for which a proposed maximum rent must be stated under subparagraph (2) of this paragraph. These restrictions must be observed as long as this section is in effect. Proposed rents, where required, will not be approved under this section unless they are reasonably related to the proposed accommodations. However, approval of a proposed rent should not be considered as a representation by the processing agency that the rent represents the value of the dwelling or apartment for other purposes.

After the first renting of the dwelling in an area under Federal rent control, the request to approve a change in rent should be made to the Area Rent Office established pursuant to the Emergency Price Control Act of 1942, or in the District of Columbia to the Administrator of Rent Control. Any changed rent granted becomes the maximum rent under this section.

(2) *Proposed rent to be stated in application.* In case of an application for a permit to construct new family dwellings or apartments to be offered for rent, the proposed maximum rent and maximum shelter rent must be stated for each such dwelling or apartment. In case of an application for a permit to construct new single-person dwellings, the proposed maximum rent to be charged each person must be stated. Maximum rents and shelter rents must be stated for every new dwelling or apartment in a proposed two-family dwelling, multiple-dwelling or housing facility designed for ocupancy by single persons. However, maximum rents or shelter rents need not be stated for construction in disaster cases under paragraph (c) (4) of this section.

(3) *Maximum rent which may be approved.* No maximum shelter rent exceeding $80 per month may be approved for a dwelling or apartment under this section unless the average of all shelter rents approved in the application for dwellings in a single project is $80 per month or less.

(4) *Maximum rent to be exceeded.* No person shall rent a family or single-person dwelling or apartment for which a proposed maximum rent or maximum shelter rent has been specified in the application as approved, for more than the rent as approved.

(5) *Requests for increases in rents because of increased costs.* An applicant may apply by letter in triplicate or such form as may be prescribed to the agency with which the application was filed for an increase in the maximum approved in the application before the dwelling is initially rented. The increase will not be approved unless it can be shown that the applicant has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial application, or unless it can be shown that he will incur additional or increased costs in operation over which he has no control, and that these increased or additional costs will make it unreasonable to require him to rent at the amount approved in the application. No increase in rent will be granted unless reasonably

related to the increase in construction costs or the increase in operating costs.

(6) *Requests for increases in rents because of improvements.* If a subsequent owner or any owner-occupant of a dwelling (except a dwelling which has been previously rented and which is located in a Defense Rental Area established under the Emergency Price Control Act of 1942, as amended, or in the District of Columbia), built under this section has made major structural changes or improvements (not including ordinary maintenance or repair) to the dwelling which would warrant an increase in the rent specified in the application, he may apply for the increase to the agency with which the original application was filed. Such application should be made by a letter in triplicate or by such form as may be prescribed. No increase will be granted unless it is reasonably related to the cost of such changes or improvements. Moreover, no increase in shelter rent of any dwelling will be granted to an amount more than $80 a month unless (i) the average of all shelter rents approved in the original application, as amended, for dwellings in a single project will be $80 a month or less or (ii) unusual hardship would result to the applicant if the increase is not granted. (Under CPA Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

(7) *Security deposit.* No person shall demand or receive a security deposit for or in connection with the use or occupancy of housing accommodations covered by this section. The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month, but shall not include rent voluntarily prepaid for his own convenience by a tenant already in occupancy under a written lease.

PREFERENCES FOR VETERANS

(k) *Preferences for veterans*—(1) *Family dwellings.* If a family dwelling or apartment built or converted under this section is being offered for sale or rent, the owner (whether the applicant or any subsequent owner) or any other person must not sell, rent or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale or rent, as the case may be, to veterans for their own occupancy. In the case of sale, this offer must be made to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant). In the case of rent, this offer must be made to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant). An applicant who has built or converted a family dwelling or apartment approved for rent or sale under this section must, for these periods of time, publicly offer it for sale or for rent to veterans for their own occupancy. No person may sell or rent or otherwise dispose of a dwelling or apartment built or converted under this section to a person other than a veteran on terms or at a price more favorable than offered to veterans during the time a public offering must be made to veterans under this subparagraph. However, this subparagraph does not apply to:

(i) Dwelling or apartments approved in disaster cases under paragraph (c) (4) of this section;

(ii) The initial occupancy of a dwelling or apartment built or converted under this section for the occupancy of the applicant or the continued occupancy of his tenant;

(iii) The occupancy of an apartment in a two-family or multiple dwelling structure by the owner of the entire structure;

(iv) Sales in the course of judicial or statutory proceedings in connection with foreclosures (sales subsequent to such judicial or statutory sales are subject to the provisions of this subparagraph); or

(v) The occupancy of a dwelling or apartment by a building service employee which does not exceed 15 percent of the residential floor space of the structure or project.

(2) *Dormitories or other single-person housing facilities.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans otherwise eligible to occupy the dwelling accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to non-veterans if it makes available to veterans an equivalent number of similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved. It may also make 15 percent of the residential floor space of any dormitory or dormitory project available to building service employees.

DEFINITIONS

(l) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations. This includes charges paid by the tenant for tenant services specified on the application and charges paid by the tenant for garage as specified on the application. However, it does not include charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made.

The total charges for tenant services will not be approved if more than $3 per room per month. The charge for garage will not be approved if more than $10 per month, and will be allowed only for multiple-family dwellings. Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of any dwelling accommodations constructed under this section shall be considered a part of the maximum rent.

(3) "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage.

(4) "Persons" means an individual, corporation, partnership, association, public organization, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "One-family dwelling" means a building designed for occupancy by one family and to be occupied, rented, or sold as a unit, including a detached or semi-detached house or a row house, but not including an apartment house or a two-family "one-over-one" house.

(6) "Two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a unit, not including semi-detached or row houses covered by subparagraph (5) of this paragraph.

(7) "Multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families, not including semi-detached or row houses covered by subparagraphs (5) or (6) of this paragraph.

(8) "Project" generally means construction authorized on a single site or contiguous sites except for streets, roads and alley ways.

(9) "Begun construction" means to have physically incorporated at the site materials which will be an integral part of the construction.

(10) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) "Public organization" means a governing body such as the United States Government, a state, county, city, town, village or other municipal government or

an agency, instrumentality, or authority of such a governing body.

(12) "Educational institution means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(13) "This section" means this Housing Permit Regulation.

OTHER PROVISIONS

(m) *Advertisements.* The applicant and every subsequent owner and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraph (c) (1), (2), (3), or (6) of this section are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent at $———). It is being offered for sale (for rent) only to veterans during construction and for 60 (30 in case of rent) days after completion (or for 60 days in case of subsequent sale or 30 days in case of subsequent rent).

(n) *Prohibition against transfer of permits.* No person to whom a permit has been given shall transfer it to any other person and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the agency with which the original application was filed. He should attach to his application a statement from the former applicant (or his representatives) joining in the request for the granting of the permit to the new applicant.

(o) *Appeals.* Any person affected by this section who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from any provisions of this section should be filed with the appropriate local office of the agency with which the application was filed. The appeal will be forwarded to the Washington office of that agency for consideration, together with any recommendations made by the local office.

(p) *Amendments to applications.* Any applicant may apply to the agency which granted his permit for an amendment to it. The request for an amendment should be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the permit as amended and approved. However, if the request for an amendment requires additional buildings or dwelling units not included in the original permit, a new application on NHA Form 14–56 covering the new units should be filed.

(q) *Communications.* All communications concerning this section should be addressed to the local office of the Federal Housing Administration or other appropriate agency indicated in paragraph (d) of this section.

(r) *Violations and enforcement*—(1) *General.* The veterans' preference, maximum rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a rental of any dwelling accommodations at a rent in excess of the maximum rent applicable to such rental under the provisions of this section, or to solicit or attempt, offer, or agree to make any such rental. It shall also be unlawful for any such person to condition a rental of any dwelling accommodations upon the purchase of, or agreement to purchase, any commodity, service or property interest, except an investment interest in the accommodations.

The restrictions in paragraph (k) of this section apply to the builder and subsequent owners of all dwelling accommodations constructed in violation of VHP 1. However, this does not relieve the builder of any penalty to which he may be subject by reason of the violation of VHP 1.

(2) *Penalties.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who wilfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) or the Veterans' Emergency Housing Act of 1946 relating to the construction or disposition of dwelling accommodations may have his permit revoked or suspended and may be denied the right to obtain any permit in the future and may be prohibited from making or obtaining deliveries of, or from using any materials or facilities suitable for housing construction.

(s) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. (60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514.)

This section shall become effective December 24, 1946.

Issued this 23d day of December 1946.

FRANK R. CREEDON,
Housing Expediter.

[Housing Permit Regulation, as Amended Feb. 13, 1947]

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION FOR HOUSING

Par.
(a) General.
(b) Housing construction covered by this section.

