

Revis

# FEDERAL REGISTER

VOLUME 7 NUMBER 161

Washington, Saturday, August 15, 1942

*The President*

**EXECUTIVE ORDER 9220**

[AUTHORIZING THE SECRETARY OF THE NAVY TO TAKE POSSESSION AND OPERATE THE PLANT OF THE GENERAL CABLE COMPANY AT BAYONNE, NEW JERSEY]

By virtue of the power and authority vested in me by the Constitution and laws of the United States, as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered and directed as follows:

The Secretary of the Navy is authorized and directed immediately to take possession of and operate the plant of the General Cable Company located at Bayonne, New Jersey, through and with the aid of such person or persons or instrumentality as he may designate, and, in so far as may be necessary or desirable, to produce the war materials called for by the Company's contracts with the United States, its departments and agencies, or as may be otherwise required for the war effort, and do all things necessary or incidental to that end. The Secretary of the Navy shall employ such employees, including a competent civilian advisor on industrial relations, as are necessary to carry out the provisions of this Order, and, in furtherance of the purposes of this Order, the Secretary of the Navy may exercise any existing contractual or other rights of said Company, or take such steps as may be necessary or desirable.

Possession and operation hereunder shall be terminated by the President as soon as he determines that the plant of the General Cable Company will be privately operated in a manner consistent with the war effort.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
August 13, 1942.  
6 p. m., E. W. T.

[F. R. Doc. 42-7953; Filed, August 14, 1942; 11:43 a. m.]

*Regulations*

**TITLE 9—ANIMALS AND ANIMAL PRODUCTS**

**Chapter I—Bureau of Animal Industry**

[B. A. I. Order 375]

**Subchapter B—Prevention of Animal Diseases: Cooperation with States**

**PART 51—TUBERCULOUS, PARATUBERCULOUS, AND BANG'S DISEASE REACTING CATTLE**

AUGUST 13, 1942.

Under the authority conferred upon the Secretary of Agriculture by section 3 of the Act of Congress approved May 29, 1884 (23 Stat. 32; 21 U. S. C. 114), section 2 of the Act of Congress approved February 2, 1903 (32 Stat. 792; 21 U. S. C. 111), and appropriate provisions of recurring annual appropriation acts for the Department of Agriculture (21 U. S. C. 129), Part 51 of Title 9, Chapter 1, Subchapter B, Code of Federal Regulations, 1938 Supplement, as amended [B. A. I. Order 367, as amended], is hereby revoked, and the following new Part 51 is hereby adopted in lieu thereof, effective August 15, 1942:

Sec.

- 51.1 Definitions.
- 51.2 Payments to owners for cattle destroyed.
- 51.3 Appraisal of cattle.
- 51.4 Report of appraisals.
- 51.5 Time limit for slaughter.
- 51.6 Report of proceeds of marketing.
- 51.7 Claims for compensation.
- 51.8 Claims not allowed.
- 51.9 Part 53 not applicable.

AUTHORITY: §§ 51.1 to 51.9, inclusive, issued under 23 Stat. 32; 32 Stat. 792; 21 U. S. C. 111, 114, 129.

§ 51.1 *Definitions.* For the purpose of these regulations, the following words, names, and terms shall be construed, respectively, to mean:

(a) "The Department" means the United States Department of Agriculture.

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(b) "The Secretary" means the Secretary of Agriculture of the United States.	
(c) "The Bureau" means the Bureau of Animal Industry of the United States Department of Agriculture.	
(d) "Bureau representative" means any inspector or other person employed by the bureau who is authorized by the Chief of Bureau to do any work or perform any duty in connection with the arrest and eradication of tuberculosis, paratuberculosis, and Bang's disease (brucellosis) of animals.	
(e) "Accredited veterinarian" means any veterinarian accredited by State and Bureau.	
(f) "Destroyed" means condemned and destroyed by slaughter or by death otherwise.	
§ 51.2 <i>Payments to owners for cattle destroyed.</i> Owners of cattle destroyed because they are affected with tuberculosis, paratuberculosis, or Bang's disease of cattle shall be paid an indemnity not to exceed one-third of the difference between the appraised value of each animal so destroyed and the value of the salvage thereof, ascertained in accordance with the provisions of §§ 51.3 and 51.6 hereof: <i>Provided, however,</i> That no such payment shall exceed \$25 for any grade animal or \$50 for any purebred animal: <i>And provided further,</i> That no such payment shall exceed the amount paid or to be paid by the State, Territory, county, or municipality where the animal shall be condemned.	
§ 51.3 <i>Appraisal of cattle.</i> Cattle affected with tuberculosis, paratuberculosis, or Bang's disease shall be appraised by a Bureau representative or a representative of the cooperating State, Territory, county, or municipality in which they are condemned. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for appraisal as purebreds shall be accompanied by their registration papers at the time of appraisal, or they shall be appraised as grades: <i>Provided, however,</i> That, if the cattle are less than three years old and unregistered, the Chief of Bureau may grant a reasonable time for their registration and the presentation of their registration papers to the appraiser. The Bureau may decline to accept any appraisal that appears to it to be unreasonable or out of proportion to the market value of similar cattle of a like quality. Appraisals shall not exceed any limit that may be set by the laws or regulations of the State, Territory, county, or municipality in which the cattle are condemned.	
§ 51.4 <i>Report of appraisals.</i> Appraisals made under § 51.3 hereof shall be reported on forms furnished by the Bureau (T. E. Form 23 (revised)), which shall show the number of cattle, the age and value of each, the registration names and numbers of all purebred cattle and the amount paid or to be paid for each animal by the State, Territory, county, or municipality in which it was condemned. The T. E. Form 23 (revised) shall be signed by the appraiser or appraisers and approved by the Bureau inspector in charge and a duly authorized official of the cooperating State, Territory, county, or municipality. It shall also be signed by the owner of the animals, or his agent, certifying that the appraisal is accepted by him and that the amounts stated to be due him from the United States and the cooperating State, Territory, county, or municipality are correct. One copy of the T. E.	



Form 23 (revised) shall be submitted to the Bureau with the claim for compensation provided for in § 51.7 and one copy shall be retained by the Bureau inspector in charge who approves the claim. Additional copies may be furnished to officials of the cooperating State, Territory, county, or municipality and to the owner, upon request.

§ 51.5 *Time limit for slaughter.* Tuberculous, paratuberculous, or Bang's disease reacting cattle, for the elimination of which payment is to be made, shall be slaughtered within 15 days after the date of appraisal, except that the Bureau inspector in charge, for reasons satisfactory to him, may extend the period to thirty days and the Chief of Bureau, within his discretion, may extend it beyond thirty days.

§ 51.6 *Report of proceeds of marketing.* A report of the salvage derived from the sale of each animal slaughtered in accordance with these regulations shall be made on T. E. Form 24 (revised) which shall be signed by the purchaser or his agent, or by the selling agent handling the animals. If the animals are sold by the pound, the T. E. Form 24 (revised) shall show the weight, price per pound, gross receipts, expenses, if any, and net proceeds. If the animals are not sold on a per pound basis, the net purchase price of each animal must be stated on the T. E. Form 24 (revised) and an explanation showing how the amount received was arrived at must be submitted. In the event that the animals are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of the T. E. Form 24 (revised), an affidavit showing the amount of salvage obtained by him, and certify that said amount is all that he has received or will receive as salvage for said animal or animals. A certificate executed by the inspector in charge will be accepted in lieu of the owner's affidavit. The salvage shall be considered to be the net amount received for the animal after deducting freight, truckage, yardage, commissions, slaughtering charges, etc., but no charges for holding animals on the farm pending slaughter or for trucking by the owner of the animals shall be deducted, and no such charges will be paid by the Department. One copy of T. E. Form 24 (revised) or the affidavit or certificate of the inspector in charge, furnished in lieu thereof, shall be submitted to the Bureau with the claim and one copy shall be retained by the Bureau inspector in charge who approves the claim. Additional copies may be prepared and furnished to the State, Territory, county, or municipal authorities, if required by them.

§ 51.7 *Claims for compensation.* Claims for compensation for cattle destroyed on account of tuberculosis, paratuberculosis, or Bang's disease shall be presented on Standard Form 1034 (revised), or such other form as may be prescribed by the General Accounting Office, properly executed and accompanied by T. E. Form 23 (revised), and by T. E. Form 24 (revised) or the affidavit or certificate in lieu of T. E. Form 24 (revised) authorized by § 51.6.

§ 51.8 *Claims not allowed.* Claims for compensation for cattle destroyed on account of tuberculosis, paratuberculosis, or Bang's disease shall not be allowed if any of the following circumstances exists:

(a) If the claimant has failed to comply with any of the requirements of these regulations.

(b) If the existence of either disease in the cattle was not determined as the result of a tuberculin, johnin, or agglutination test applied by a Bureau veterinarian, a cooperating, regularly employed, State, Territorial, county, or municipal veterinary inspector, or an accredited veterinarian.

(c) If the existence of either disease in the cattle was determined as the result of a tuberculin, johnin, or agglutination test applied by an accredited veterinarian and specific instructions for the administration of such test had not previously been issued to such veterinarian in writing by the proper State and Federal authorities.

(d) If the cattle are classified as tuberculous or paratuberculous, unless they have reacted to the tuberculin or johnin test or reveal lesions of either disease upon autopsy.

(e) If, at the time of their condemnation the cattle were not in a State, Territory, county, or municipality in which cooperative tuberculosis, paratuberculosis, or Bang's disease eradication work was being conducted.

(f) If the claim is not to be paid in cooperation with, and supplementary to payments to be made by, the State, Territory, county, or municipality in which said cattle were condemned.

(g) If any part of the claimant's herd has not been tested under Federal and State supervision for the eradication of tuberculosis, paratuberculosis, or Bang's disease.

(h) If the premises occupied by the cattle have not been properly cleaned and disinfected with a disinfectant permitted by the Bureau in accordance with recommendations of the proper State or Bureau official.

(i) If the cattle are steers, unless they are work oxen, or if they are bulls and are not purebred.

(j) If the cattle were destroyed on account of tuberculosis or paratuberculosis, unless they were marked for identification by branding the letter "T" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reactor" or a similar State reactor tag shall have been suitably attached to the left ear of each animal.

(k) If the cattle were destroyed on account of Bang's disease, unless they were marked for identification by branding the letter "B" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reactor, B. D.," or a similar State reactor tag shall have been suitably attached to the left ear of each animal.

(l) If the cattle reacted positively to the agglutination blood test for Bang's disease and, at any time after they be-

came 8 months old, they had been vaccinated with any vaccine made from or through the agency of Brucella microorganisms; or if they reacted positively to such test and they had been vaccinated with such a vaccine when they were 8 months old or less, unless 18 months had elapsed between the date of vaccination and the date of reaction.

(m) If the cattle are calves under 6 months old which have reacted only to the agglutination blood test for Bang's disease.

(n) If there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such cattle.

§ 51.9 *Part 53 not applicable.* No claim for compensation for cattle destroyed on account of tuberculosis, paratuberculosis, or Bang's disease shall hereafter be paid or allowed under the regulations contained in Title 9, Chapter 1, Subchapter B, Part 53, Code of Federal Regulations [B.A.I. Order 237], but all such claims shall be presented and paid pursuant to and in compliance with regulations contained in this order.

Done at Washington this 13th day of August 1942.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPELBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 42-7941; Filed, August 14, 1942; 11:13 a. m.]

## TITLE 12—BANKS AND BANKING

### Chapter II—Board of Governors of the Federal Reserve System

#### PART 222—CONSUMER CREDIT

##### MISCELLANEOUS AMENDMENTS

On August 12, 1942, the Board of Governors of the Federal Reserve System amended Part 222<sup>1</sup> in the following respects to become effective immediately:

1. Strike out the word "instalment" in the first line of § 222.8 (c) entitled "Educational, Hospital, Medical, Dental, and Funeral Expenses."

2. Strike out the phrase "in any listed article" and the word "such" in § 222.8 (f) entitled "Credit to Dealers."

3. Add the following new paragraphs at the end of § 222.8:

(n) *Railroad watches.* Any extension of credit to finance the purchase of a railroad standard watch (whether new or used) by a railroad time service employee, provided the Registrant obtains a certification with respect to such employee in the form prescribed by General Limitation Order of the War Production Board limiting the transfer of railroad standard watches.

(o) *Commodity Credit Corporation.* Any extension of credit made by the Commodity Credit Corporation or made by a Registrant in accordance with a loan program formulated and adminis-

<sup>1</sup> 7 F.R. 3351, 5080, 5807.



tered by the Commodity Credit Corporation.

4. Amend item 1 in Group B in § 222.13 (a) to read as follows:

1. Furniture, household (including ice refrigerators, bed springs, mattresses, and materials and services employed in reupholstering).

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; sec. 301, Pub. Law 354, 77th Congress; 12 U.S.C. 95 (a) and Sup., and Executive Order No. 8843, dated August 9, 1941, E.O. 8843, 6 F.R. 4035)

Board of Governors of the Federal Reserve System.