APPLICATIONS

(c) Persons eligible.
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CONSTRUCTION

(h) Construction standards and limitations.
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PREFERENCES FOR VETERANS

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(l) Definitions.

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(q) Communications.
(r) Violations and enforcement.
(s) Reports.

§ 806.1 *Authorization for housing*—(a) *General*—(1) *What this section provides.* This section, Housing Permit Regulation, is issued in accordance with the Veterans' Emergency Housing Program for 1947. The section provides for giving specific authorization under the Civilian Production Administration (Office of Temporary Controls) Veterans' Housing Program Order 1 to veterans and certain other persons who wish to construct, repair, make additions to, alter, install fixtures in, improve, or convert housing accommodations. Such authorization will be given in the form of a construction permit.

This section explains:

(i) Who may apply for a construction permit.

(ii) How to apply.

(iii) The conditions upon which applications for permits will be approved.

(iv) The conditions which will be imposed on the applicant and succeeding owners while this section is in effect.

(2) *Effect of this section on approved priority applications.* New authorizations and priority ratings under Housing Expediter Priorities Regulation 5 will not be issued after the effective date of this section (December 24, 1946). However, this section does not apply to or affect applications or dwelling accommodations heretofore approved under Civilian Production Administration (OTC) Priorities Regulation 33 or Housing Expediter Priorities Regulation 5. Any requests for changes in applications approved under those regulations which do not involve additional dwelling units shall be made in accordance with CPA Priorities Regulation 33 or Housing Expediter Priorities Regulation 5, whichever is applicable. However, if a person is authorized to use an HH rating under either of those regulations but has not begun the construction of all the dwellings approved in his application, he may return his approved application to the Federal Housing Administration (or in appropriate cases to the Federal Public Housing Authority) and apply for a permit in accordance with this section for the construction of the dwellings on which construction has not begun. If the permit is granted, the provisions of this section shall be applicable to such construction instead of the provisions of the regulation under which his priority application was approved, and his priority application will be amended to exclude the construction for which the permit is granted. However, such a person is not required to obtain a permit under this section, but may elect to use the HH rating and authorization originally granted, subject to the provisions of the regulation under which it was granted.

(b) *Housing construction covered by this section.* (1) The following kinds of construction, alteration, or repair are included in this section where the application and construction qualify under paragraphs (c) through (h) or relief is granted on appeal under paragraph (o):

(i) The construction of any building in which 50% or more of the floor space involved is to be used for residential purposes except where the purpose is primarily for the accommodation of transients or overnight guests. Construction which is covered includes subsidiary buildings on residential property where used for residential purposes, such as private garages, tool sheds, piers, greenhouses and the like, and includes dining halls and other essential residential accommodations used entirely as part of dormitory or other single-person accommodations also covered by the application. Farmhouses and other farm living accommodations and bunkhouses for transitory farm labor are included under this subparagraph. Housing of the War and Navy Departments, summer or winter camps, and hotels or tourist cabins primarily for transients and overnight guests, are not included.

(ii) Additions, alterations, or repairs to a building where 50% or more of the floor area involved in the proposed additions, alterations, or repairs will be used for dwelling accommodations of the kinds described above.

(2) Construction not included in this section is under the jurisdiction of the Office of Temporary Controls (Civilian Production Administration). Also, if a project under this section involves construction, additions, alterations, or repairs of which more than 25% is nonresidential, a recommendation will be obtained from the Office of Temporary Controls (CPA) as to the essentiality of the non-residential part of the work.

APPLICATIONS

(c) *Persons eligible.* Applications for a construction permit under this section may be made by the following:

(1) *Veteran.* A veteran who wishes to build, complete, alter, or repair a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner. The cost of any alteration or repair of any house under this subparagraph may not exceed $10,000.

(2) *Builder for veterans.* A person who wishes to build or complete family dwelling accommodations (or convert dwellings or other structures into family dwelling accommodations) to which veterans will be given preferences in selling or renting as provided in this section. (Any applicant, although not a veteran, may initially occupy a dwelling unit in a two-family or multiple dwelling owned by him and constructed under this section.)

(3) *Non-veteran building for own occupancy.* A person who wishes to build a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

(4) *Disaster.* A person who wishes to reconstruct (or build on another site, in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster. Such a person is eligible only if the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant. Any application under this subparagraph must be made not later than 6 months after such destruction or damage.

(5) *Repairs or alterations to make a house habitable or to provide space for additional persons.* A person who wishes authorization to make repairs or alterations to dwelling accommodations necessary in order (i) to maintain them in a habitable condition or to return them to a habitable condition, or (ii) to make a summer home habitable for winter occupancy by a veteran, or (iii) to provide space for additional persons who are either veterans or members of the immediate family of the applicant. If space for additional persons is provided, under subdivision (iii), the estimated cost of the construction shall not exceed $1500 per person. In the event that such additional space is vacated, the applicant or a subsequent owner or other person must not, while this section is in effect, rent it to any person other than a member of his immediate family or a veteran, unless it has been publicly offered for rent to veterans for at least 30 days on the same or more favorable terms.

(6) *Educational institution or public organization.* An educational institution (or a person under its sponsorship) or a public organization which wishes to construct, repair, or alter a dormitory or other single-person housing facility (or to repair or alter any dwelling accommodations) for student veterans.

An application for new construction under this paragraph (c) (6) will not be approved if the maximum rent proposed is more than the amount charged for comparable accommodations in the area. If the application is made by a person under the sponsorship of an educational institution, the application must be accompanied by a letter from that institution which (i) requests that the application be approved, (ii) states that there is not a sufficient number of available rooms in the community for its student veterans, and (iii) represents that the institution will refer student veterans to the proposed accommodations as long as this section is in effect. Accommodations provided by persons under the sponsorship of an educational institution must be made available during the institution's school year only to student veterans and their dependents referred by the institution.

(7) *Experimental housing.* A person who wishes to construct or erect dwelling accommodations for experimental or testing purposes, where the proposed work is determined by the Technical Office of the Office of the Administrator of the National Housing Agency to be essential to the Veterans' Emergency Housing Program.

(d) *Filing applications.* Applications for construction permits under this section should be made on OHE Form 14–56, and filed with the appropriate State or District Office of the Federal Housing Administration, except that:

(1) Applications by educational institutions, or persons under their sponsorship, or by public organizations (whether under paragraph (c) (6) or other paragraph of this section) should be filed with the appropriate Regional Office of the Federal Public Housing Authority.

(2) Applications to construct or erect dwelling accommodations for experimental or testing purposes should be filed with the Technical Office of the Office of the Administrator of the National Housing Agency.

(e) *Plans and specifications.* When an application is made in which a maximum rent is required to be stated, as provided by paragraph (j) (2), plans and outline specifications shall be attached to and made a part of such application.

(f) *Approval of applications.* The application for a permit may be approved if (1) the conditions and requirements in paragraphs (c) through (e) of this section have been met, and (2) the proposed rents, where required to be stated, are reasonably related to the proposed accommodations. Upon approval, a copy of the approved application will be given to the applicant and will constitute his construction permit.

(g) *Restrictions on applicants.* An applicant who constructs, completes, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, unless he has obtained prior written approval for a change from the agency with which his application was filed.

CONSTRUCTION

(h) *Construction standards and limitations*—(1) *Suitability for year-round occupancy.* No person shall build or convert any dwelling accommodations under this section except accommodations which are suitable and intended for year-round occupancy.

(2) *Maximum floor area.* No person shall build or convert any dwelling accommodations under this section in which the total calculated floor area of any dwelling unit exceeds 1,500 square feet. Calculated area comprises the square foot area of spaces above basement or foundation including utility rooms, vestibules, halls, closets, stair wells and interior chimneys and fire places. It does not include garages, unfinished attics, open porches, attached terraces, balconies and projecting fire places or chimneys outside the exterior walls. Measurements are taken to the outside surfaces of exterior walls. In a half story, measurements are taken to the outside surfaces of exterior walls or partitions enclosing the areas, but any area where the ceiling height is less than five feet is not included.

(3) *Bathroom fixtures.* No person shall install in any dwelling or apartment constructed, converted or altered under this section any bathroom fixtures which will result in the dwelling or apartment having more such fixtures than are normally required for one bathroom.

(4) *Subsidiary structures.* The granting of a permit under this section constitutes authorization only (i) to construct, convert, alter or repair the dwellings specified in the application, and (ii) in connection with the construction of new residential accommodations, to construct subsidiary sanitary facilities, garage space, tool sheds, walls and fences.

(i) *Posting of placards or signs.* When permits are granted for new construction or conversions under paragraphs (c) (2) or (c) (6) of this section, the applicants must post either placards or signs as explained in this paragraph.

(1) *Placards.* When such permits are granted, a placard or placards will be sent to the applicant indicating that the dwelling accommodations are being built for veterans under the Veterans' Emergency Housing Program. If the permit covers the construction of dwelling accommodations to be rented, the placard will contain a space for the maximum rent. If the applicant posts a placard or placards, he must insert the application serial number legibly and permanently. Such a placard must be posted in a conspicuous location in front of each separate residential building within five days after the time construction is begun and must continue to be posted until completion of the building. Unless all the accommodations in the building have been sold or rented to veterans, the applicant must continue to post the placard for 60 days after completion of the building in the case of offer for sale or 30 days afterwards in the case of offer for rent. In the case of such offer for rent, the applicant, upon completion of construction, must legibly and permanently insert the appropriate rent, not in excess of the amount specified in the application as approved.

(2) *Signs.* If the applicant elects to post a project sign in lieu of the placards sent to him, he must post a sign having the approximate dimensions of three by five feet (or greater) in a conspicuous location on the site of each project. Such a sign much contain the same information and be posted during the same period as is required under subparagraph (1) of this paragraph in the case of placards.

RENTS

(j) *Maximum rents*—(1) *General.* The restrictions on rents contained in this paragraph apply to all new dwelling accommodations built under this section for which a proposed maximum rent must be stated under subparagraph (2) of this paragraph. These restrictions must be observed as long as this section is in effect. Proposed rents, where required, will not be approved under this section unless they are reasonably related to the proposed accommodations. However, approval of a proposed rent should not be considered as a representation by the processing agency that the rent represents the value of the dwelling or apartment for other purposes.

After the first renting of the dwelling in an area under Federal rent control, the request to approve a change in rent should be made to the Area Rent Office established pursuant to the Emergency Price Control Act of 1942, as amended, or in the District of Columbia to the Administrator of Rent Control. Any changed rent granted becomes the maximum rent under this section.

(2) *Proposed rent to be stated in application.* In case of an application for a permit to construct new family dwellings or apartments to be offered for rent, the proposed maximum rent and maximum shelter rent must be stated for each such dwelling or apartment. In case of an application for a permit to construct new single-person dwellings, the proposed maximum rent to be charged each person must be stated. Maximum rents and shelter rents must be stated for every new dwelling or apartment in a proposed two-family dwelling, multiple-dwelling, or housing facility designed for occupancy by single persons. However, maximum rents or shelter rents need not be stated for construction in disaster cases under paragraph (c) (4) of this section.

(3) *Maximum rent which may be approved.* No maximum shelter rent exceeding $80 per month may be approved for a dwelling or apartment under this section unless the average of all shelter rents approved in the application for dwellings in a single project is $80 per month or less.

(4) *Maximum rent not to be exceeded.* No person shall rent a family or single-person dwelling or apartment for which a proposed maximum rent or maximum shelter rent has been specified in the application as approved, for more than the rent as approved.

(5) *Requests for increases in rents because of increased costs.* An applicant may apply by letter in triplicate or such form as may be prescribed to the agency with which the application was filed for an increase in the maximum rent approved in the application before the

dwelling is initially rented. The increase will not be approved unless it can be shown (i) that the applicant has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial application, or (ii) that he will incur additional or increased costs in operation over which he has no control, and that these additional or increased costs of construction or operation will make it unreasonable to require him to rent at the amount approved in the application. No increase in rent will be granted unless reasonably related to the increase in construction costs or the increase in operating costs.

(6) *Requests for increases in rents because of improvements.* If a subsequent owner or any owner-occupant of a dwelling (except a dwelling which has been previously rented and which is located in a Defense Rental Area established under the Emergency Price Control Act of 1942, as amended, or in the District of Columbia), built under this section has made major structural changes or improvements (not including ordinary maintenance or repair) to the dwelling which would warrant an increase in the rent specified in the application, he may apply for the increase to the agency with which the original application was filed. Such application should be made by a letter in triplicate or by such form as may be prescribed. No increase will be granted unless it is reasonably related to the cost of such changes or improvements. Moreover, no increase in shelter rent of any dwelling will be granted to an amount more than $80 a month unless (i) the average of all shelter rents approved in the original application, as amended, for dwellings in a single project will be $80 a month or less or (ii) unusual hardship would result to the applicant if the increase is not granted. (Under CPA Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

PREFERENCES FOR VETERANS

(k) *Preferences for veterans*—(1) *Family dwellings.* If a family dwelling or apartment built or converted under this section is being offered for sale or rent, the owner (whether the applicant or any subsequent owner) or any other person must not sell, rent or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale or rent, as the case may be, to veterans for their own occupancy. In the case of sale, this offer must be made to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant). In the case of rent, this offer must be made to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant). An applicant who has built or converted a family dwelling or apartment approved for rent or sale under this section must, for these periods of time, publicly offer it for sale or for rent to veterans for their own occupancy. No person may sell or rent or otherwise dispose of a dwelling or apartment built or converted under this section to a person other than a veteran on terms or at a price more favorable than offered to veterans during the time a public offering must be made to veterans under this subparagraph. However, this subparagraph does not apply to:

(i) Dwellings or apartments approved in disaster cases under paragraph (c) (4) of this section;

(ii) The initial occupancy of a dwelling or apartment built or converted under this section for the occupancy of the applicant or the continued occupancy of his tenant;

(iii) The occupancy of an apartment in a two-family or multiple dwelling structure by the owner of the entire structure;

(iv) Sales in the course of judicial or statutory proceedings in connection with foreclosures (sales subsequent to such judicial or statutory sales are subject to the provisions of this subparagraph (1)); or

(v) The occupancy of a dwelling or apartment by a building service employee which does not exceed 15 percent of the residential floor space of the structure or project.

(2) *Dormitories or other single-person housing facilities.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans and their dependents otherwise eligible to occupy the dwelling accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to non-veterans if it makes available to veterans an equivalent number of similar or better accommodations in other dormitories at rents not higher than the rents specified in the application as approved. It may also make 15 percent of the residential floor space of any dormitory or dormitory project available to building service employees.

DEFINITIONS

(l) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations. This includes charges paid by the tenant for tenant services specified on the application and charges paid by the tenant for garage as specified on the application. However, it does not include charges for the rental of furniture or on charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges for gas or electricity will be made.

The total charges for tenant services will not be approved if more than $3 per room per month. The charge for garage will not be approved if more than $10 per month, and will be allowed only for multiple-family dwellings.

(3) "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage.

(4) "Person" means an individual, corporation, partnership, association, public organization, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "One-family dwelling" means a building designed for occupancy by one family and to be occupied, rented, or sold as a unit, including a detached or semi-detached house or a row house, but not including an apartment house or a two-family "one-over-one" house.

(6) "Two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a unit, not including semi-detached or row houses covered by subparagraph (5) of this paragraph.

(7) "Multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families, not including semi-detached or row houses covered by subparagraphs (5) or (6) of this paragraph.

(8) "Project" means construction authorized on a single site or contiguous sites except for streets, roads and alley ways.

(9) "Begun construction" means to have physically incorporated at the site materials which will be an integral part of the construction.

(10) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) "Public organization" means a governing body such as the United States Government, a State, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(12) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(13) "This section" means this Housing Permit Regulation.

OTHER PROVISIONS

(m) *Advertisements.* The applicant and every subsequent owner and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraph (c) (1), (2), (3), or (6) of this section are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent at $--------). It is being offered for sale (for rent) only to veterans during construction and for 60 (30 in case of rent) days after completion (or for 60 days in case of subsequent sale or 30 days in case of subsequent rent).

(n) *Prohibition against transfer of permits.* No person to whom a permit has been given shall transfer it to any other person and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the agency with which the original application was filed. He should attach to his application a statement from the former applicant (or his representative) joining in the request for the granting of the permit to the new applicant.

(o) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. In addition, any person whose application has been denied in whole or in part as a result of an interpretation of the section which he considers to be incorrect may file an appeal. An appeal shall be in the form of a letter in triplicate and should be filed with the appropriate local office of the Federal Housing Administration or other agency with which applications may be filed under this section. The letter must state clearly the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship, or the denial action appealed from, as the case may be.

(p) *Amendments to applications.* Any applicant may apply to the agency which granted his permit for an amendment to it. The request for an amendment should be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the permit as amended and approved. However, if the request for an amendment requires additional buildings or dwelling units not included in the original permit, a new application should be filed on OHE Form 14–56 covering the new units.

(q) *Communications.* All communications concerning this section should be addressed to the local office of the Federal Housing Administration or other appropriate agency indicated in paragraph (d) of this section.

(r) *Violations and enforcement*—(1) *General.* The veterans' preference, maximum rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a rental of any dwelling accommodations at a rent in excess of the maximum rent applicable to such rental under the provisions of this section, or to solicit or attempt, offer, or agree to make any such rental. It shall also be unlawful for any such person to condition a rental of any dwelling accommodations upon the purchase of, or agreement to purchase, any commodity, service or property interest, except tenant services specified on the application, the rental of furniture or an investment interest in the accommodations.