[SEAL]

S. R. CARPENTER,  
Assistant Secretary.

[F. R. Doc. 42-7962; Filed, August 14, 1942;  
11:56 a. m.]

**TITLE 26—INTERNAL REVENUE**  
Chapter I—Bureau of Internal Revenue  
(T.D. 5165)

**PART 19—INCOME TAX UNDER THE  
INTERNAL REVENUE CODE**

**MISCELLANEOUS AMENDMENTS**

Sections 19.47-1, 19.52-1, 19.53-1, 19.56-1 (a), 19.235-1 (b), and 19.236-1 (b) Regulations 103 amended: Returns by corporations not in existence throughout an annual accounting period, time for filing corporation returns and paying the tax for a fractional part of a year.

PARAGRAPH 1. Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

(A) By changing the fourth sentence of § 19.47-1, relating to returns for periods of less than twelve months, to read as follows:

The requirements with respect to the filing of a separate return and the payment of tax for a part of a year are the same as for the filing of a return and the payment of tax for a full taxable year closing at the same time, except as otherwise provided in § 19.53-1 and § 19.56-1 (a).

(B) By striking the first sentence of § 19.53-1, relating to the time for filing returns, and inserting in lieu thereof the following:

Returns of income (except in the case of nonresident alien individuals, as to which see section 217, and foreign corporations, as to which see section 235, and except in the case of a return by a corporation for a fractional part of a year) must be made on or before the 15th day of the third month following the close of the taxable year. The return by a corporation (other than a nonresident foreign corporation) for a fractional part of a year must be filed on or before the 15th day of the third full calendar month following the close of the fractional part of a year, except that, upon a showing by the taxpayer of unusual circumstances, the Commissioner may prescribe a later time for the filing of the return. In such a case, the time

prescribed by the Commissioner shall not be later than the 15th day of the third month following (1) the close of the calendar year in which or with which such fractional part of a year ends or (2) the close of the 12th month ending after the beginning of such fractional part of a year, whichever is earlier.

(C) By inserting immediately after the first sentence in § 19.56-1 (a), relating to the date on which tax shall be paid, the following:

In the case of a return by a corporation (other than a nonresident foreign corporation) for a fractional part of a year, the tax is to be paid on or before the last day prescribed for the filing of such return (see § 19.53-1).

(D) By inserting immediately after the first sentence in parentheses in § 19.235-1 (b), relating to the time and place for filing returns for resident foreign corporations, the following:

If the return is for a fractional part of a year, it shall be filed at the time prescribed in § 19.53-1.

(E) By inserting immediately after the first sentence of § 19.236-1 (b), relating to the date on which tax shall be paid by resident foreign corporations, the following:

If the return is made for a fractional part of a year, the tax shall be paid at the time prescribed in § 19.56-1 (a).

PAR. 2. Section 19.52-1 of such Regulations 103 is amended by inserting immediately after the fourth sentence thereof the following:

If a corporation was not in existence throughout an annual accounting period (either calendar year or fiscal year), and if the fractional part of a year during which it was in existence ended after June 30, 1941, then the corporation is required to make a return for that fractional part of a year during which it was in existence. A corporation is not in existence after it ceases operations and is dissolved, retaining no assets.

(Sections 47, 52, 53, 56, 62, 235, 236 and 3791 (b) of the Internal Revenue Code (53 Stat. 26, 27, 28, 31, 32, 79, and 467; 26 U.S.C., sections 47, 52, 53, 56, 62, 235, 236, and 3791 (b).)

[SEAL] NORMAN D. CANN,  
Commissioner of Internal Revenue.

Approved: August 13, 1942.

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 42-7963; Filed, August 14, 1942;  
11:51 a. m.]

**TITLE 29—LABOR**

**Chapter V—Wage and Hour Division**

**PART 624—MINIMUM WAGE RATES IN THE  
RAILROAD CARRIER INDUSTRY**

**WAGE ORDER**

In the matter of the recommendations of Industry Committee No. 44 for minimum wage rates in the Railroad Carrier Industry.

Whereas on April 4, 1942, pursuant to section 5 of the Fair Labor Standards

Act of 1938, hereinafter called the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 147, appointed Industry Committee No. 44 for the Railroad Carrier Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Railroad Carrier Industry in accordance with section 8 of the Act; and

Whereas the Committee included four disinterested persons representing the public and a like number of persons representing the employees in the Railroad Carrier Industry, and a like number representing employers in the Industry, and each group was appointed with due regard to the geographical regions in which the Railroad Carrier Industry is carried on; and

Whereas on April 29, 1942, after investigation of conditions in the Industry, the Committee filed with the Administrator a report containing its recommendations for a 40 cent per hour minimum wage rate in the Railroad Carrier Industry; and

Whereas after notice published in the FEDERAL REGISTER on June 23, 1942, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendations at New York, New York, on July 15, 1942, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas although all persons appearing at said public hearing before the Presiding Officer were given leave to file briefs on or before August 5, 1942, no briefs were filed; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, concludes that the Committee's recommendations for the Railroad Carrier Industry, as defined in Administrative Order No. 147 are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of section 8 of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Industry Committee No. 44 for a Minimum Wage Rate in the Railroad Carrier Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, 165 West 46 Street, New York, New York.  
Now, therefore, it is ordered, That:

Sec.  
624.1 Approval of recommendations of industry committee.  
624.2 Wage rate.  
624.3 Posting of notices.  
624.4 Definition of railroad carrier industry.  
624.5 Effective date.

AUTHORITY: §§ 624.1 to 624.5, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C. 208.



§ 624.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 624.2 *Wage rate.* Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Act by every employer to each of his employees in the Railroad Carrier Industry who is engaged in commerce or in the production of goods for commerce.

§ 624.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Railroad Carrier Industry shall post and keep posted in a conspicuous place in each department of each of his establishments where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Division may from time to time prescribe.

§ 624.4 *Definition of railroad carrier industry.* The railroad carrier industry to which this order shall apply is hereby defined as follows:

For the purpose of this order the term "railroad carrier industry" means the industry carried on by any express company, sleeping car company or carrier by railroad, subject to Part I of the Interstate Commerce Act, and by any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and by any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such company or carrier by railroad: *Provided, however,* That the term "railroad carrier industry" shall not include the industry carried on by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power.

§ 624.5 *Effective date.* This wage order shall become effective August 31, 1942.

Signed at New York, N. Y., this 13th day of August, 1942.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 42-7926; Filed, August 14, 1942; 10:56 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter I—Monetary Offices, Department of the Treasury

#### PART 132—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO.

[General Ruling No. 14 Relating to Foreign Funds Control]

#### TRANSMISSION OF UNITED STATES CURRENCY TO MEXICO

§ 132.14 *General Ruling No. 14.* The sending, mailing, exporting, or otherwise transmitting of any United States currency out of the United States directly or indirectly to Mexico on and after August 14, 1942, is hereby prohibited, except as specifically licensed or otherwise authorized by the Secretary of the Treasury. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, E.O. 8998, Dec. 26, 1941; and E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] RANDOLPH PAUL,  
Acting Secretary of the Treasury.

[F. R. Doc. 42-7964; Filed, August 14, 1942; 11:51 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

#### PART 603—SELECTIVE SERVICE OFFICERS [Amendment 71, 2d Ed.]

##### JURISDICTION OF BOARD OF APPEALS

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 2779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 603.24<sup>1</sup> to read as follows:

§ 603.24 *Jurisdiction.* Each board of appeal shall have jurisdiction to review and to affirm or change any decision appealed to it from any local board in its area or any decision appealed from any local board not in its area when transferred to it in the manner provided by § 627.22.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

AUGUST 13, 1942.

[F. R. Doc. 42-7956; Filed, August 14, 1942; 11:49 a. m.]

<sup>1</sup> 6 F.R. 6827.

#### PART 628—APPEAL TO THE PRESIDENT [Amendment 70, 2d Ed.]

##### METHOD OF TAKING APPEAL

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 628.3<sup>1</sup> to read as follows:

§ 628.3. *How appeal to the President is taken.* The appeal shall be taken (a) by mailing or delivering to the local board written notice of appeal or (b) by going to the local board and signing the appeal to the President on the Selective Service Questionnaire (Form 40). If the appeal is taken by filing a written notice of appeal, such notice need not be in any particular form but should include the name of the registrant, his serial and order numbers, the identity of the person appealing (sufficiently definite to show the right of appeal), and the fact that such person wishes the President to review the determination of the board of appeal.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

AUGUST 13, 1942.

[F. R. Doc. 42-7955; Filed, August 14, 1942; 11:49 a. m.]

##### [Special Order No. 1]

#### WAIVING LOCAL BOARD PHYSICAL EXAMINATION IN NEW YORK IN CERTAIN INSTANCES

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885), as amended, and the authority vested in me by the rules and regulations prescribed thereunder, and more particularly the provisions of § 623.35 of the Selective Service Regulations, I hereby waive the requirement that registrants be physically examined by an examining physician in the manner provided in part 623,<sup>2</sup> Selective Service Regulations, in those cases where the State Director of Selective Service of New York, requests the reopening of the classification of registrants in Class I-B, and I hereby direct that the reconsideration of classifications of such registrants be completed in the manner provided in § 623.51 (f), Selective Service Regulations, without such physical examination by a local board examining physician.

LEWIS B. HERSHEY,  
Director.

AUGUST 1, 1942.

[F. R. Doc. 42-7958; Filed August 14, 1942; 11:50 a. m.]

<sup>1</sup> 6 F.R. 6846.

<sup>2</sup> 6 F.R. 6611, 6643; 7 F.R. 68, 653, 808, 2088, 3745, 4154, 4403.



[Order No. 50]

## PRESBYTERIAN HOSPITAL PROJECT

## DESIGNATION FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Presbyterian Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 50. Said project, located at New York City, New York, will be the base of operations for work at the Presbyterian Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Presbyterian Hospital Project will be engaged in clerical work, as attendants, waiters, etc., and shall be under the direction of the Superintendent, Presbyterian Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Presbyterian Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,  
Director.

AUGUST 13, 1942.

[F. R. Doc. 42-7960; Filed, August 14, 1942; 11:50 a. m.]

## ACCUMULATIVE PROGRESS REPORT OF CLASSIFICATION AND INDUCTION

## ORDER PRESCRIBING FORM

[No. 107]

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 140, entitled "Accumulative Progress Report of Classification and Induction," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

The foregoing discontinuance shall become a part of the Selective Service Regulations effective immediately upon

<sup>1</sup> Filed as part of the original document.

the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

AUGUST 13, 1942.

[F. R. Doc. 42-7959; Filed, August 14, 1942; 11:50 a. m.]

## ACCUMULATIVE REPORT OF CLASSIFICATION AND INDUCTION

## ORDER PRESCRIBING FORM

[No. 108]

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 140A, entitled "Accumulative Report of Classification and Induction," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

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

LEWIS B. HERSHEY,  
Director.

AUGUST 1, 1942.

[F. R. Doc. 42-7957; Filed, August 14, 1942; 11:49 a. m.]

## Chapter VIII—Board of Economic Warfare

## Subchapter B—Export Control

[Amendment No. XXIII]

## PART 801—GENERAL REGULATIONS

## COPPER SULPHATE

§ 801.2. *Prohibited exportations* is amended in the following particulars:

In the column headed "Gen. Lic. Group", the group designation assigned to the commodity listed below (at every place where said commodity appears in said section) is amended to read as follows:

Commodity:	Gen. Lic. Group
Copper sulphate.....	None

This amendment shall become effective August 15, 1942.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Or-

<sup>1</sup> Form filed as part of the original document.

der No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

F. R. KERR,  
Chief, Export Control Branch  
Office of Exports.

AUGUST 12, 1942.

[F. R. Doc. 42-7903; Filed, August 13, 1942; 1:54 p. m.]

[Amendment No. XXIV]

## PART 804—INDIVIDUAL LICENSES

## MISCELLANEOUS AMENDMENTS

Paragraph (b) of § 804.8 *Certificates of necessity*<sup>1</sup> is hereby amended by adding to the list of commodities contained therein the following item:

Commodity:	Department of Commerce Schedule B Number
Potassium chlorate.....	8359.08, 8359.09

It is further amended by deleting from said list the following items:

Brushes, paint and varnish, short or long bristle.	Parts and accessories.
Cobalt oxide.	Manila cordage.
Cranes.	Manila fiber.
Derricks.	Medium trucks.
Electric incandescent lamps.	Metal furniture.
Ferrocromium.	Molybdenum wire.
Flake graphite content in manufactures.	Passenger cars.
Heavy trucks.	Refrigerators.
Hoists.	Rubber, crude.
Light trucks.	Rubber, manufactures.
Locomotives:	Tanning materials (chromium).
Diesel and Diesel electric.	Tires and tubes, automobile.
Electric.	Tricresyl phosphate.
Gasoline.	Tungsten metal, wire, shapes, and alloys.
Steam.	

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong.; Pub. Law 636, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

F. R. KERR,  
Chief, Export Control Branch,  
Office of Exports.

AUGUST 12, 1942.

[F. R. Doc. 42-7904; Filed, August 13, 1942; 1:55 p. m.]