The restrictions in paragraph (k) of this section apply to the builder and subsequent owners of all dwelling accommodations constructed in violation of VHP 1. However, this does not relieve the builder of any penalty to which he may be subject by reason of the violation of VHP 1.

(2) *Penalties.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who wilfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) or the Veterans' Emergency Housing Act of 1946 relating to the construction or disposition of dwelling accommodations may have his permit revoked or suspended and may be denied the right to obtain any permit in the future and may be prohibited from making or obtaining deliveries of, or from using any materials or facilities suitable for housing construction.

(s) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

Issued this 13th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 1

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

Each new revision or addition to this Bulletin is transmitted to you by means of this form, which enables you to determine what revisions or additions have been made. Check the transmittal number against the last one received FOR THIS Bulletin to insure that you have received all inserts. File the forms in the back of the Bulletin for future reference.

1. Remove: Index, Part I, Section 2 Regulations Under Veterans Emergency Housing Program dated 7-25-46

   Insert: Index, Part I, Section 2 Regulations Under Veterans Emergency Housing Program dated 8-15-46

2. Insert: Cover sheet on Part I, Section 2.1 Subject: VHP-1 Amended 7-2-46 General Restrictions on Construction and Repairs dated 8-15-46

3. Remove: VHP-1 dated 3-26-46

   Insert: VHP-1 as amended dated 7-2-46

4. Insert: Cover sheet on Part I, Section 2.1 Subject: Supplement 1 to VHP-1 amended 7-2-46. Fixtures and Equipment dated 8-15-46

5. Remove: Supplement 1 to VHP-1 dated 5-2-46

   Insert: Supplement 1 to VHP-1 as amended dated 7-2-46

6. Insert: Cover sheet on Part I, Section 2.1 Subject: Supplement to VHP-1 amended 7-2-46 Beginning Construction dated 8-15-46

7. Remove: Supplement 2 to VHP-1 as amended dated 5-23-46

   Insert: Supplement 2 to VHP-1 as amended 7-2-46

8. Insert: Cover sheet on Part I, Section 2.1 Subject: Supplement 3 to VHP-1 amended 7-2-46 Small Job Allowances and Classification of Structures dated 8-15-46

9. Remove: Supplement 3 to VHP-1 dated 5-28-46

   Insert: Supplement 3 to VHP-1 as amended dated 7-2-46

DATE

8-15-46

1130

10. Insert: Cover sheet on Part I, Section 2.1 Subject: Supplement 4 to VHP-1 amended 7-2-46 Items Which Are Not Structures dated 8-15-46

11. Insert: Supplement 4 to VHP-1 dated 7-2-46

12. Remove: Amendment 1 to VHP-1 dated 4-12-46

13. Remove: Interpretation 1 to VHP-1 dated 4-19-46
Interpretation 2 to VHP-1 dated 4-29-46
Interpretation 3 to VHP-1 dated 5-7-46

14. Insert: Cover sheet on Part I, Section 2.1 Subject: Direction 1 to VHP-1 amended 6-21-46 Reconstruction in Hawaii dated 8-15-46

15. Insert: Cover sheet on Part I, Section 2.2 Subject: VHP-2 dated 7-19-46 General Restrictions on Hardwood Lumber dated 8-15-46

Insert: VHP-2 dated 7-19-46 Subject: General Restrictions on Hard wood Lumber

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 2

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

Each new revision or addition to this Bulletin is transmitted to you by means of this form, which enables you to determine what revisions or additions have been made. Check the transmittal number against the last one received FOR THIS Bulletin to insure that you have received all inserts. File the forms in the back of the Bulletin for future reference.

PART I, Section 1.2

1. Remove: Directive 42 dated 5-31-46 as amended.

2. Insert: Cover sheet on Directive 42, dated 7-24-46, as amended, subject: Delegations of Authority, dated 8-28-46. Also Directive 42 dated 7-24-46 as amended.

PART I, Section 3.1

1. Remove: PR-1 dated 3-18-46 as amended.

2. Insert: Cover sheet on PR-1 amended 7-24-46, subject: Basic Rules Governing Priorities Operations, dated 8-28-46. Also PR-1 dated 7-24-46 as amended.

PART I, Section 3.2

1. Remove: PR-3 dated 1-11-46 as amended.

2. Insert: Cover sheet on PR-3 amended 7-24-46, subject: Use of Preference Ratings dated 8-28-46. Also PR-3 dated 7-24-46 as amended.

PART I, Section 3.9

1. Remove: Schedule 1 to PR-28 dated 7-11-46 as amended.

2. Insert: Cover sheet on Schedule 1 to PR-28 amended 7-26-46, subject: Critical Products, dated 8-28-46. Also Schedule 1 to PR-28 dated 7-26-46 as amended.

PART I, Section 3.11

1. Remove: PR-32 dated 6-14-46 as amended.

2. Insert: Cover sheet on PR-32 amended 7-18-46, subject: Inventories, dated 8-28-46. Also PR-32 dated 7-18-46 as amended.

DATE: 8-28-46

PART I, Section 3.12

1. Remove: Direction 1 to PR-33 dated 6-11-46 as amended.

2. Insert: Cover sheet on Direction 1 to PR-33 amended 7-17-46, subject: Lumber, Hardwood Flooring and Millwork, dated 8-28-46. Also Direction 1 to PR-33 dated 7-17-46 as amended.

3. Remove: Schedule A to PR-33 dated 7-8-46

4. Insert: Cover sheet on Schedule A to PR-33 amended 8-16-46, subject: Materials Obtainable with HH Rating, dated 8-28-46. Also Schedule A to PR-33 dated 8-16-46 as amended.

5. Insert: Cover sheet on Direction 12 to PR-33 dated 8-16-46, subject: Use of HH Ratings for Hardwall Plaster, dated 8-28-46. Also Direction 12 to PR-33 dated 8-16-46.

PART I, Section 3.7

1. Remove: Direction 16 to PR-13 dated 4-5-46. The entry in the index should be deleted. The provisions relative to Urgency Certificates are not applicable to FPHA operations.

PART I, Section 4.5

1. Remove: Conservation Order M-328B dated 5-16-46 as amended. The entry in the index should be deleted. Essentially this order applies to clothing and therefore its provisions do not affect FPHA operations.

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 3

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I, Section 3.1

1. Remove: Direction 13 to PR-1 dated 1-21-46.

2. Insert: Cover sheet on Direction 13 to PR-1 dated 8-7-46 as amended, subject: Emergency Suspension of Outstanding Ratings for Iron and Steel, dated 9-6-46. Also Direction 13 to PR-1 dated 8-7-46 as amended.

PART I, Section 3.9

1. Remove: PR-28 dated 6-25-46 as amended.

2. Insert: Cover sheet on PR-28 dated 8-7-46 as amended, subject: Restricted Priorities Assistance for Non-Military Purposes, dated 9-6-46. Also PR-28 dated 8-7-46 as amended.

3. Remove: Cover sheet on Schedule 1 to PR-28 amended 7-26-46, subject: Critical Products, dated 8-28-46. Also Schedule 1 to PR-28 dated 7-26-46 as amended.

4. Insert: Cover sheet on Schedule 1 to PR-28 as amended 8-6-46, subject: Critical Products, dated 9-6-46. Also Schedule 1 to PR-28 dated 8-6-46 as amended.

PART I, Section 3.12

1. Insert: Cover sheet on Amendment 1 to PR-33 dated 8-6-46, subject: Extension of Sales Period, dated 9-6-46. Also Amendment 1 to PR-33 dated 8-6-46 (this is a new insert and should be included in the index for Part I, Section 3).

DATE: 9-6-46

1444

Trans. No. 3 (Cont'd)

Part I, Section 3.12 (Cont'd)

2. Remove: Direction 11 to PR-33 dated 7-24-46.

3. Insert: Cover sheet on Direction 11 to PR-33 dated 8-7-46 as amended, subject: Special Assistance for FPHA Contractors, dated 9-6-46. Also Direction 11 to PR-33 dated 8-7-46 as amended.

4. Remove: List 1 to Direction 8 to PR-33 dated 5-7-46 as amended.

5. Insert: Cover sheet on List 1 to Direction 8 PR-33 dated 8-7-46 as amended, subject: Materials for Prefabricators, dated 9-6-46. Also List 1 to Direction 8 to PR-33 dated 8-7-46 as amended.

PART I, Section 4.1

1. Remove: Direction 12 to M-21 dated 6-28-46 as amended.

2. Insert: Cover sheet on Direction 12 to M-21 dated 8-1-46, subject: Emergency Distribution of Steel, dated 9-6-46. Also Direction 12 to M-21 dated 8-1-46 as amended.