## Chapter IX—War Production Board

## Subchapter B—Director General for Operations

## PART 1055—WOOL

[Amendment No. 1 to Conservation Order M-73 as Amended for the Period August 3, 1942, to January 31, 1943]

Section 1055.1 *Conservation Order No. M-73*<sup>2</sup> for the period August 3, 1942, to January 31, 1943 is hereby amended in the following respects:

1. Paragraph (a) (3) (i) and subparagraph (d) (2) are amended by deleting the words "mohair, either kid or adult," therein.

<sup>1</sup> 7 F.R. 5010, 5591, 5937.<sup>2</sup> 7 F.R. 5020.



2. Paragraph (b) is amended by deleting the words "mohair, either kid or adult, or" therein.

3. Paragraph (i) (5) (i) is amended by deleting the words "Angora or" therein.

4. Paragraph (i) (5) (vii) is amended by inserting after the word "wool" wherever it appears therein the words "and mohair, either kid or adult."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of August 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-7931; Filed, August 14, 1942; 11:12 a. m.]

PART 1141—MOTOR FUEL

[Amendment 1 to Limitation Order L-70, as Amended]

Section 1141.1 *Limitation Order L-70*,<sup>1</sup> as Amended, paragraph (g) is hereby amended to read as follows:

(g) *Emergency reserves and replacements.* (1) In those areas in which the provisions of Exhibit "B" are in effect, any service station which makes deliveries of motor fuel for official use in vehicles or boats owned or operated by the United States Army or the United States Navy, which deliveries are not a normal part of such service station's regular business, shall be entitled to replacement from his supplier of the amount thereof and may accept delivery of such replacement in addition to the monthly quota for such service station.

(2) In the States of Oregon and Washington:

(i) In addition to the delivery of that supply of motor fuel which is permitted under paragraphs (d) and (k) (1), a supplier shall deliver a quantity of motor fuel sufficient to permit any service station supplied by him to maintain the minimum necessary reserve specified in paragraph (g) (2) (ii).

(ii) In addition to that supply of motor fuel which is permitted under paragraphs (d) and (k) (1), a service station shall accept delivery of and maintain motor fuel in a quantity equal to 25 percent of the total motor fuel storage capacity of such service station, or 500 gallons, whichever is the lesser.

(iii) Such minimum necessary reserve may be delivered by any service station only upon a direction of the Army, the Navy, the Office of Civilian Defense, the Office of Petroleum Coordinator for War or the Director General for Operations, in the following words and signed manually:

Deliver (quantity) of motor fuel from the minimum necessary reserve authorized under

<sup>1</sup> 7 F.R. 5552.

paragraph (g) (2) of Limitation Order L-70, as Amended.

-----  
Signature

-----  
Title or Rank

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of August 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-7930; Filed, August 14, 1942; 11:11 a. m.]

PART 1233—THERMOPLASTICS

[Amendment 2 to General Preference Order M-154]

Section 1233.1 *General Preference Order M-154*<sup>1</sup> is hereby amended as follows:

1. Paragraph (b) is hereby amended to read as follows:

(b) *Placing of orders.* On and after September 1, 1942, no producer shall accept and no person shall tender an order for delivery of thermoplastics unless such order is accompanied by a certificate manually signed by the person (or his duly authorized agent) tendering such order containing representations by the person seeking delivery that the thermoplastics sought will not be used in violation of paragraph (f) of this order.

2. Paragraph (d) is hereby amended by striking the words and figures "15th of August, 1942" in the opening paragraph and substituting in their place the words and figures "1st of October, 1942".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of August 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-7932; Filed, August 14, 1942; 11:12 a. m.]

PART 1233—THERMOPLASTICS

[Supplementary Order M-154-a]

§ 1233.2 *Supplementary Order M-154-a*—(a) *Definition.* For the purpose of this order "polyvinyl butyral" means polyvinyl butyral resin formed by the reaction of butyraldehyde with a hydrolyzed polymer of vinyl acetate.

(b) *Restriction on disposition of butyral.* No person shall use, process or deliver polyvinyl butyral except as follows:

(1) Pursuant to the terms of a contract, subcontract or order for polyvinyl butyral or products made therefrom, where such polyvinyl butyral or such products are to be delivered to, or incorporated into any material to be delivered

<sup>1</sup> 7 F.R. 4842, 5643.

to, the United States Army, Navy, Coast Guard, Maritime Commission, or War Shipping Administration, or the Government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia; or

(2) For research purposes: *Provided*, That no delivery of polyvinyl butyral for research purposes shall be made except on orders bearing preference ratings of A-2 or higher; and *provided further*, That no person may accept delivery of more than one hundred (100) pounds of polyvinyl butyral in any one calendar month for research purposes; or

(3) Pursuant to specific authorization of the Director General for Operations.

(c) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

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

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C.—Ref.: M-154-a. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of August 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-7933; Filed, August 14, 1942; 11:13 a. m.]

PART 1233—THERMOPLASTICS

[Supplementary Order M-154-b]

§ 1233.3 *Supplementary Order M-154-b*—(a) *Definition.* For the purpose of this order "methyl methacrylate" means any polymer of the esters of acrylic and methacrylic acid.

(b) *Restrictions on disposition of methyl methacrylate sheet scrap.* Ex-



cept as otherwise specifically authorized by the Director General for Operations, no person shall sell or deliver scrap resulting from the cutting or fabricating of methyl methacrylate sheets except for the purpose of reprocessing such scrap into methyl methacrylate sheets.

(c) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

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

(3) *Intra-company deliveries*. The prohibitions and restrictions of this order with respect to deliveries of methyl methacrylate scrap shall 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.

(4) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C.—Ref.: M-154-b. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of August, 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-7934; Filed, August 14, 1942;  
11:13 a. m.]

**PART 1288—POWER, STEAM, AND WATER  
AUXILIARY EQUIPMENT**

[Schedule II—Limitation Order L-154]

**STEAM SURFACE CONDENSERS**

§ 1288.3 *Schedule II to Limitation Order L-154*—(a) *Definitions*. For the purpose of this schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates, or assembles steam surface condensers.

(2) "Steam surface condenser" means any tube and shell steam condenser used in land installations which employs water in its circulating system to condense the steam exhausted from a prime mover or from the jets of a steam jet air pump.

17 F.R. 4538.

(3) "Admiralty metal" and "Muntz metal" mean those alloys so designated, respectively, in A. S. T. M. specification B111-40T.

(b) *Restrictions on materials*. The following restrictions on materials are hereby established for the manufacture of steam surface condensers:

(1) No producer shall install or incorporate, or accept delivery of for the purpose of installing or incorporating, in any steam surface condenser, whether such condenser be new or used,

(i) Tube sheets which contain any copper, copper base alloy, or nickel, or tube sheets which are tin-coated;

(ii) Tubing which contains any cupronickel alloy;

(iii) Tubing which is tin-coated;

(iv) Tubing which contains any copper or copper base alloy except:

(a) Tubing constituted entirely of Muntz metal or of an alloy containing a lower percentage of copper than Muntz metal and no tin in a condenser designed to employ normal fresh water in its circulating system; or

(b) Tubing constituted entirely of Admiralty metal or of an alloy containing a lower percentage of copper than Admiralty metal and no tin in a condenser designed to employ brackish or salt water in its circulating system;

(v) Any other part, (such as, but not limited to, bolts, bracing, ferrules, or baffles in the water passages or steam spaces) which contains any copper or copper base alloy.

(2) Nothing herein contained shall prevent the delivery or use of tubing, tube sheets, or other parts, which were in process or fully fabricated five days after the issuance of this schedule.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527, E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of August 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-7929; Filed, August 14, 1942;  
11:11 a. m.]

**PART 1210—INDUSTRIAL POWER TRUCKS**

[Supplementary Limitation Order L-112a]

In accordance with the provisions of § 1201.1 *General Limitation Order L-112*,<sup>1</sup> which the following order supplements, it is hereby ordered that:

§ 1210.2 *Supplementary Limitation Order L-112a*—(a) *Approved standard models*. Pursuant to paragraph (d) (2) of Limitation Order L-112, approved standard models of industrial power trucks for each manufacturer named herein shall be those models listed below for such manufacturer: *Provided, however*, That notwithstanding any other provision of Limitation Order L-112, as supplemented, no such model shall be manufactured in more than one size of platform width and length, nor shall any such model contain battery boxes built

17 F.R. 5306.

to accommodate larger capacity batteries than the manufacturer's standard battery for the model:

*Name of Manufacturer and Approved Standard Models*

Atlas Car and Manufacturing Company: HP-8, 3-EA-62, 3-EA-17, 3-DWT-2, 2-WT-2.

Automatic Transportation Company: LN-2, LN-3, LO-5, TLN-2, TLN-3, TLO-5, CHTF-2, THTF-L-4, THTF-L-6, TETF-7, THTF-M-10, TN-4, TN-6, TW-4, TW-6 in platform lengths 36, 48, 60, & 72 inches and heights 6, 7, 9, and 11 inches—motorized lift truck TS-103, 2000 # Crane attachment.

Baker-Raulang Company: E-2, E-3, E-5, H-2, H-3, H-5, JOM-20, JOM-40, JOM-60, CXA, CXB, CXF.

Clark Equipment Company: Electric Comet, Electric Plate, Electric Stalwart 6025; Lemur, Fisher, Mink, Otter, Badger, Panther, Lion, Comet, Tops, Plate, Stalwart 6025, Stalwart 7025, Clarkat, Standard, Mill.

Crescent Truck Company: LA-3, NA-4, LDLF, NBR-4, NDRE-4, NDRE-6, NCRE-4, NCRE-6, NCDE-4, NCTE-10, NTW.

Dallas Machine and Locomotive Works, Incorporated: PH-462-130, PH-562-130, PH-662-130, 4MH-4560, 4MH-5170, SMH-4560, SRH-5660, SRH-5770, SRH-5778, SRH-6978, SMH-5170, SRH-4560.

Easton Car and Construction Company: HP-4, LP-4, LL-4, LL-6, TLC-4, TLC-6.

Elwell-Parker Electric Company: EQ-4, EP-4, EP-6, EP-10, ELN-6, ELN-10, F-23, F-19, F-25, C-4, C-X, C-S, 2000 # Crane attachment, GEP-6.

W. F. Hebard Company: A-3, A-14, J-233.  
Howell Industrial Truck Company: 112, 30, 90, 80-FC, 5.

Lewis-Shepard Sales Corporation: EFT-3, EFT-4, GFT-3, GFT-4.

Lift Trucks, Incorporated: EHN-3000 # in platform lengths: 38, 44, 50, 62 inches EHW-3000 #, EHW-4000 #, EHW-6000 # in platform lengths: 44, 50, 62, 74 inches. All in 6, 7, 9, and 11 inch platform heights.

Mercury Manufacturing Company: A-1007, A-1006, A-1020, A-1001, A-1017, A-1018, A-1360, A-1480, A-540, Banty.

Rocky Mountain Steel Products Company: Pony Express-24 volt, Pony Express-32 volt, Pony Express-Gas.

Ross Carrier Company: 20-H, 18-H, 16-H, 15-H, 12-H, 70-5445, 70-6051, 90-6554, 90-6556, 90-7056, 90-7968, 90-10868.

Towmotor Company: LT-40, LT-44, LT-46, LT-53, LT-56, LT-62, LT-72.

Vaughan Motor Company: PAW, SAL, SAW, C.

Willamette Hyster Company: Karry Krane Handy Andy-30, Handy Andy-50, Stevego, Hyster 75, Space Saver, M-4560, M-5766, MH-4566, MH-5778, MH-57-108, MH-6370, MH-6878.

Wright-Hibbard Industrial Electric Truck Company, Incorporated: RBH-2, RBH-3, RBH-4, TRC-2, TRC-3, TRC-4.

Yale and Towne Manufacturing Company: K-20-4, K-20-6, KM-4L, K-23-EA, K23-E6, K-26-S10, K26G-20L, K22-4, KM-4H, K-25, K-33, KM-30-2M, K41-II, K41-III, K41-V, K42-3-7-65, K42-SH6-78, K42-G10-5 1/2-78, C2-T.

Yard-Man, Incorporated: C-Truck-Man.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of August, 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-7961; Filed, August 14, 1942;  
11:55 a. m.]



Chapter XI—Office of Price  
Administration

PART 1309—COPPER

[Maximum Price Regulation 202]  
BRASS AND BRONZE ALLOY INGOT

In the judgment of the Price Administrator the prices of brass and bronze alloy ingot have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of brass and bronze alloy ingot prevailing between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are, and will be, generally fair and equitable and will effectuate the purposes of the Act.

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

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>7</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 202 is hereby issued.

AUTHORITY: §§ 1309.151 to 1309.165, issued under Pub. Law 421, 77th Cong.

§ 1309.151 *Prohibition against dealing in brass or bronze alloy ingot at prices above the maximum.* On and after August 19, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive any brass or bronze alloy ingot at a price higher than the maximum price established for such ingot by Appendix A (§ 1309.165), and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided, however,* That contracts for the sale of brass or bronze alloy ingot entered into in writing prior to July 10, 1942, at prices not in excess of the prices established by the General Maximum Price Regulation<sup>7</sup> may be carried out in accordance with their terms if the seller, prior to September 1, 1942, delivers such ingot to the buyer's plant or warehouse or to a carrier not owned or controlled by the seller for transportation to the buyer's plant or warehouse!

§ 1309.152 *Sales for export.* The maximum price at which a person may export brass or bronze alloy ingot shall be determined in accordance with the provisions of Revised Maximum Export Price Regulation<sup>7</sup> issued by the Office of Price Administration.

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

<sup>7</sup> F. R. 971, 3663.

<sup>7</sup> F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5565, 5484, 5775, 5734, 5783.

<sup>7</sup> F. R. 3096, 3824, 4294, 4541.

§ 1309.153 *Adjustable pricing.* Any person may offer, or agree to adjust, or fix, prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In any appropriate situation where a petition for amendment, adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1309.154 *Less than maximum prices.* Lower prices than the maximum prices established by this Maximum Price Regulation No. 202 may be charged, demanded, paid or offered.

§ 1309.155 *Records.* (a) Every sale of brass or bronze alloy ingot on and after August 19, 1942, shall be invoiced by the seller. The original invoice shall be delivered to the buyer with the brass or bronze alloy ingot, and shall state: (1) the date of delivery, (2) the names and addresses of the buyer and seller, (3) the ingot identification number or, in the case of a brass or bronze alloy ingot not given an ingot identification number, the exact alloy composition, including any impurities or physical specifications, (4) the quantity in pounds ordered and delivered, and (5) the price per pound and the total amount payable by the buyer, showing separately the transportation costs if such costs exceed 0.25¢ per pound and if the excess is payable by the buyer.

(b) On and after August 19, 1942, every buyer of brass or bronze alloy ingot shall preserve for inspection by the Office of Price Administration for a period of at least two years, the original, and every seller of brass or bronze alloy ingot shall so preserve a copy, of each invoice required to be furnished by paragraph (a) of this section.

§ 1309.156 *Reports.* (a) On or before September 10, 1942, and on or before the tenth day of each month thereafter, each producer of brass and bronze alloy ingot shall submit to the Office of Price Administration a report showing all deliveries of brass and bronze alloy ingot for the preceding calendar month. Such report shall list the deliveries in pounds opposite each ingot identification number in Appendix A and the deliveries in pounds opposite the nominal specification of each brass or bronze alloy ingot not given an identification number in Appendix A.

(b) On or before the first day of the second calendar month following the close of each quarter of his fiscal year beginning with the first quarter ending after August 19, 1942, each producer of brass or bronze alloy ingot who has not filed OPA Form B—Interim Financial Report, covering such accounting period shall furnish to the Office of Price Administration his balance sheet and profit and loss statement covering such accounting period as normally prepared for his own use, except that the profit and loss statement must show the profit of such producer before federal income and excess profits taxes.

(c) Persons affected by this regulation shall also submit such other reports

to the Office of Price Administration as it may from time to time require.

§ 1309.157 *Certificates of analysis.* Any seller who has customarily given a buyer a certificate of analysis shall continue to do so. Upon request from the buyer, any seller, regardless of previous custom, shall give the buyer a certificate of analysis signed by the seller, or a duly-authorized partner, officer or employee of the seller, or by a recognized independent testing laboratory, showing the exact chemical analysis of the ingot, including all relevant impurities, except that if the maximum price of the ingot is determined on the basis of physical specifications, such certificate shall show the relevant physical properties of the ingot.

§ 1309.158 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 202 shall not be evaded whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, brass or bronze alloy ingot, alone or in conjunction with any other commodity, or by use of any commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement, trade understanding or otherwise.

§ 1309.159 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 202 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 202 or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1309.160 *Petition for amendment.* Persons seeking modification of any provisions of this Maximum Price Regulation No. 202 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1309.161 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 202 supersede the provisions of the General Maximum Price Regulation with respect to the sales and deliveries for which maximum prices are established by this Regulation.

§ 1309.162 *Definitions.* (a) When used in this Maximum Price Regulation No. 202, the term:

(1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof or any other Government or any of its political subdivisions or any agency of the foregoing.

(2) "Carload lot" means the minimum quantity of brass or bronze alloy ingot



RANGES OF ALLOY CONTENT—Continued  
TABLE II. SS-10-2 GROUP—Continued

Ingot identification No.	Copper		Tin		Lead		Zinc		Impurities		Maximum price (cents per pound)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
233	85.00	92.00	4.50	5.74	1.00	1.99	1.00	9.00			14.25
235	83.50	90.00	4.50	5.74	2.00	2.74	1.00	9.00			13.50
250	85.00	90.00	3.00	4.49	1.75	2.99	1.00	9.00			13.00

TABLE III. 80-10-10 GROUP

Ingot identification No.	Copper		Tin		Lead		Zinc		Impurities		Maximum price (cents per pound)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
295	77.00	82.00	15.00	17.00	4.00	6.00	0.25	1.00	0.00	0.50	19.75
296	69.00	72.00	12.00	14.00	14.00	16.00	0.00	0.50	Ni, 0.50-1.00 Fe, 0.25 Sb, 0.25 Others 0.25		16.00
297	80.00	85.00	9.50	11.49	4.25	6.00		0.50	0.75	1.50	15.25
298	80.00	85.00	9.00	11.00	4.25	6.25		5.00	0.75	1.50	14.25
300	77.00	82.00	9.00	10.74	8.50	11.74			Sb, 0.00-0.25 Total 0.76-1.50		14.50
305	67.00	82.00	9.00	10.74	8.50	21.74			0.75	1.50	14.25
310	82.00	85.00	7.50	8.99	7.25	8.74			0.75	1.50	13.50
311	82.00	85.00	7.50	8.99	7.25	8.74			0.75	1.50	16.00
312	78.00	81.99	7.50	8.99	8.75	10.60		3.00	0.75	1.50	13.25
313	74.00	81.99	7.50	8.99	12.00	15.99			Ni, 0.25-0.50 Total 0.76-2.00		13.25
314	74.00	81.99	7.50	8.99	12.00	15.99			0.25	0.75	13.75
315*	70.00	86.00	5.50	7.49	6.00	10.50		4.00	0.75	1.50	13.00
319	74.00	82.00	5.75	7.49	12.00	16.00		S. A. E. 67	0.75	2.00	13.00
320	62.00	77.00	5.75	7.49	16.75	29.74			0.75	1.50	12.25
321	62.00	77.00	5.75	7.49	16.75	29.74			0.75	1.50	12.50
322	67.50	73.50	4.00	5.75	21.75	25.00			0.75	1.50	12.50
323	67.50	73.50	4.00	5.75	21.75	25.00		0.50	Aeron. Mat. Spec. #4940		14.25
324	62.00	67.49	4.00	5.75	25.00	32.00			0.75	1.50	11.75
325	72.00	83.00	4.50	5.74	11.75	21.74		3.00	0.75	1.50	11.75
326	80.00	86.00	3.50	5.49	8.00	10.00		4.00			12.25

TABLE IV. YELLOW GROUP

Ingot identification No.	Copper		Tin		Lead		Zinc		Impurities		Maximum price (cents per pound)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
400	70.00	74.99	0.50	1.74	2.00	4.00		Balance			10.50
403	66.00	69.99	0.50	1.74	2.00	4.00		Balance			10.25
405	65.99	65.99	0.50	1.74	2.00	4.00		Balance			10.00
405.1	65.00	65.00	0.50	1.50	0.00	0.49		Balance			12.25
405.2	65.00	65.00	0.50	1.50	0.00	0.49		Balance			11.75
406	65.99	65.99	0.50	1.00	1.00	1.50		Balance			11.50
407	66.00	72.00	0.00	0.50	0.00	0.50		Balance			12.50
408	83.00	86.00	0.00	0.20	0.00	0.50		Balance			13.00
409	61.00	61.00	None	None	1.50	2.00		Balance			12.25

TABLE V. MISCELLANEOUS NICKEL ALLOTS

Ingot identification No.	Copper		Tin		Lead		Zinc		Impurities		Maximum price (cents per pound)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
410	Any	Any	5.00	10.00	10.00	10.00		Any			13.00
411	Any	Any	5.00	10.00	10.00	10.00		Any			15.25
412	Any	Any	5.00	10.00	10.00	10.00		Any			16.50
413	Any	Any	5.00	10.00	10.00	10.00		Any			18.00
414	Any	Any	5.00	10.00	10.00	10.00		Any			19.50

ALUMINUM BRONZE

Ingot identification No.	Copper		Tin		Lead		Zinc		Impurities		Maximum price (cents per pound)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
415	Any	Any	0.00	1.00		.10		Zinc			15.75
								Any			13.00

of one or more grades, as set forth in the tariffs of the railroads, upon which the lowest carload rate from the point of shipment to the buyer's receiving point is based.

(3) "Brass or bronze alloy ingot" means any alloy ingot (except such hardeners and deoxidizers as are suitable for use only with other materials in the production of castings) in the composition of which the weight of copper metal is 50% or more of the total weight of the ingot.

(4) "Ingot identification number" means the number appearing in the column most near the left-hand margin of the tables in § 1309.165(b).

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 202.

§ 1309.163 *Geographical applicability.* The provisions of this regulation shall apply to the forty-eight states of the United States and to the District of Columbia.

§ 1309.164 *Effective dates.* Maximum Price Regulation No. 202 (§§ 1309.151 to 1309.165) shall become effective August 19, 1942.

§ 1309.165 *Appendix A. Maximum prices for brass and bronze alloy ingot—(a) Delivery charges.* The maximum prices herein established for brass and bronze alloy ingot include transportation costs to any destination within the continental United States, not exceeding 25 cents per hundredweight. Actual transportation costs in excess of those so included may be charged to, and paid by, the buyer.

(b) *Maximum prices for sales or deliveries in carload lots:*

§ 1309.166 *Appendix B. Maximum prices for brass and bronze alloy ingot—(a) Delivery charges.* The maximum prices herein established for brass and bronze alloy ingot include transportation costs to any destination within the continental United States, not exceeding 25 cents per hundredweight. Actual transportation costs in excess of those so included may be charged to, and paid by, the buyer.

(b) *Maximum prices for sales or deliveries in carload lots:*

RANGES OF ALLOY CONTENT  
TABLE I. 85-5-5-5 GROUP

Ingot identification No.	Copper		Tin		Lead		Zinc		Impurities		Maximum price (cents per pound)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
100	83.00	86.55	4.50	5.74	2.75	3.99	1.00	9.49			12.75
101	77.00	82.99	4.50	5.74	2.00	7.00	2.00	13.99			13.00
110	85.50	87.99	4.50	5.49	4.25	7.00	3.00	10.00			12.25
115*	84.00	85.49	4.00	5.49	3.00	10.00	3.00	10.00			12.00
120	82.00	83.99	3.00	4.49	3.00	10.00	3.00	18.00			11.75
122	78.00	81.99	2.00	4.00	3.00	8.00	3.00	18.00			11.50
125	77.00	78.99	2.00	4.00	4.25	10.00	3.00	20.00			11.25
130	72.00	74.99	1.00	3.00	1.00	2.00	2.00	8.00			12.25
131	62.00	64.99	1.00	2.00	1.00	2.00	2.00	8.00			11.75
132	86.00	88.00	1.00	3.00	1.00	3.00		Balance			11.75

TABLE II. SS-10-2 GROUP

Ingot identification No.	Copper		Tin		Lead		Zinc		Impurities		Maximum price (cents per pound)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
163	77.00	78.99	21.00	23.00							23.00
164	80.00	81.99	18.01	20.00							22.00
165	82.00	83.99	16.01	18.00							21.25
166	84.00	85.99	14.01	16.00							20.50
167	84.00	86.00	13.00	15.00							19.75
168	82.00	84.00	12.50	14.50							18.25
169	86.00	87.99	12.01	14.00							19.00
200	84.00	86.00	10.75	12.24							17.50
201	84.00	86.00	10.75	12.00							17.00
205	88.00	90.25	9.75	12.00							18.25
206	86.00	89.00	9.00	11.00							17.99
210	81.00	83.00	9.75	10.74							17.50
215	81.00	82.00	9.00	10.74							16.50
220	80.00	82.00	9.00	10.74							16.00
221	80.00	82.00	9.00	10.74							16.25
225	83.00	85.00	7.50	9.74							16.75
230	83.00	85.00	7.50	9.74							16.50
235	82.00	84.00	7.50	8.99							15.00
240	81.00	83.00	7.50	8.99							14.50
241	81.00	82.00	7.50	8.99							14.25
242	81.00	82.00	7.50	8.99							14.50
245	84.00	86.00	6.75	7.49							14.25
250	83.50	85.00	6.00	6.50							14.25
251	83.50	85.00	5.75	7.49							13.75

See footnote at end of table.