3. Remove: Direction 13 to M-21 dated 7-9-46.

4. Insert: Cover sheet on Direction 13 to M-21 dated 8-1-46, subject: Emergency Distribution of Iron, dated 9-6-46. Also Direction 13 to M-21 dated 8-1-46 as amended.

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 4

BULLETIN 14 - TRANSMITTAL - PRIORITIES REGULATIONS

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TABLE OF CONTENTS

1. Remove: Page 2, dated 7-25-46

✓ 2. Insert: Page 2, dated 9-26-46

PART I - Section 1.2

1. Remove: (a) Cover sheet, dated 8-28-46, re Directive 42
(b) Directive 42, dated 7-24-46

✓ 2. Insert: (a) Cover sheet, dated 9-26-46, re Directive 42
(b) Directive 42, dated 8-27-46

PART I - Section 2.1

1. Remove: (a) Cover sheet, dated 8-15-46, re VHP-1
(b) VHP-1, dated 7-2-46

✓ 2. Insert: (a) Cover sheet, dated 9-26-46, re VHP-1
(b) VHP-1, dated 8-27-46

3. Remove: (a) Cover sheet, dated 8-15-46, re Supp. 1 to VHP-1
(b) Supp. 1 to VHP-1, dated 7-2-46

✓ 4. Insert: (a) Cover sheet, dated 9-26-46, re Supp. 1 to VHP-1
(b) Supp. 1 to VHP-1, dated 8-30-46

5. Remove: (a) Cover sheet, dated 8-15-46, re Supp. 3 to VHP-1
(b) Supp. 3 to VHP-1, dated 7-2-46

✓ 6. Insert: (a) Cover sheet, dated 9-26-46, re Supp. 3 to VHP-1
(b) Supp. 3 to VHP-1, dated 9-12-46

✓ 7. Insert: (a) Cover sheet, dated 9-26-46, re Supp. 5 to VHP-1
(b) Supp. 5 to VHP-1, dated 8-27-46

PART I - Section 2.3

✓ 1. Insert: (a) Cover sheet, dated 9-26-46, re VHP-3
(b) VHP-3, dated 8-28-46

(Cont'd)

PART I - Section 3.1

1. Remove: Cover sheet, dated 9-6-46, re Dir. 13 to PR-1
(Retain Dir. 13 to PR-1, dated 8-7-46)

2. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 13 to PR-1
(b) Amendment of Dir. 13 to PR-1, dated 9-3-46

PART I - Section 3.7

1. Remove: PR-13, dated 1-17-46

2. Insert: (a) Cover sheet, dated 9-26-46, re PR-13
(b) PR-13, dated 9-10-46

3. Remove: Dir. 7 to PR-13, dated 7-8-46 (Revoked 8-15-46)

PART I - Section 3.8

1. Insert: (a) Cover sheet, dated 9-26-46, re PR-16
(b) Amendment of PR-16, dated 8-30-46
(Retain PR-16, dated 12-7-45)

PART I - Section 3.9

1. Remove: (a) Cover sheet, dated 9-6-46, re PR-28
(b) PR-28, dated 8-7-46

2. Insert: (a) Cover sheet, dated 9-26-46, re PR-28
(b) PR-28, dated 9-6-46

3. Remove: (a) Cover sheet, dated 9-6-46, re Sch. 1 to PR-28
(b) Sch. 1 to PR-28, dated 8-6-46

4. Insert: (a) Cover sheet, dated 9-26-46, re Sch. 1 to PR-28
(b) Sch. 1 to PR-28, dated 9-12-46

5. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 18 to PR-28
(b) Dir. 18 to PR-28, dated 9-12-46

PART I - Section 3.11

1. Remove: (a) Cover sheet, dated 8-28-46, re PR-32
(b) PR-32, dated 7-18-46

PART I - Section 3.12

1. Insert: (a) Cover sheet, dated 9-26-46, re Amdt. 2 to PR-33
(b) Amdt. 2 to PR-33, dated 8-27-46

(Cont'd)

PART I - Section 3.12 (Cont'd)

2. Remove: (a) Cover sheet, dated 8-28-46, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 8-16-46

3. Insert: (a) Cover sheet, dated 9-26-46, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 8-27-46

4. Insert: (a) Cover sheet, dated 9-26-46, re Amdt. 1, Sch. A to PR-33
(b) Amdt. 1, Sch. A to PR-33, dated 9-3-46

5. Insert: (a) Cover sheet, dated 9-26-46, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 8-27-46

6. Remove: (a) Cover sheet, dated 8-28-46, re Dir. 1 to PR-33
(b) Dir. 1 to PR-33, dated 7-17-46

7. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 1 to PR-33
(b) Dir. 1 to PR-33, dated 8-28-46

8. Remove: Dir. 1A to PR-33, dated 6-11-46

9. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 1A to PR-33
(b) Dir. 1A to PR-33, dated 9-11-46

10. Remove: Dir. 2 to PR-33, dated 7-8-46 (Revoked 9-1-46)

11. Remove: Dir. 3 to PR-33, dated 6-5-46 (Revoked 9-1-46)

12. Remove: Dir. 4 to PR-33, dated 1-18-46 (Revoked 9-1-46)

13. Remove: Dir. 5 to PR-33, dated 4-29-46

14. Insert: (a) Cover sheet, dated 9-26-46 re Dir. 5 to PR-33
(b) Dir. 5 to PR-33, dated 8-28-46

15. Remove: Dir. 6 to PR-33, dated 6-26-46 (Revoked 9-1-46)

16. Remove: Dir. 7 to PR-33, dated 6-26-46 (Revoked 9-1-46)

17. Remove: Dir. 8 to PR-33, dated 5-8-46

18. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 8-22-46

19. Remove: (a) Cover sheet, dated 9-6-46, re List 1, Dir. 8 to PR-33
(b) List 1, Dir. 8 to PR-33, dated 8-7-46 (Revoked 8-22-46)

20. Remove: Dir. 9 to PR-33, dated 4-10-46 (Revoked 9-1-46)

21. Remove: Dir. 10 to PR-33, dated 5-7-46 (Revoked 9-1-46)

(Cont'd)

PART I - Section 3.12 (Cont'd)

22. Remove: (a) Cover sheet, dated 8-28-46, re Dir. 12 to PR-33
(b) Dir. 12 to PR-33, dated 8-16-46 (Revoked 9-1-46)

23. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 13 to PR-33
(b) Dir. 13 to PR-33, dated 8-21-46

24. Insert: (a) Cover sheet, dated 9-26-46, re List 1, Dir. 13 to PR-33
(b) List 1, Dir. 13, to PR-33 dated 8-21-46

PART I - Section 4.1

1. Remove: (a) Cover sheet, dated 9-6-46, re Dir. 13 to M-21
(b) Dir. 13 to M-21, dated 8-1-46

2. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 13 to M-21
(b) Dir. 13 to M-21, dated 9-6-46

PART I - Section 4.2

1. Remove: (a) M-38, dated 7-2-46

2. Insert: (a) Cover sheet, dated 9-26-46, re M-38
(b) M-38, dated 8-30-46

PART II - Section 2

1. Insert: Index, Part II - Section 2, dated 9-26-46

PART II - Section 2.1

1. Insert: (a) Cover sheet, dated 9-26-46, re EPO-1
(b) EPO-1, dated 8-27-46

PART II - Section 2.2

1. Insert: (a) Cover sheet, dated 9-26-46, re EPO-2
(b) EPO-2, dated 8-27-46

PART II - Section 3

1. Insert: Index, Part II - Section 3, dated 9-26-46

PART II - Section 3.1

1. Insert: (a) Cover sheet, dated 9-26-46, re HEPR-1
(b) HEPR-1, dated 8-15-46

PART II - Section 3.2

1. Insert: (a) Cover sheet, dated 9-26-46, re HEPR-2
(b) HEPR-2, dated 8-15-46

PART II - Section 3.5

1. Insert: (a) Cover sheet, dated 9-26-46, re HEPR-5
   (b) HEPR-5, dated 8-27-46

2. Insert: (a) Cover sheet, dated 9-26-46, re Amdt. 1 to HEPR-5
   (b) Amdt. 1 to HEPR-5, dated 9-10-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 5

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART II - Section 2.3

1. Insert: (a) Cover sheet, dated 10-18-46, re EPO-3
(b) EPO-3, dated 9-13-46

PART II - Section 3.3

2. Insert: (a) Cover sheet, dated 10-18-46, re HEPR-3
(b) HEPR-3, dated 9-13-46

PART II - Section 3.4

3. Insert: (a) Cover sheet, dated 10-18-46, re HEPR-4
(b) HEPR-4, dated 9-13-46

DATE: 10-18-46

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TABLE OF CONTENTS

PART I - Section 2.1

1. Remove: (a) Cover sheet, dated 9-26-46, re VHP-1
(b) VHP-1, dated 8-27-46

2. Insert: (a) Cover sheet, dated 10-30-46, re VHP-1
(b) VHP-1, dated 10-7-46

3. Remove: (a) Cover sheet, dated 9-26-46, re Supp. 3 to VHP-1
(b) Supp. 3 to VHP-1, dated 9-12-46

4. Insert: (a) Cover sheet, dated 10-30-46, re Supp. 3 to VHP-1
(b) Supp. 3 to VHP-1, dated 10-7-46

5. Remove: (a) Cover sheet, dated 8-15-46, re Supp. 4 to VHP-1
(b) Supp. 4 to VHP-1, dated 7-2-46

6. Insert: (a) Cover sheet, dated 10-30-46, re Supp. 4 to VHP-1
(b) Supp. 4 to VHP-1, dated 10-7-46

PART I - Section 3.7

1. Insert: (a) Cover sheet, dated 10-30-46, re Dir. 23 to PR-13
(b) Dir. 23 to PR-13, dated 10-4-46

PART I - Section 3.9

1. Insert: (a) Cover sheet, dated 10-30-46, re Dir. 20 to PR-28
(b) Dir. 20 to PR-28, dated 10-7-46

PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 9-26-46, re Sch. A. to PR-33
(b) Sch. A. to PR-33, dated 8-27-46

2. Insert: (a) Cover sheet, dated 10-30-46, re Sch. A. to PR-33
(b) Sch. A. to PR-33, dated 10-7-46

3. Remove: (a) Cover sheet, dated 9-26-46, re Amdt. 1, Sch. A to PR-33
(b) Amdt. 1, Sch. A to PR-33, dated 9-3-46

(Cont'd)

4. Remove: (a) Cover sheet, dated 9-26-46, re Sch. B to PR-33
(b) Sch. B. to PR-33, dated 8-27-46

5. Insert: (a) Cover sheet, dated 10-30-46, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 10-14-46

6. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 1A to PR-33
(b) Dir. 1A to PR-33, dated 9-11-46 (Revoked 10-3-46)

7. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 8-22-46

8. Insert: (a) Cover sheet, dated 10-30-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 10-16-46

9. Remove: (a) Cover sheet, dated 9-6-46, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 8-7-46

10. Insert: (a) Cover sheet, dated 10-30-46, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 10-15-46

PART I - Section 4.1

1. Remove: (a) Cover sheet, dated 9-6-46, re Dir. 12 to M-21
(b) Dir. 12 to M-21, dated 8-1-46 (Expired 9-30-46)

PART I - Section 4.2

1. Remove: (a) Cover sheet, dated 9-26-46, re M-38
(b) M-38, dated 8-30-46

2. Insert: (a) Cover sheet, dated 10-30-46, re M-38
(b) M-38, dated 10-3-46

PART I - Section 5.3

1. Insert: (a) Cover sheet, dated 10-30-46, re L-358
(b) L-358, dated 10-3-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 7

BULLETIN 14 - TRANSMITTAL — PRIORITIES REGULATIONS

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PART I - Section 3.10

1. Remove: PR-31, dated 10-1-45

2. Remove: Amdt. 1 to PR-31, dated 10-22-45

3. Remove: Amdt. 2 to PR-31, dated 10-22-45

4. Remove: Amdt. 3 to PR-31, dated 10-31-45

5. Remove: Amdt. 4 to PR-31, dated 11-15-45
(Above documents removed from Bulletin, having served their purpose)

PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 1 to PR-33
(b) Dir. 1 to PR-33, dated 8-28-46 (Superseded by L-359, 11-1-46)

PART I - Section 4.1

1. Remove: M-21, dated 8-24-45 (Amended 10-22-46, inapplicable to FPHA activities)

PART I - Section 5.1

1. Remove: L-63, dated 3-12-46 (Inapplicable to FPHA activities)

PART I - Section 5.4

1. Insert: (a) Cover sheet, dated 11-8-46, re L-359
(b) L-359, dated 10-18-46

PART II - Section 2.3

1. Remove: (a) Cover sheet, dated 10-18-46, re EPO-3
(b) EPO-3, dated 9-13-46

2. Insert: (a) Cover sheet, dated 11-8-46, re EPO-3
(b) EPO-3, dated 10-16-46

(Cont'd)

PART II - Section 3.1

1. Remove: (a) Cover sheet, dated 9-26-46, re HEPR-1
(b) HEPR-1, dated 8-15-46

2. Insert: (a) Cover sheet, dated 11-8-46, re HEPR-1
(b) HEPR-1, dated 10-16-46

PART II - Section 3.2

1. Remove: (a) Cover sheet, dated 9-26-46, re HEPR-2
(b) HEPR-2, dated 8-15-46

2. Insert: (a) Cover sheet, dated 11-8-46, re HEPR-2
(b) HEPR-2, dated 10-16-46

PART II - Section 3.3

1. Remove: (a) Cover sheet, dated 10-18-46, re HEPR-3
(b) HEPR-3, dated 9-13-46

2. Insert: (a) Cover sheet, dated 11-8-46, re HEPR-3
(b) HEPR-3, dated 10-16-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 8

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 1.1

1. Remove: Directive 41, dated 4-17-46

2. Insert: (a) Cover sheet, dated 11-19-46, re Directive 41
(b) Directive 41, dated 10-25-46

PART I - Section 2.1

1. Insert: (a) Cover sheet, dated 11-19-46, re Int. 4 to VHP-1
(b) Int. 4 to VHP-1, dated 10-31-46

PART I - Section 3.9

1. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 18 to PR-28
(b) Dir. 18 to PR-28, dated 9-12-46
(This Direction was amended 11-4-46, and will no longer be included in the Bulletin because of its remote relationship to FPHA activities.)

PART I - Section 3.12

1. Insert: (a) Cover sheet, dated 11-19-46, re Int. 1 to PR-33
(b) Int. 1 to PR-33, dated 10-31-46

2. Insert: (a) Cover sheet, dated 11-19-46, re Dir. 14 to PR-33
(b) Dir. 14 to PR-33, dated 11-5-46

PART I - Section 4.2

1. Remove: (a) Cover sheet, dated 10-30-46, re M-38
(b) M-38, dated 10-3-46
(This Order was amended 10-25-46, and will no longer be included in the Bulletin because of its remote relationship to FPHA activities.)

DATE: 11- -46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 9

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 10-30-46, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 10-14-46

2. Insert: (a) Cover sheet, dated 11-22-46, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 11-12-46

DATE: 11-22-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 10

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - SECTION 2.1

1. Insert: (a) Cover sheet, dated 12-10-46, re Int. 5 to VHP-1
(b) Int. 5 to VHP-1, dated 11-22-46

2. Remove: (a) Cover sheet, dated 9-26-46, re Supp. 5 to VHP-1
(b) Supp. 5 to VHP-1, dated 8-27-46

3. Insert: (a) Cover sheet, dated 12-10-46, re Supp. 5 to VHP-1
(b) Supp. 5 to VHP-1, dated 11-26-46

PART I - SECTION 3.7

1. Remove: (a) Cover sheet, dated 10-30-46, re Dir. 23 to PR-13
(b) Dir. 23 to PR-13, dated 10-4-46

2. Insert: (a) Cover sheet, dated 12-10-46, re Dir. 23 to PR-13
(b) Dir. 23 to PR-13, dated 11-26-46

PART I - SECTION 3.9

1. Remove: (a) Cover sheet, dated 9-26-46, re Sch. 1 to PR-28
(b) Sch. 1 to PR-28, dated 9-12-46

2. Insert: (a) Cover sheet, dated 12-10-46, re Sch. 1 to PR-28
(b) Sch. 1 to PR-28, dated 12-4-46

PART I - SECTION 3.12

1. Insert: (a) Cover sheet, dated 12-10-46, re Int. 2 to PR-33
(b) Int. 2 to PR-33, dated 11-15-46

2. Insert: (a) Cover sheet, dated 12-10-46, re Amdt. 1, Sch. A to PR-33
(b) Amdt. 1, Sch. A to PR-33, dated 11-21-46

3. Insert: (a) Cover sheet, dated 12-10-46, re Amdt. 2, Sch. A to PR-33
(b) Amdt. 2, Sch. A to PR-33, dated 11-29-46

(Cont'd)