RANGES OF ALLOY CONTENT—Continued  
TABLE V. MISCELLANEOUS—Continued  
MANGANESE BRONZE

Ingot Identification No.	Copper		Tin		Lead		Zinc		Impurities		Maximum price (cents per pound)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
420.....											12.75
421.....											13.75
422.....											14.75
423.....											16.00
424.....											17.00

SILICON BRONZE

Ingot Identification No.	Copper+Zinc		Tin		Other Elements		Zinc		Impurities		Maximum price (cents per pound)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
500	90.00	-----	0.00	2.00	Si 2.00 Fe 0.00 Mn 0.00	5.50 2.50 1.50	0.00	15.00	-----	.50	15.50

Additions for phosphorus in all groups:  
Phosphorus, 0.05% to 0.19%, Plus-Minus 0 cents per pound.  
Phosphorus, 0.20% to 0.49%, Plus 0.25 cents per pound.  
Phosphorus, 0.50% and over, Plus 0.50 cents per pound.  
Additions for Nickel in all Groups except Yellow and Nickel:  
Nickel, Under 1%, Plus-Minus 0 cents per pound.  
Nickel, 1% or over, Each percent Plus 0.25 cents per pound.

\*Ingots to be sold at the price indicated for these ranges of alloy content must have lead at least 1/2 of 1% higher than tin.  
†No addition for phosphorus may be made to the price of this alloy.  
‡Where no specific impurity limitations are stated, the customary impurity limitations shall prevail.

(c) *Maximum prices for sales or deliveries in carload lots of brass or bronze alloy ingot not included in paragraph (a).* (1) The maximum price for any grade of brass or bronze alloy ingot, other than a grade for which a maximum price is established in paragraph (b) of this section, shall be a price hereafter approved by the Administrator.

(2) Pending such approval by the Administrator, any person may sell or deliver, and any person may buy or receive, any such ingot at the price submitted for approval. If, however, the Administrator disapproves the price submitted, the contract price shall be revised downward to the maximum price which the Administrator shall approve, and if any payment has been made at a price higher than that so approved, the seller shall refund the excess: *Provided, however,* That the price submitted by the seller for approval shall be deemed to be approved unless the Administrator specifically disapproves such price and establishes an approved maximum price within fifteen days from the date on which the report required in paragraph (c) (3) of this section is received by the Office of Price Administration or, if further information is requested from the seller within such fifteen-day period, then within fifteen days from the date on which all such information is received by the Office of Price Administration.

(3) On and after August 19, 1942, the seller of any such ingot, regardless of whether the seller has previously sold or delivered brass or bronze alloy ingot of such alloy content at a price approved by the Office of Price Administration, shall (i) report every such sale to the Office of Price Administration, Washington, D. C., within five days from the date

thereof, stating (a) the quantity sold, (b) the alloy content, including specific mention of any impurity limitations and physical specifications where relevant, (c) the proposed price, in carload lots, and (ii) provide such other information concerning the manufacture or sale of such ingot, including the name of the buyer, as may be requested by the Office of Price Administration in order to determine the proper maximum price of such ingot.

(d) *Maximum prices for sales and deliveries in less than carload lots.* A premium of 1/4¢ per pound may be added to the maximum prices established in paragraphs (b) and (c) of this § 1309.165 for a sale and delivery of brass and bronze alloy ingot in less than a carload lot.

(e) *Credit terms.* The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, and shall be reduced by 1/2 of 1% for payment within ten days after delivery.

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7906; Filed, August 13, 1942; 4:59 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 24 to Revised Tire Rationing Regulations<sup>1</sup>]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Section 1315.804 (c) is amended, and a new subparagraph (5) is added to § 1315.803 (d) as set forth below:

<sup>1</sup> 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633.

Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires and Camelback

§ 1315.803 *Permitted and prohibited deliveries of camelback.* \* \* \* \*  
(d) *Other transfers.* \* \* \* \*

(5) *To retreaders for Army.* Notwithstanding the provisions of § 1315.803 (c), any manufacturer or dealer in camelback may (without certificate) transfer camelback for use on tires owned by the United States Army to any retreader or recapper who either has a prime contract with the War Department to retread or recap such tires or has a sub-contract with the prime contractor, but only when the following conditions are first satisfied.

(i) the retreader or recapper who is a prime contractor shall make out a purchase order in duplicate showing upon its face the number or other identification of his prime contract with the War Department, and shall forward one copy to the manufacturer or dealer in camelback, and shall retain one copy in his files;

(ii) the retreader or recapper who is a subcontractor shall make out a purchase order in triplicate and shall submit one copy to the manufacturer or dealer in camelback, another copy to the prime contractor who shall approve the order in writing and forward it to the manufacturer or dealer in camelback, and shall retain the third copy in his files;

(iii) When the manufacturer or dealer is also the retreader or recapper, he shall make out a requisition order setting forth the amount of camelback withdrawn and the date of withdrawal, and shall retain it in his files.

(iv) A manufacturer or dealer in camelback shall file a separate monthly report within fifteen days from the end of each calendar month for each retreader or recapper to whom he has made any transfer of camelback pursuant to this paragraph (d) (5) (i) or (ii). Such report shall be filed with the Regional Office of the Office of Price Administration serving the area in which the retreader or recapper is located and shall set forth the name and address of the prime contractor and the name and address of the subcontractor, if any, the numbers and dates of the purchase orders, and the amount and date of each shipment of camelback during such calendar month. When the manufacturer or dealer is also the retreader or recapper, he shall make out and file a similar report, stating the numbers and dates of the requisition orders, the amount of camelback used during the month, the dates when the retreaded or recapped tires were shipped, and the number of such tires.

§ 1315.804. *Transfer of new tires or tubes, retreaded or recapped tires, or camelback to certain governmental agencies, to manufacturers of new vehicles, and for export.* \* \* \* \*

(c) *Receipt.* Any person who makes any transfer pursuant to paragraphs (a) or (b) of this section, shall obtain a receipt from the purchaser upon OPA Form No. R-12 (Revised): *Provided, how-*



ever, That a manufacturer who makes any transfer of new tires, tubes, or camelback pursuant to the same paragraphs, need not obtain such form from the purchaser, except when the transfer is made or originates from premises on which the manufacturer performs retail or distributive functions.

(1) OPA Form No. R-12 (Revised) may be obtained from any Local Board and will also be distributed through appropriate governmental agencies. The form shall consist of four parts. Part A shall be mailed to the Regional Office of the Office of Price Administration serving the area in which the seller is located within fifteen (15) days from the end of each calendar month in which deliveries or shipments of tires, tubes, or camelback have been made. Part B shall be used as a basis for replenishing stocks in accordance with the transfer provisions of §§ 1315.801 (d), 1315.802 (c), and 1315.803 (c), whichever is appropriate; any person who retreads or recaps Army tires shall not use OPA Form No. R-12 (Revised) to replenish the camelback so used, but upon obtaining that form from the United States Army shall forward Part B thereof together with Part A to the Regional Office of the Office of Price Administration. Part C shall be retained by the seller as his record of the transaction in accordance with the record keeping requirements of these regulations. Part D shall be retained by the purchaser as his record.

§ 1315.1199a *Effective dates of amendment.* \* \* \*

(x) Amendment No. 24 (§§ 1315.803 and 1315.804) to Revised Tire Rationing Regulations shall become effective August 14, 1942.

(Pub. Law 421, 77th Cong., O.P.M. Supp. Order No. M-15c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7907; Filed, August 13, 1942; 4:56 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Amendment 12 to Rationing Order 2A<sup>1</sup>]

NEW PASSENGER AUTOMOBILES RATIONING REGULATIONS

A new paragraph (o) is hereby added to § 1360.372, as set forth below:

*Persons Eligible to Acquire New Passenger Automobiles by Transfer With Certificates*

§ 1360.372 *Eligibility classification.* \* \* \*

(o) Any member of the Army or Navy of the United States who requires a new passenger automobile which will be used principally for transportation between his residence and his post of duty (but not for transfers from post to post), or

on official business, where no military vehicle is available.

(1) No certificate shall be issued under this paragraph unless the applicant presents with his application a statement from his commanding officer which sets forth the following:

(i) The application is for a new passenger automobile required for necessary transportation between residence and post of duty (but not for transfers from post to post) or on official business;

(ii) no quarters can be provided for the applicant at his post of duty or where his work is to be performed, or that the applicant's duties require frequent traveling on official business;

(iii) no other practicable means of transportation are available and that no military vehicle can be supplied for the applicant's use;

(iv) the commanding officer will take all reasonable steps to insure,

(a) that the applicant will limit his use of the vehicle to the purpose for which the application is made except for minimum incidental use for necessary personal purposes other than pleasure traveling; and

(b) that every effort is made by the applicant to transport as many passengers as possible, consistent with the capacity of the vehicle.

(2) The Board shall issue a certificate under this paragraph only if the conditions of subparagraph (1) are complied with and, in addition, if it is satisfied that the use of a new passenger automobile is necessary for the accomplishment of the purpose for which the applicant needs a new passenger automobile, and that no other practicable means of transportation are available.

*Effective Dates*

§ 1360.442 *Effective dates of amendments.* \* \* \*

(1) Amendment No. 12 (§ 1360.372) to Rationing Order No. 2a shall become effective August 17, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493)

Issued this 13th day of August, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7908; Filed, August 13, 1942; 4:56 p. m.]

PART 1378—COMMODITIES OF MILITARY SPECIFICATIONS FOR WAR PROCUREMENT AGENCIES

[Amendment 6 to Maximum Price Regulation 157<sup>1</sup>]

SALES AND FABRICATION OF TEXTILES, APPAREL AND RELATED ARTICLES FOR MILITARY PURPOSES

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

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

<sup>1</sup> 7 F.R. 4273, 4541, 4618, 5716.

The second paragraph (c) of § 1378.4 is redesignated (d) and is amended to read as follows:

§ 1378.4 *Sales or fabrication of textiles, apparel and related articles for military purposes temporarily exempted from price regulation.*

(d) This Maximum Price Regulation No. 157 and the General Maximum Price Regulation shall not apply to any sale, delivery or fabrication of field jackets pursuant to a contract with a war procurement agency or a contractor or subcontractor thereof, if such contract was entered into prior to July 27, 1942.

§ 1378.12 *Effective dates of amendments.* \* \* \*

(f) Amendment No. 6 (§ 1378.4 (d)) to Maximum Price Regulation No. 157 shall become effective August 19, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7909; Filed, August 13, 1942; 4:56 p. m.]

PART 1381—SOFTWOOD LUMBER

[Amendment 5 to Maximum Price Regulation 26<sup>1</sup>]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

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

A new paragraph (c) is added to § 1381.61 as set forth below:

§ 1381.61 *Effective date.* \* \* \*

(c) The following contracts for delivery of Douglas fir ponton lumber may be completed according to their terms, regardless of any other provisions of this Maximum Price Regulation No. 26—Requisition W869 Contracts (Ponton Lumber) Contract No. and firm:

ENG 5453.... Weyerhaeuser Sales Co.  
ENG 5454.... Oregon American Lumber Corp.  
ENG 5455.... Nettleton Lumber Co.  
ENG 5456.... Bloedel Donovan Lumber Co.  
ENG 5457.... Long Bell Lumber Co.  
ENG 5956.... Bloedel Donovan Lumber Co.  
ENG 5927.... White Lumber Co.  
ENG 5948.... Herbert A. Templeton Lumber Co.  
ENG 6016.... Medford Corp.  
5G-547.... Oregon American Lumber Corp.  
5G-546.... Giustina Brothers Lumber Co.  
5G-584.... The Long Bell Lumber Co.  
ENG 6700.... Grays Harbor Exportation Co.  
ENG 6701.... Grays Harbor Exportation Co.  
5G-582.... Giustina Brothers Lumber Corp.  
ENG 6283.... Oregon American Lumber Co.  
ENG 6282.... The Long Bell Lumber Co.  
ENG 6278.... Herbert A. Templeton Co.  
ENG 6387.... J. H. Chambers & Son  
5G-583.... Herbert A. Templeton  
ENG 6293.... Oregon American Lumber Corp.  
ENG 6284.... White Star Lumber Co.  
ENG 6281.... Westfir Lumber Co.  
ENG 6280.... The Long Bell Lumber Co.  
5G-580.... Bohemia Lumber Sales Co.  
5G-581.... W. A. Woodard Lumber Co.

<sup>1</sup> 7 F.R. 4573, 4701, 5180, 5360, 6168.

<sup>1</sup> 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049.



§ 1381.61a *Effective dates of amendments.*

(e) Amendment No. 5 (§ 1381.61) to Maximum Price Regulation No. 26 shall become effective August 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7910; Filed, August 13, 1942;  
4:54 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 30]

DESIGNATION OF THE NORMAL DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities threaten to result in increases in the rents for housing accommodations in the area designated in § 1388.1331 inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for defense-area housing accommodations within the defense-rental area designated in § 1388.1331;

Therefore, under the authority vested in the Price Administrator by said Act, this designation and rent declaration is issued.

AUTHORITY: §§ 1388.1331 to 1388.1335, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1331 *Designation.* The following area is hereby designated by the Price Administrator as an area where defense activities threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Norman Defense-Rental Area":

In the State of Oklahoma, the Counties of Cleveland and McClain.