4. Remove: (a) Cover sheet, dated 10-30-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 10-16-46

5. Insert: (a) Cover sheet, dated 12-10-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 11-19-46

PART I - SECTION 5.2

1. Remove: L-357, dated 7-24-46

2. Insert: (a) Cover sheet, dated 12-10-46, re L-357
(b) L-357, dated 11-15-46

PART I - SECTION 5.3

1. Remove: (a) Cover sheet, dated 10-30-46, re L-358
(b) L-358, dated 10-3-46

2. Insert: (a) Cover sheet, dated 12-10-46, re L-358
(b) L-358, dated 11-19-46

PART II - SECTION 3.3

1. Insert: (a) Cover sheet, dated 12-10-46, re Amdt. 1 to HEPR-3
(b) Amdt. 1 to HEPR-3, dated 11-14-46

PART II - SECTION 3.5

1. Insert: (a) Cover sheet, dated 12-10-46, re Int. 2 to HEPR-5
(b) Int. 2 to HEPR-5, dated 11-15-46

PART II - SECTION 3.6

1. Insert: (a) Cover sheet, dated 12-10-46, re HEPR-6
(b) HEPR-6, dated 11-19-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 11

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - SECTION 3.12

1. Remove: (a) Cover sheet, dated 10-30-46, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 10-7-46

2. Remove: (a) Cover sheet, dated 12-10-46, re Amdt.1, Sch. A to PR-33
(b) Amdt. 1, Sch.A to PR-33, dated 11-21-46

3. Remove: (a) Cover sheet, dated 12-10-46, re Amdt. 2, Sch. A to PR-33
(b) Amdt. 2, Sch. A to PR-33, dated 11-29-46

✓4. Insert: (a) Cover sheet, dated 12-20-46, re Sch A to PR-33
(b) Sch. A to PR-33, dated 12-10-46

5. Remove: (a) Cover sheet, dated 12-10-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 11-19-46

✓6. Insert: (a) Cover sheet, dated 12-20-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 12-10-46

7. Remove: (a) Cover sheet, dated 10-30-46, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 10-15-46

✓8. Insert: (a) Cover sheet, dated 12-20-46, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 12-10-46

PART I - SECTION 4.1

✓1. Insert: (a) Cover sheet, dated 12-20-46, re Dir. 16 to M-21
(b) Dir. 16 to M-21, dated 12-9-46

PART I - SECTION 5.2

1. Remove: (a) Cover sheet, dated 12-10-46, re L-357
(b) L-357, dated 11-15-46

✓2. Insert: (a) Cover sheet, dated 12-20-46, re, L-357
(b) L-357, dated 12-10-46

(Cont'd)

DATE: 12-20-46

PART II - SECTION 3.5

1. Remove: (a) Cover sheet, dated 9-26-46, re HEPR-5
(b) HEPR-5, dated 8-27-46

2. Remove: (a) Cover sheet, dated 9-26-46, re Amdt. 1 to HEPR-5
(b) Amdt. 1 to HEPR-5, dated 9-10-46

3. Remove: (a) Cover sheet, dated 12-10-46, re Int. 2 to HEPR-5
(b) Int. 2 to HEPR-5, dated 11-15-46

4. Insert: (a) Cover sheet, dated 12-20-46, re HEPR-5
(b) HEPR-5, dated 12-13-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 12

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 3.1

1. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 13 to PR-1
(b) Dir. 13 to PR-1, dated 8-7-46 (Expired)
(c) Amdt. 1, Dir. 13 to PR-1, dated 9-3-46 (Expired)

PART I - Section 3.2

1. Delete: Int. 13 to PR-3, dated 10-1-45
(Appended to PR-3)

2. Insert: (a) Cover sheet, dated 12-30-46, re Int. 13 to PR-3
(b) Int. 13 to PR-3, dated 12-13-46

PART I - Section 3.11

1. Remove: (a) Cover sheet, dated 9-26-46, re PR-32
(b) PR-32, dated 8-27-46

2. Insert: (a) Cover sheet, dated 12-30-46, re PR-32
(b) PR-32, dated 12-13-46

3. Remove: Dir. 8 to PR-32, dated 2-1-46 (Revoked 12-13-46)

PART I - Section 3.12

1. Remove: (a) PR-33, dated 6-14-46
(b) Cover sheet, dated 9-6-46, re Amdt. 1 to PR-33
(c) Amdt. 1 to PR-33, dated 8-6-46
(d) Cover sheet, dated 9-26-46, re Amdt. 2 to PR-33
(e) Amdt. 2 to PR-33, dated 8-27-46
(f) Cover sheet, dated 11-19-46, re Int. 1 to PR-33
(g) Int. 1 to PR-33, dated 10-31-46
(h) Cover sheet, dated 12-10-46, re Int. 2 to PR-33
(i) Int. 2 to PR-33, dated 11-15-46

2. Insert: (a) Cover sheet, dated 12-30-46, re PR-33
(b) PR-33, dated 12-13-46

DATE: 12-30-46

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TRANS. NO. 13

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

BULLETIN 14 - TRANSMITTAL | PRIORITIES REGULATIONS

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PART I - Section 3.7

1. Remove: (a) Cover sheet, dated 9-26-46, re PR-13
   (b) PR-13, dated 9-10-46

2. Insert: (a) Cover sheet, dated 1-3-47, re PR-13
   (b) PR-13, dated 12-20-46

3. Remove: Dir. 17 to PR-13, dated 5-1-46 (obsolete)

4. Remove: (a) Cover sheet, dated 12-10-46, re Dir. 23 to PR-13
   (b) Dir. 23 to PR-13, dated 11-26-46

5. Insert: (a) Cover sheet, dated 1-3-47, re Dir. 23 to PR-13
   (b) Dir. 23 to PR-13, dated 12-20-46

PART I - Section 4.1

1. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 13 to M-21
   (b) Dir. 13 to M-21, dated 9-6-46.
   (This Direction was amended 12-20-46, but will no longer be included in the Bulletin because of its remote relationship to FPHA activities.)

PART II - Section 4.1

1. Insert: (a) Cover sheet, dated 1-3-47, re HPR
   (b) HPR, dated 12-23-46.

DATE: 1-3-47

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NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 14

BULLETIN 14 - TRANSMITTAL PRIORITIES REGULATIONS

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PART I - Section 2.1

1. Remove: (a) Cover sheet, dated 12-10-46, re Supp. 5 to VHP-1
(b) Supp. 5 to VHP-1, dated 11-26-46

2. Insert: (a) Cover sheet, dated 1-20-47, re Supp. 5 to VHP-1
(b) Supp. 5 to VHP-1, dated 12-24-46

PART I - Section 3.4

1. Remove: PR-7, dated 1-18-44

2. Insert: (a) Cover sheet, dated 1-20-47, re PR-7
(b) PR-7, dated 12-31-46

PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 11-22-46, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 11-12-46

2. Insert: (a) Cover sheet, dated 1-20-47, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 12-31-46

3. Remove: (a) Cover sheet, dated 12-20-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 12-10-46

4. Insert: (a) Cover sheet, dated 1-20-47, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 12-31-46

5. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 13 to PR-33
(b) Dir. 13 to PR-33, dated 8-21-46

6. Insert: (a) Cover sheet, dated 1-20-47, re Dir. 13 to PR-33
(b) Dir. 13 to PR-33, dated 12-31-46

7. Remove: (a) Cover sheet, dated 9-26-46, re List 1, Dir. 13 to PR-33
(b) List 1, Dir. 13 to PR-33, dated 8-21-46

8. Insert: (a) Cover sheet, dated 1-20-47, re List 1, Dir. 13 to PR-33
(b) List 1, Dir. 13 to PR-33, dated 12-31-46

(Cont'd)

DATE: 1-20-47

PART I - Section 5.4

1. Remove: (a) Cover sheet, dated 11-8-46, re L-359
(b) L-359, dated 10-18-46

2. Insert: (a) Cover sheet, dated 1-20-47, re L-359
(b) L-359, dated 12-31-46

PART II - Section 2.2

1. Remove: (a) Cover sheet, dated 9-26-46, re EPO-2
(b) EPO-2, dated 8-27-46

2. Insert: (a) Cover sheet, dated 1-20-47, re EPO-2
(b) EPO-2, dated 12-23-46

PART II - Section 3.5

1. Insert: (a) Cover sheet, dated 1-20-47, re Amdt. 1 to HEPR-5
(b) Amdt. 1 to HEPR-5, dated 12-23-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 15

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 3.1

1. Remove: Dir. 2 to PR-1, dated 6-15-44

2. Remove: Dir. 9 to PR-1, dated 7-19-45

PART I - Section 3.2

1. Remove: Dir. 14 to PR-3, dated 10-1-45

PART I - Section 3.7

1. Remove: Dir. 15 to PR-13, dated 3-21-46

2. Remove: Dir. 19 to PR-13, dated 6-3-46

PART I - Section 3.9

1. Remove: (a) Cover sheet, dated 9-26-46, re PR-28
(b) PR-28, dated 9-6-46

2. Insert: (a) Cover sheet, dated 1-22-47, re PR-28
(b) PR-28, dated 1-8-47

3. Remove: (a) Cover sheet, dated 12-10-46, re Sch. 1 to PR-28
(b) Sch. 1 to PR-28, dated 12-4-46

4. Remove: Dir. 6 to PR-28, dated 3-18-46

5. Remove: Dir. 14 to PR-28, dated 5-21-46

6. Remove: Dir. 15 to PR-28, dated 6-5-46

7. Remove: Dir. 16 to PR-28, dated 6-5-46

8. Remove: (a) Cover sheet, dated 10-30-46, re Dir. 20 to PR-28
(b) Dir. 20 to PR-28, dated 10-7-46

9. Remove: PR-28A, dated 1-29-46

(Cont'd)