§ 1388.1332 *Necessity.* The necessity for the stabilization or reduction of rents for defense-area housing accommodations in the defense-rental area designated in § 1388.1331 is as follows:

The designated area is the location of establishments of the armed forces of the United States. An increase in employment is about to take place in the area. Such an increase in employment reflecting the expansion of war activities threatens to result in increased demands for rental housing accommodations by persons residing in the area.

Defense activities in the designated area threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942. As war activities continue to expand, the demand for housing accommodations will become more extensive, and rent increases and threatened rent increases will materialize unless prevented. Accordingly, it is necessary that rents for such housing accommodations in the designated area be reduced or stabilized.

§ 1388.1333 *Recommendations.* It is the judgment of the Price Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the defense-rental area designated in § 1388.1331 inconsistent with the purposes of the Act. Accordingly, the Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about March 1, 1942. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization or reduction of rents for housing accommodations within the designated defense-rental area are as follows:

(a) The maximum rent for housing accommodations rented on March 1, 1942 should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent for housing accommodations not rented on March 1, 1942. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents of housing accommodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the Norman Defense-Rental Area on March 1, 1942.

(b) Appropriate provision should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1334 *Maximum rent regulation.* If within sixty days after the issuance of this designation and rent declaration, rents for housing accommodations within the defense-rental area designated in § 1388.1331 have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1335 *Effective date.* This designation and rent declaration (§§ 1388.1331 to 1388.1335, inclusive) shall become effective August 13, 1942.

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7911; Filed, August 13, 1942;  
4:55 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 3 to Maximum Price Regulation 136, as Amended]

MACHINES AND PARTS, AND MACHINERY SERVICES

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

New paragraphs (h) and (i) are added to § 1390.2; in § 1390.32 (h) the item "Mechanical instruments for measuring, testing, recording, or indicating, including aircraft, marine, scientific, laboratory, and precision instruments (not including carpenters' tools, or surgical, optical, and dental instruments)" is amended to exclude "special gages manufactured pursuant to customer's drawings"; and in § 1390.33 (c), the item "Special gages manufactured pursuant to customer's drawings (including special purpose plug, ring, snap, height, length, and location gages, but not general purpose graduated or adjustable gages)" is added, and the item "battery chargers" is amended to read "battery chargers", all as set forth below:

§ 1390.2 *Exclusions.*

- (h) Any lease of the following items:
- (1) Public address systems.
  - (2) Electric storage batteries.
  - (3) Surveying and drafting instruments, and engineering reproduction equipment.

(i) Any machinery service performed in connection with the following:

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

<sup>1</sup> 7 F.R. 5047, 5362, 5665, 5908.



(1) The repairing of public address systems.

(2) The repairing of electric storage batteries (including the charging and recharging thereof).

(3) The repairing of X-ray and electro-therapeutic apparatus.

(4) The repairing of surveying and drafting instruments, and engineering reproduction equipment.

§ 1390.32 *Appendix A: Machines and parts to which the October 1, 1941 date is applicable.* \* \* \*

(h) *Miscellaneous.* \* \* \*

Mechanical instruments for measuring, testing, recording, or indicating, including aircraft, marine, scientific, laboratory, and precision instruments (not including special gages manufactured pursuant to the customer's drawings, carpenters' tools, or surgical, optical, and dental instruments).

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942 date is applicable.* \* \* \*

(c) *Miscellaneous.* \* \* \*

Battery chargers (except motor generator sets).

Special gages manufactured pursuant to the customer's drawings (including special purpose plug, ring, snap, height, length, and location gages, but not general purpose graduated or adjustable gages).

§ 1390.31a *Effective dates of amendments.* \* \* \*

(c) Amendment No. 3 (§§ 1390.2 (h) (i), 1390.32 (h), 1390.33 (c)) to Maximum Price Regulation No. 136, as amended, shall become effective August 19, 1942.

(Public Law 421, 77th Cong.)

Issued this 13th day of August 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-7912; Filed, August 13, 1942;  
4:55 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 5 to Revised Supplementary Regulation 4<sup>1</sup> to General Maximum Price Regulation<sup>2</sup>]

##### EXCEPTIONS FOR CERTAIN COMMODITIES

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

Added: §§ 1499.29 (a) (19) and 1499.29 (d) (6), as set forth below:

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the fol-

lowing commodities or in the following transactions:

(19) Sales or deliveries prior to January 1, 1943 to the United States or any agency thereof of the following canned products: Corned Beef Hash (5½ pound can), Meat and Vegetable Stew (30 oz. can), Meat and Vegetable Hash (6 lb. 12 oz. can), Chili Con Carne (6 lb. 8 oz. can), Rations 1, 2 and 3 (12 oz. cans).

(d) *Effective dates of amendments.*

(6) Amendment No. 5 (§ 1499.29 (a) (19), (d) (6)) to Revised Supplementary Regulation No. 4 shall become effective August 14, 1942. (Pub. Law 421, 77th Cong.)

Issued this 13th day of August, 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-7913; Filed, August 13, 1942;  
4:58 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Revised Supplementary Regulation 11<sup>1</sup> to General Maximum Price Regulation<sup>2</sup>]

##### EXCEPTIONS FOR CERTAIN SERVICES

A statement of the considerations involved in the issuance of this revised regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.\* § 1499.46 is amended to read as set forth below:

§ 1499.46 *Exceptions for certain services.* (a) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a), shall not apply to the following services until September 1, 1942:

(1) Stevedoring, and car loading and unloading, when performed under a contract for any war procurement agency.

(2) Transportation of property in tank trucks by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942.

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges or compensation for the following services:

(1) Accountants and auditors—fees and charges of.

(2) Actuaries—fees and charges of.

(3) Advertising agencies—rates charged by.

(4) Advertising facilities (outdoor)—rates charged for use of.

(5) Agents: Artists', authors', playwrights', actors'—fees and charges of.

(6) Adjustment agencies—fees and charges of.

(7) Animals—boarding, clipping, shoeing, or rental of.

(8) Arbitration and Conciliation services—fees and charges of.

(9) Architects—fees and charges of.

(10) Authors—fees and compensation of.

<sup>1</sup> F. R. 4543, 4738, 5028, 5057.

<sup>2</sup> F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5484, 5775, 5784, 5783.

(11) Boats, ships and vessels—repairs to, when undertaken for a war procurement agency.

(12) Bookkeeping services—compensation for.

(13) Booking agents (theatrical, etc.)—fees and charges of.

(14) Check-cashing services—fees and charges for.

(15) Chemists (consulting)—fees and compensation of.

(16) Cider pressing or grape crushing.

(17) Cigarette lighter repair.

(18) Claim adjusting—charges for.

(19) Clock or watch repair or rental.

(20) Collection bureaus and agencies—fees and rates of.

(21) Correspondents—fees and compensation of.

(22) Court reporting (except when a transcript is furnished)—fees and charges for.

(23) Credit information services—rates and charges for.

(24) Detective agencies—fees and charges of.

(25) Disinfecting.

(26) Dusting or spraying of trees, bushes, or plants.

(27) Efficiency experts—fees and charges of.

(28) Electricity (companies furnishing, as public utilities)—rates charged by.

(29) Employment agencies—rates charged by.

(30) Engineers, consulting (civil, electrical, mechanical, marine, etc.), other than engineering firms engaged in the sale of equipment or in contract construction—fees and charges of.

(31) Engrossing of diplomas, resolutions and similar documents.

(32) Entertainers—fees and compensation of.

(33) Express companies and freight forwarders offering their services to the general public as common carriers—rates charged by.

(34) Exterminating.

(35) Electrical logging of oil-well holes—charges for.

(36) Financial services—fees and charges for.

(37) Farm-management services—fees and charges for.

(38) Fire-reporting services—fees and charges for.

(39) Fountain pen and mechanical pencil repair.

(40) Fumigating, except the fumigating of feed, grain and seeds.

(41) Gas (companies supplying, as public utilities through mains)—rates charged by.

(42) Grading, inspecting, or licensing fees fixed, approved, or collected by the United States Department of Agriculture.

(43) Grain warehousing services performed for the United States or any agency thereof.

(44) Hunting, fishing, and trapping on preserves—rates charged for.

(45) Incorporation services—fees and charges for.

(46) Insurance—rates charged by any person selling or underwriting.

(47) Investment counselling—fees and charges for.

(48) Jewelry—repair, engraving or storage of, and setting or resetting of

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

<sup>1</sup> F. R. 5056, 5059.

<sup>2</sup> F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659.



precious or semi-precious stones and pearls.

- (49) Lawyers—fees and charges of.
- (50) Lecturers—fees and compensation of.
- (51) Light, heat, or power (companies furnishing, as public utilities)—rates charged by.
- (52) Livery stables—renting of horses or horse-drawn vehicles.
- (53) Mannequin and modelling services—fees and compensation for.
- (54) Marketing forecasting—fees and charges for.
- (55) Marine salvage operations, including the leasing or rental of equipment incident thereto.
- (56) Merchandising counsel—fees and charges of.
- (57) Motion pictures or other theater enterprise—rates charged by.
- (58) Musical instruments—repair, maintenance, tuning or rental of.
- (59) News syndicates—rates charged by.
- (60) Newspapers, periodicals and magazines—rates charged by.
- (61) Notary Publics—fees and charges of.
- (62) Personnel Management services—fees and charges for.
- (63) Press association and feature services—rates charged by.
- (64) Process servers—fees and charges of.
- (65) Public-relation and publicity counsels—fees and charges of.
- (66) Radio and television stations—rates charged by.
- (67) Rates and charges by persons engaged in the business of publishing, printing, typesetting, platemaking and binding and rendering related services in connection with books, magazines, newspapers and periodicals.
- (68) Research services (food, investment, laboratory, statistical, marketing, etc.)—fees and charges for.
- (69) Saddles, luggage or handbags, whether made of leather or other materials—repair or maintenance of.
- (70) Seismographic exploration—rates charged for.
- (71) Services rendered in connection with title guaranty, title search, abstracting and surveying—fees and charges for.
- (72) Services rendered on the farm in connection with the planting, cultivating, harvesting or preparation for market of agricultural commodities or in connection with the raising or preparation for market of live stock or poultry or live stock or poultry products (but not including repairs to or maintenance of farm buildings and other farm structures, or repairs or maintenance of farm equipment)—rates, charges, and compensation for.
- (73) Services the rates for which are regulated by the Department of Agriculture under the Stockyards and Packers Act.
- (74) Shoe shining.
- (75) Shot-hole drilling—fees and charges for.

- (76) Speakers' bureaus—fees and charges of.
  - (77) Systematizing services—fees and charges for.
  - (78) Tax consultants—fees and charges of.
  - (79) Taxidermy.
  - (80) Telephone service, secretarial—rates charged for.
  - (81) Telephone services—rates charged for.
  - (82) Telegraph service—rates charged for.
  - (83) Tents or flies—repairing, waterproofing, or rental of.
  - (84) Termite control.
  - (85) Ticker services—fees and charges for.
  - (86) Ticket services and agencies for theater, or passenger transportation—fees and charges for.
  - (87) Tourist agencies and travel bureaus—fees and charges of.
  - (88) Toys (including, but not limited to, dolls)—repair of.
  - (89) Traffic consultants—fees and charges of.
  - (90) Translation services—fees and charges for.
  - (91) Transportation of commodities by persons offering their services to the general public as common carriers by rail, water, motor, pipe line, or other means of conveyances, rates charged for: *Provided, however,* That charges for storage and warehousing and all other services incident thereto by any person shall not be excluded from the General Maximum Price Regulation.
  - (92) Transportation of persons—rates charged for.
  - (93) Tree surgery—fees and charges for.
  - (94) Tricycles, baby carriages, or children's wheel goods—repair or rental of (including, but not limited to, repair of tires or wheels or other parts or accessories).
  - (95) Umbrellas—repair or rental of.
  - (96) Veterinarians—fees and charges of.
  - (97) Wagons—repair, maintenance or rental of.
  - (98) Watchman services—fees and charges for.
  - (99) Water (companies supplying, to urban areas as public utilities)—rates charged by.
  - (100) Window display service—fees and charges for.
- Provided,* That where, in connection with the supply or offer for supply during March 1942 of any of the services designated in paragraphs (a) and (b) of this Revised Supplementary Regulation No. 11, a commodity was sold or offered for sale, the rates, fees, charges or compensation for the supply of such commodity shall not be excepted from the application of the General Maximum Price Regulation if (i) a separate charge was made during March 1942 for the supply of such commodity, and (ii) if such a commodity when sold separately would otherwise be subject to the General Maximum Price Regulation.

- (c) Definitions:
  - (1) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.
  - (2) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the War Shipping Administration, the Office of Scientific Research and Development and the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of the foregoing.
  - (3) The definition of "farm equipment" set forth in § 1361.9 (a) (3) of Maximum Price Regulation No. 133 shall apply for the purposes of this Regulation.
- (d) Effective date.
  - (1) Revised Supplementary Regulation No. 11 (§ 1499.46) shall become effective August 19, 1942. (Pub. Law 421, 77th Cong.)

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7916; Filed, August 13, 1942; 5:00 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 17 Under § 1499.18 (b) of General Maximum Price Regulation—Docket GF3-433]

JOSEPH H. REINFELD, INC.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.317 *Adjustment of maximum prices for Abbott's Bitters and Martini & Rossi Sweet and Dry Vermouth sold by Joseph H. Reinfeld, Inc.* (a) Joseph H. Reinfeld, Inc., 461-467 Frelinghuysen Avenue, Newark, New Jersey may sell and deliver and any person may buy and receive from Joseph H. Reinfeld Inc. the following commodities at prices not higher than those set forth below:

Abbott's Bitters:	Per case
18 oz. bottles.....	\$29.00
8 oz. bottles.....	13.75
Less customary discounts.	
Martini & Rossi Sweet and Dry Vermouth:	
\$14.25 per case less customary discounts.	

(b) The adjustment granted to Joseph H. Reinfeld Inc., in paragraph (a) is subject to the following conditions:

(1) Joseph H. Reinfeld Inc., shall forthwith by circular or other appropriate means, notify its customers that the Office of Price Administration has authorized adjustment of its maximum prices for Abbott's Bitters and Martini and Rossi Sweet and Dry Vermouth to those set in paragraph (a).

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 17 may be revoked or amended by the Price Administrator at any time.

\* 7 F.R. 185.



(e) This Order No. 17 (§ 1499.317) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by Section 1499.2.

(f) This Order No. 17 (§ 1499.317) shall become effective August 14, 1942. (Pub. Law 421, 77th Cong.)

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7915; Filed, August 13, 1942;  
4:55 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 18 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-273]

RUTHERFORD CO.

For the reasons set forth in an opinion issued simultaneously herewith it is ordered:

§ 1499.368 *Denial of adjustment of maximum prices for car unloading services sold by Rutherford Company.* (a) The application for adjustment filed by Rutherford Company and assigned Docket No. GF3-273 is denied.

(b) This Order No. 18 (§ 1499.368) shall become effective August 14, 1942. (Pub. Law No. 421, 77th Cong.)

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7914; Filed, August 13, 1942;  
4:58 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Maximum Price Regulation 165]  
CONSUMER SERVICE

The title and preamble are amended, and §§ 1499.101 to 1499.121, inclusive, are renumbered and amended to read as set forth below:

[Maximum Price Regulation 165 as amended]

#### SERVICES

In the judgment of the Price Administrator the prices of services generally have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942.

In the judgment of the Price Administrator the maximum prices established by this regulation, which apply with certain exceptions to all services not otherwise subject to regulation, are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act.

So far as practicable the Price Administrator has given due consideration

to prices prevailing between October 1 and 15, 1941, and to relevant factors of general applicability. So far as practicable the Price Administrator has consulted with representatives of trade and industry.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, this Maximum Price Regulation No. 165 as amended—Services is hereby issued.

AUTHORITY: §§ 1499.101 to 1499.124 inclusive, issued under Pub. Law 421, 77th Cong.

NOTE: The meaning of certain provisions and terms of Maximum Price Regulation No. 165 as amended is further explained and defined in § 1499.116. The explanations and definitions are set forth in alphabetical order. The terms explained and defined are in quotation marks the first time they appear in the text.

§ 1499.101 *Prohibition against dealing in services above maximum prices.* On and after July 1, 1942, regardless of any contract or other obligation:

(a) *Sales.* No "person" shall "sell" or supply any of the "services" set forth in paragraph (c) of this section at a price higher than the maximum price permitted by this Maximum Price Regulation No. 165 as amended.

(b) *Purchases.* No person in the course of trade or business shall buy or receive any of the services set forth in paragraph (c) of this section at a price higher than the maximum price permitted by this Maximum Price Regulation No. 165 as amended: *Provided*, That the provisions of this paragraph (b) of this section shall not be applicable to any "war procurement agency" or any contracting or paying finance officer thereof, and any such agency or contracting or paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, with respect to any matter covered by this Maximum Price Regulation No. 165 as amended.

(c) *Services covered.* This Maximum Price Regulation No. 165 as amended shall apply to all rates and charges for the following services, except when such services are rendered as an employee:

(1) Aircraft—lubrication, maintenance, painting, "rental," repair, storage, washing, or other servicing of (including but not limited to maintenance or repairs of accessories or parts).

(2) Air raid precautionary services dealing with buildings or parts thereof.

(3) Ash, debris, garbage or trash removal.

(4) Automotive vehicles (including but not limited to automobiles, busses, motor-

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

cycles, semi-trailers, tractors, trailers and trucks)—lubrication, maintenance, painting, rental, repair, storage (including but not limited to dead storage and parking), towing, washing or other servicing of (including but not limited to maintenance, rental or repair of accessories or parts such as batteries, radios, tires, or tubes except recapping and re-treading of tires, but including though not limited to pick-up and delivery and mounting and demounting of tires and use of loaned tires and tubes).

(5) Barrels, bottles or containers—cleaning, collecting, maintenance, painting, reconditioning, re-cooperage, rental, repair, stenciling, sterilizing, or washing of.

(6) Beer pumps, coils, or other draught beer equipment—cleaning, maintenance, rental or repair of.

(7) Bicycles—rental or repair of (including but not limited to repair of tires or wheels or other parts or accessories.)

(8) Boats—cleaning, hauling, maintenance, overhauling, painting, rental, repair, or storage of (including but not limited to repairs of engines, motors, sails or other parts or equipment) except for services to boats under government control or to cargo boats of over 100 tons displacement, or to boats which are common carriers.

(9) Buildings, houses or offices—cleaning of (including but not limited to chimney-cleaning, cleaning of exteriors, floor-cleaning, -sanding, -scraping, -waxing, sand-blasting, steam-cleaning, window-cleaning, or rental or repair of floor-cleaning, -sanding, -scraping, -waxing equipment, or contract janitorial service.

(10) Business, office or store equipment or machinery—maintenance, rental or repair of (including but not limited to maintenance, rental or repair of adding and computing machines, cash registers, duplicating machines, meat grinders, scales, slicers, soda fountains, and the maintenance or repair, but not the rental, of typewriters.)

(11) Carloading or unloading unless performed by common carriers in their capacity as such.

(12) Carpentry repairs (shopwork only.)

(13) Carpets, linoleum, rugs or other floor covering—binding, cleaning, cutting, fitting, laying, maintenance, piece dyeing, rental, repair, sewing, stretching or washing of (except by a seller of such commodities in connection with the sale thereof.)

(14) Checkroom, checking or parcel room service.

(15) Clothing, garments, finished or manufactured articles made of textiles or leather, household fabrics (including but not limited to coats, corsets, curtains, draperies, dresses, gloves, hats, hosiery, millinery, slip covers, suits, or uniforms)—alteration, blocking, cleaning,



dyeing, mending, moth-proofing, pressing, remodeling, rental, repair, or waterproofing of (including but not limited to locker club and valet service, rental of costumes and dress suits) but not including services performed by the seller of such commodities in connection with the sale thereof.

(16) Coin operated machines—maintenance, rental or repair of.

(17) Commission selling, auctioneering or brokerage of commodities.

(18) Corrective or therapeutic devices (including but not limited to artificial limbs, braces, hearing aids, pads, splints, trusses or wheel chairs)—maintenance, rental or repair of.

(19) Customhouse brokers' service.

(20) Drugs, chemicals and cosmetics—conversion, processing, refining, or reprocessing of, on a custom basis when raw materials are supplied by the customer.

(21) Electrical appliances (small or portable, commonly used in homes, hospitals, hotels, institutions, offices, retail establishments, or schools)—maintenance, rental or repair of.

(22) Farm equipment—maintenance, rental or repair of.

(23) Feed and grain—aspriating, bagging, baking, bleaching, bolting, cleaning, conditioning, cooling, cracking, crimping, crushing, dehydrating, drying, elevating, expelling, extracting, flaking, fumigating, grading, grinding, heating, hulling, inspecting, mixing, pearling, pelleting, rolling, sampling, scouring, screening, shelling, steel cutting, testing, or weighing of, when done on a custom basis. Grinding or mixing refers to work done by both stationary or portable grinders or mixers.

(24) Food locker service or rental (including but not limited to processing of commodities to be stored.)

(25) Freight consolidating, distributing or forwarding services, except those offered the general public by persons operating as common carriers in their capacity as such.

(26) Fruit or vegetables—canning, dehydrating, drying, freezing, inspecting, packing, processing, sealing or sorting of, on a toll or contract basis.

(27) Furs—repair or storage of.

(28) Furniture and household equipment, whether from or in homes, hospitals, hotels, offices, retail establishments, schools, or other institutions (including but not limited to awnings, burglar alarms, chairs, china dishes, doorchecks, glass, household utensils or ornaments, ironing machines, lamps, lampshades, locks, mattresses, mirrors, other articles of furniture, pictures, pillows, quilts, refrigerators, sewing machines, silverware, tables, vacuum cleaners, washing machines, window screens or window shades)—cleaning, maintenance, painting, reconditioning, redecorating, refinishing, remodeling, rental, repair, reupholstering or sterilizing of, or cabinet work, the framing of pictures, the making or cutting of original keys, or the resilvering of mirrors.

(29) Gas appliances (except gas furnaces, industrial equipment, unit heaters or water heaters)—maintenance, rental or repair of.

(30) Ginning.

(31) Hops—baling, drying or fumigating of.

(32) Imported botanicals—cleansing or drying of.

(33) Insecticides—grinding, mixing, or other processing of.

(34) Instruments (dental, engineering, medical, surgical or surveying)—maintenance, rental or repair of.

(35) Kitchen equipment, commonly used in the preparation of foods for consumption on the premises—maintenance, rental or repair of.

(36) Laundering (including but not limited to laundry collection and including also but not limited to diaper, linen, towel, uniform or work clothes supply service, with or without laundering.)

(37) Lumber—drying, milling, processing and treating of by custom mills or dryers.

(38) Metal work, plating, replating and welding (shopwork only and only for consumers other than commercial, governmental or industrial users.)

(39) Mint oil—distilling of, on a custom basis.

(40) Nuts—processing of vegetable or fruit.

(41) Oil burners burning No. 5 oil and lighter—maintenance, rental or repair of (except free services rendered in conjunction with the sale of oil).

(42) Packing or packaging of commodities (including but not limited to crating, labeling, marking or package consolidation) except by the seller of such commodities in connection with the sale thereof.

(43) Photography services as follows: copying, developing, enlarging, exposing, printing, or taking of all still camera films and plates; developing, exposing, printing or reversing of motion picture films; color and monochrome printing from color transparencies; editing, splicing, titling, or toning of motion picture films; mounting, retouching, tinting or toning of films and prints; vaporating or other preservative treatment of films; repairs or services to or rentals of photographic equipment, or rentals of film subjects.

(44) Public address systems—maintenance, rental or repair of.

(45) Radios and phonographs (not primarily designed for commercial, military or police use)—maintenance, rental or repair of.

(46) Rice—bagging, elevating, grading, granulating, inspecting, milling, polishing, sampling, screening, testing, or weighing of, when done on a toll or custom basis.

(47) Rubber goods (including but not limited to belts, clothing, drug sundries, footwear, hose (except for construction, mining, or road-maintenance machinery), mechanical goods, rollers, rubber-

lined tanks or tubes)—alteration, maintenance, rental or repair of.

(48) Safe deposit rental.

(49) Seeds—bagging, cleaning, cooling, drying, dusting, fumigating, grading, hot water treatment, hulling, inspecting, mixing, sampling, scarifying, screening, seed bag cleaning, seed bag opening, shelling, testing or weighing of, on a custom basis.

(50) Septic tanks or cesspools—cleaning of.

(51) Shoes—alteration, dyeing, remodeling, repair, or waterproofing of.

(52) Signs—maintenance, painting or repair of.

(53) Sporting goods (including but not limited to guns)—remodeling, rental or repair of.

(54) Stevedoring.

(55) Stoves—maintenance, rental or repair of.

(56) Sweet potatoes—kilo drying of, when done on a custom basis.

(57) Tools, saws, knives or lawnmowers (limited to hand or portable tools)—rental, repair or sharpening of.

(58) Transportation agents (other than employees of transportation companies)—services of, except when rendered in connection with the transportation of persons.

(59) Transportation brokerage.

(60) Transportation—rental of transportation equipment, or servicing of merchandise for shipment (including but not limited to cleaning, heating, icing, pre-cooling or ventilating), by companies or persons other than common carriers.

(61) Weighing of foods or other commodities (business service).

When used in this § 1499.101 (c) the word "or" shall mean "or", "and," and "and/or."