DATE: 1-22-47

PART I - Section 4.3

1. Remove: M-43, dated 4-9-46

PART I - Section 4.4

1. Remove: M-317, dated 6-3-46

2. Remove: M-317A, dated 7-11-46

3. Remove: M-317C, dated 6-3-46

PART I - Section 4.5

1. Remove: M-328, dated 11-13-45

PART I - Section 6.1

1. Remove: R-1, dated 3-1-46

2. Remove: App. II to R-1, dated 6-21-46

3. Remove: Amdt. 1, App. II to R-1, dated 7-3-46

PART II - Section 1.1

1. Remove: General Order No. 21-33B, dated 6-3-46

NOTE: Inserts to be removed have been revoked, are obsolete, or have only a remote relationship to FPHA activities.

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS NO. 16

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 3.7

1. Remove: Dir. 3 to PR-13, dated 4-5-46

PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 1-20-47, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 12-31-46

2. Remove: (a) Cover sheet, dated 12-20-46, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 12-10-46

3. Insert: (a) Cover sheet, dated 2-5-47, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 1-17-47

4. Remove: (a) Cover sheet, dated 1-20-47, re Dir. 13 to PR-33
(b) Dir. 13 to PR-33, dated 12-31-46

5. Remove: (a) Cover sheet, dated 1-20-47, re List 1, Dir. 13 to PR-33
(b) List 1, Dir. 13 to PR-33, dated 12-31-46

6. Insert: Digest sheet, dated 2-5-47, re Dir. 13 to PR-33

PART II - Section 3.3

1. Remove: (a) Cover sheet, dated 11-8-46, re HEPR-3
(b) HEPR-3 dated 10-16-46

2. Remove: (a) Cover sheet, dated 12-10-46, re Amdt. 1 to HEPR-3
(b) Amdt. 1 to HEPR-3, dated 11-14-46

PART II - Section 3.4

1. Remove: (a) Cover sheet, dated 9-18-46, re HEPR-4
(b) HEPR-4, dated 9-13-46

PART II - Section 3.6

1. Remove: (a) Cover sheet, dated 12-10-46, re HEPR-6
(b) HEPR-6, dated 11-19-46

NOTE: Inserts to be removed without a corresponding substitution have either been revoked or do not directly affect FPHA activities.

Date: 2-5-47

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TRANS. NO. 17

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

BULLETIN 14 - TRANSMITTAL PRIORITIES REGULATIONS

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PART I - Section 3.1

1. Remove: Dir. 1 to PR-1, dated 10-1-45

2. Insert: (a) Cover sheet, dated 2-10-47, re Dir. 1 to PR-1
(b) Dir 1 to PR-1, dated 1-29-47

PART I - Section 3.6

1. Remove: PR-12, dated 10-8-45 (Revoked 1-29-47)

PART I - Section 4.1

1. Remove: (a) Cover sheet, dated 12-20-46, re Dir. 16 to M-21
(b) Dir. 16 to M-21, dated 12-9-46
(Revoked 1-28-47)

PART I - Section 5.3

1. Remove: (a) Cover sheet, dated 12-10-46, re L-358
(b) L-358, dated 11-19-46

2. Insert: (a) Cover sheet, dated 2-10-47, re L-358
(b) L-358, dated 1-28-47

PART I - Section 5.4

1. Remove: (a) Cover sheet, dated 1-20-47, re L-359
(b) L-359, dated 12-31-46

2. Insert: (a) Cover sheet, dated 2-10-47, re L-359
(b) L-359, dated 1-28-47

PART II - Section 2.3

1. Remove: (a) Cover sheet, dated 11-8-46, re EPO-3
(b) EPO-3, dated 10-16-46
(Amended 1-23-47 - not applicable to FPHA)

(Cont'd)

DATE: 2-10-47

4802

PART II - Section 3.1

1. Remove: (a) Cover sheet, dated 11-8-46, re HEPR-1
   (b) HEPR-1, dated 10-16-46

2. Insert: (a) Cover sheet, dated 2-10-47, re HEPR-1
   (b) HEPR-1, dated 1-27-47

PART II - Section 3.2

1. Remove: (a) Cover sheet, dated 11-8-46, re HEPR-2
   (b) HEPR-2, dated 10-16-46

2. Insert: (a) Cover sheet, dated 2-10-47, re HEPR-2
   (b) HEPR-2, dated 1-27-47

TRANS. NO. 18

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 1.1

1. REMOVE: (1) Cover sheet, dated 11-19-46, re Directive 41
(2) Directive 41, dated 10-25-46 (Revoked 2-13-47)

PART I - Section 2.1

1. REMOVE: (1) Cover sheet, dated 1-20-47, re Supp. 5 to VHP-1
(2) Supp. 5 to VHP-1, dated 12-24-46

2. INSERT: (1) Cover sheet, dated 3-13-47, re Supp. 5 to VHP-1
(2) Supp. 5 to VHP-1, dated 2-13-47

PART I - Section 2.2

1. REMOVE: (1) Cover sheet, dated 8-15-46, re VHP-2
(2) VHP-2, dated 7-19-46 (Revoked 2-24-47)

PART I - Section 3.9

1. REMOVE: (1) Cover sheet, dated 1-22-47, re PR-28
(2) PR-28, dated 1-8-47

2. INSERT: (1) Cover sheet, dated 3-13-47, re PR-28
(2) PR-28, dated 2-13-47

PART II - Section 3.5

1. REMOVE: (1) Cover sheet, dated 12-20-46, re HEPR-5
(2) HEPR-5, dated 12-13-46

2. REMOVE: (1) Cover sheet, dated 1-20-47, re Amdt. 1 to HEPR-5
(2) Amdt. 1 to HEPR-5, dated 12-23-46

3. INSERT: (1) Cover sheet, dated 3-12-47, re HEPR-5
(2) HEPR-5, dated 2-13-47

PART II - Section 4.1

1. REMOVE: (1) Cover sheet, dated 1-3-47, re HPR
(2) HPR, dated 12-23-46

2. INSERT: (1) Cover sheet, dated 3-12-47, re HPR
(2) HPR, dated 2-13-47

DATE: 3-13-47

5501

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 19

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 2.1

1. Insert: (a) Cover sheet, dated 3-18-47, re Dir. 2 to VHP-1
(b) Dir. 2 to VHP-1, dated 3-6-47

PART I - Section 3.1

1. Remove: (a) Cover sheet, dated 8-28-46, re PR-1
(b) PR-1, dated 7-24-46

2. Insert: (a) Cover sheet, dated 3-18-47, re PR-1
(b) PR-1, dated 3-4-47

PART I - Section 3.2

1. Remove: (a) Cover sheet, dated 8-28-46, re PR-3
(b) PR-3, dated 7-24-46

2. Insert: (a) Cover sheet, dated 3-18-47, re PR-3
(b) PR-3, dated 3-4-47

PART I - Section 3.9

1. Insert: (a) Cover sheet, dated 3-18-47, re Supp. I to PR-28
(b) Supp. I to PR-28, dated 3-4-47

PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 12-30-46, re PR-33
(b) PR-33, dated 12-13-46

2. Insert: (a) Cover sheet, dated 3-18-47, re PR-33
(b) PR-33, dated 2-28-47

3. Remove: (a) Cover sheet, dated 12-20-46, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 12-10-46

4. Insert: (a) Cover sheet, dated 3-18-47, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 3-3-47

(Cont'd)

DATE: 3-18-47

PART I - Section 3.12 (Cont'd)

5. Remove: (a) Cover sheet, dated 1-20-47, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 12-31-46

6. Insert: (a) Cover sheet, dated 3-18-47, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 3-3-47

PART I - Section 3.13

1. Insert: (a) Cover sheet, dated 3-18-47, re PR-35
(b) PR-35, dated 3-4-47

PART I - Section 5.3

1. Remove: (a) Cover sheet, dated 2-10-47, re L-358
(b) L-358, dated 1-28-47 (Revoked 3-31-47)

PART I - Section 5.4

1. Remove: (a) Cover sheet, dated 2-10-47, re L-359
(b) L-359, dated 1-28-47 (Revoked 3-31-47)