§ 1499.102 *Maximum prices for services; General provisions.* Except as otherwise provided in Maximum Price Regulation No. 165, as amended, the seller's maximum price for any service to which this Maximum Price Regulation No. 165, as amended, is applicable shall be:

(a) The highest price charged during March 1942 (as defined in this section) by the seller—

(1) For the same service; or

(2) If no charge was made for the same service, for the similar service most nearly like it;

*Provided, however,* That if the seller in computing his prices during March 1942 regularly used a rate or a "pricing method" including specific charges for particular items in the service rendered, the price resulting from proper application (i) of the highest such rate in effect during March 1942 or (ii) of such pricing method, using the highest charges in effect during March 1942, shall be deemed to be the highest price charged by the seller during that month for any service to which the rate or pricing method was then applicable or by usual trade practice would have been applicable had the



service been offered in March, 1942, and shall be the seller's maximum price for any such service; or

(b) If the seller's maximum price cannot be determined under paragraph (a), the highest price charged during March 1942 (as defined in this section) by the "most closely competitive seller of the same class"—

(1) For the same service; or

(2) If no charge was made for the same service, for the similar service most nearly like it; or

(c) If the seller's maximum price cannot be determined under paragraphs (a) or (b) of this section, a price determined by applying the rate, or the pricing method and charges, regularly used by the seller for any other service or type of service which he supplied during March 1942, which price, however, shall not exceed a combination of the following items:

(1) An item for cost of direct labor used in supplying the service for which a price is sought, computed on a basis no higher than the highest wage rate which the seller had in effect for each type of employee during March 1942, or if he had no wage rate in effect during such month, the highest wage rate which his competitors in the same area had in effect for each type of employee during March 1942, plus

(2) An item for cost of materials used in supplying the service for which a price is being determined, computed on a basis no higher than the maximum prices, for purchase by the seller, established for such material by the Office of Price Administration, or if no maximum price has been established, then the highest price which the seller, or a purchaser of the same class, had to pay for such material in the month of March 1942, plus

(3) The margin over such cost for direct labor and materials (i. e., subparagraph (1) plus subparagraph (2)) equal, as a percentage of cost, to the average margin over direct labor and material cost which was figured on the service or type of service for which a price was charged by the seller during March 1942, and which accounted for a greater portion of the seller's gross income from services than any other service during March 1942, less

(4) All discounts and other allowances granted during March 1942 to a purchaser of the same class.

Within ten days after determining the maximum price under this paragraph the seller shall report such price to the "appropriate Field Office of the Office of Price Administration" upon Form No. 265:1. Such Form shall be duly filled out in duplicate and may be copied from the Form contained in Appendix A (§ 1499.122) of this Maximum Price Regulation No. 165, as amended, or secured from the appropriate Field Office of the Office of Price Administration. The Price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(d) If the seller did not supply any service during March 1942, and if the service to be priced is not the same as or similar to any service supplied during that month by a competitive seller of the same class, and if such service cannot be priced under § 1499.103 of this Maximum Price Regulation No. 165, as amended, a price approved by the Office of Price Administration. Application for such approval shall be made on Form 265:3 contained in Appendix C (§ 1499.124) of this Maximum Price Regulation No. 165, as amended, and shall be filed in duplicate with the appropriate field office of the Office of Price Administration. The application shall contain (1) "an appropriate description and identification" of the service for which a price is being reported; (2) a statement of the reasons why it can not be priced except under this paragraph (d); and (3) a statement of the proposed maximum price, setting forth separately the amount included for labor, the amount for materials, and the amount for overhead and profit. Unless the Office of Price Administration or an authorized representative thereof shall, by order mailed to the applicant within 10 days from the date of filing the application, disapprove the maximum price as reported, such price shall be deemed to have been approved, subject to disapproval or adjustment at any time by the Office of Price Administration.

(e) *Similar services subsequently sold.* Any maximum price determined under paragraphs (c) and (d) of this § 1499.103 shall be the maximum price for all services subsequently sold by the seller which are the same as or similar to the service for which a maximum price has been so determined, without regard to subsequent changes in cost. A report on Form 265:1 must be filed only for the sale of a service the price of which is not regularly computed by the same pricing method as that already set forth in a Form 265:1 previously filed by the seller with the Office of Price Administration and not adjusted by the Office of Price Administration. A report on Form 265:3 need be filed only for the sale of services the price of which is not the same as the price of the same or a similar service already set forth in a Form 265:3 previously filed by the seller with the Office of Price Administration and not disapproved or adjusted by the Office of Price Administration.

#### Highest Price Charged During March 1942

For the purposes of this Maximum Price Regulation No. 165, as amended, the highest price charged by a seller during March 1942 shall be:

(1) The highest price which the seller charged for a service "supplied" by him during March 1942; or

(2) If the seller supplied no such service during March 1942, his highest "offering price" for supply during that month:

The "highest price charged during March 1942" shall be the highest price

charged by the seller during such month to a "purchaser of the same class":

*Provided, however,* That if the seller did not supply the service to be priced, and had no offering price for such service, to a purchaser of the same class, it shall be the highest price charged by the seller to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers; and

*Provided, further,* That if, prior to April 1, 1942, the seller raised his prices for the supply of a service to his classes of purchasers generally, and if, during March 1942, he supplied such service at the higher price to at least one class of purchasers, the highest price charged during March 1942 for each class of purchaser—

(i) To which the service was not supplied during March 1942 at the higher price, and

(ii) To which the service was not supplied during March 1942 at a lower price after the price rise, unless supplied pursuant to a firm commitment entered into before such price rise

shall be the seller's highest offering price for supply to such class of purchaser during March 1942, or, if he had no such offering price for supply to a particular class of purchaser during March 1942 the highest price charged by the seller during March 1942 to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

No seller shall evade any of the provisions of this Maximum Price Regulation No. 165, as amended, by changing his customary allowances, discounts, or other price differentials.

No seller shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the supply of any service, than the seller required purchasers of the same class to pay during March 1942 in sales of the same or similar types of services.

#### Similar Services

One service shall be deemed similar to another service if the first has the same use and purpose as the second and belongs to a type which would ordinarily be supplied for the same or substantially the same price.

§ 1499.103 *Maximum prices for seasonal services—*(a) *Services subject to seasonal variations in price.* If the seller of a service has had a regularly established "seasonal" variation in price for the same service or for a similar service, the seller's maximum price shall be the highest price charged<sup>1</sup> during the corresponding season of the year from March 1, 1941 to February 28, 1942 inclusive.

<sup>1</sup>The term "highest price charged" when used in § 1499.103 shall be given the same meaning as that set forth in § 1499.102 above except that the "base period" shall be used in place of the month of March 1942.



for the same service or the similar service most nearly like it, plus an amount equal to that price multiplied by the percentage increase in the cost of living between the last period<sup>3</sup> of the corresponding season and March 1942.<sup>2</sup>

(b) *Services not performed by the seller in March 1942, and performed by him regularly only during one season of the year March 1, 1941 to February 28, 1942.* If the seller of a service did not perform such service in March 1942, and if such service falls within a class of services performed by him regularly only during one season of the year March 1, 1941, to February 28, 1942, the seller's maximum price shall be the highest price charged by him for the same service or the similar service most nearly like it during the last period<sup>3</sup> previous to March 1942 in which such service was supplied or offered, plus an amount equal to that price multiplied by the percentage increase in the cost of living between that last period and March 1942.<sup>2</sup>

(c) *Maximum price for seasonal services not previously supplied by the seller.* The seller's maximum price for a service which falls within a class of services having a regularly established seasonal variation in price, or performed regularly during only one season of the year March 1, 1941, to February 28, 1942, if the seller did not sell or offer to sell the same or a similar service in the corresponding season of the year March 1, 1941, to February 28, 1942, shall be the maximum price of the most closely competitive seller of the same class for the same or a similar service, determined under this § 1499.103.

(d) *Reports.* Within ten days after determining a maximum price under this § 1499.103 the seller shall report such price to the appropriate field office of the Office of Price Administration upon Form No. 265:2. Such form shall be duly filled out in duplicate and may be copied from the form contained

in Appendix B (§ 1499.123) of this Maximum Price Regulation No. 165 as amended, or secured from the appropriate field office of the Office of Price Administration. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(e) *Similar services subsequently sold.* Any maximum price determined under paragraphs (a), (b), or (c) of this section shall be the maximum price for all services subsequently sold by the seller which are the same or similar to the service for which a maximum price had been so determined without regard to subsequent changes in cost. A report on Form 265:2 must be filed only for the sale of a service the price of which is not regularly computed by the same rate, or the same pricing method and charges, already set forth in, or not the same as or similar to a service for which a price has already been set forth in, a Form 265:2 previously filed by the same seller with the Office of Price Administration and not adjusted by the Office of Price Administration.

§ 1499.104 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to supply the same type of services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 165 as amended.

§ 1499.105 *Federal and State taxes.* Any tax upon, or incident to, the supplying of a service, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such service and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during the base period.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price in the "base period" the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 165 as amended.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum prices under Maximum Price Regulation No. 165 as amended.

(b) *As to a tax or increase in a tax which becomes effective after the base period.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1499.106 *Less than maximum prices.* Lower prices than those established by Maximum Price Regulation No. 165 as amended may be charged, demanded, paid, or offered.

SERVICES EXCEPTED FROM THIS REGULATION

§ 1499.107 *Services excepted from Maximum Price Regulation 165 as amended.* The provisions of this regulation shall not apply to the services excepted from the General Maximum Price Regulation<sup>4</sup> by Supplementary Regulation No. 11<sup>4</sup> to the General Maximum Price Regulation and any amendments thereto, in so far and for such time as such services are thereby excepted.

RECORDS AND REPORTS

§ 1499.108 *Base-period records and reports.* Every person selling services for which, upon sale by that person, maximum prices are established by Maximum Price Regulation No. 165 as amended shall:

(a) Preserve for examination by the Office of Price Administration all his existing "records" relating to the prices which he charged, the rates, or the pricing methods and charges which he used for such of those services as he supplied during March 1942, or during the applicable base period, his offering prices for supply of such services during such month, or period, and an appropriate description and identification of such services;

(b) Prepare on or before September 1, 1942, to the full extent of all available

<sup>2</sup>Percentage increase in cost of living: The percentage used shall be as follows for the applicable period:

Percentage	Period
12.9% (.129)	Mar. 1, 1941, to Apr. 14, 1941, inc.
11.8% (.118)	Apr. 15, 1941, to May 14, 1941, inc.
11.1% (.111)	May 15, 1941, to June 14, 1941, inc.
9.3% (.093)	June 15, 1941, to July 14, 1941, inc.
8.5% (.085)	July 15, 1941, to Aug. 14, 1941, inc.
7.6% (.076)	Aug. 15, 1941, to Sept. 14, 1941, inc.
5.7% (.057)	Sept. 15, 1941, to Oct. 14, 1941, inc.
4.6% (.046)	Oct. 15, 1941, to Nov. 14, 1941, inc.
3.7% (.037)	Nov. 15, 1941, to Dec. 14, 1941, inc.
3.4% (.034)	Dec. 15, 1941, to Jan. 14, 1942, inc.
2.1% (.021)	Jan. 15, 1942, to Feb. 14, 1942, inc.
1.2% (.012)	Feb. 15, 1942, to Feb. 28, 1942, inc.

<sup>4</sup>7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487.

<sup>5</sup>7 F.R. 4543, 4738.



information and records and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(1) The highest prices which he charged for services supplied during March 1942 for which prices were regularly quoted in that month together with an appropriate description and identification of such services;

(2) The rate, if any, or the pricing method and charges, if any, regularly used during March 1942; and

(3) All his customary allowances, discounts, and other price differentials in effect during March 1942.

A duplicate of this statement shall be filed, on or before September 10, 1942, with the appropriate "War Price and Rationing Board of the Office of Price Administration."

(c) If a seller of a service sells any service not the same as or similar to a service sold by him in March 1942, or not priced by the same rate, or pricing method and charges as he regularly used in March 1942, a statement identical with that required by paragraph (b) of this section shall be prepared, kept and filed as required by that paragraph, except that:

(1) The statement shall set forth the date on which the service was first sold; the maximum price, or the rate, or the pricing method and charges, used by the seller, including all customary allowances, discounts, or other price differentials, to determine the maximum price of the service; and the manner in which this maximum price, rate, or pricing method and charges was determined, including the name of the most closely competitive seller of the same class, if the determination of the price involved such a seller;

(2) The date for the preparation and keeping of such statement shall be September 1, 1942, or ten (10) days after the first sale of the service, whichever is later.

(3) The date for the filing of such statement shall be September 10, 1942, or twenty (20) days after the first sale of the service, whichever is later; and

(4) Such a statement need be prepared and filed only for the sale of a service the price of which is not regularly computed by the same rate, or the same pricing method and charges, already set forth in, or not the same as or similar to a service for which a price has already been set forth in, a statement previously prepared and filed by the same seller.

§ 1499.109 *Non-disclosure of base-period records.* Any person, other than a person "selling at retail," who claims that substantial injury would result to him from making the statement provided for in § 1499.108 (b) or (c) of this regulation available to any other person, need only file the statement with the appropriate War Price and Rationing Board of the Office of Price Administration, accompanying it with an affidavit that disclosure would result in substantial injury.

The information contained in such statements will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of Maximum Price Regulation No. 165 as amended.

§ 1499.110 *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each service sold and the price received for it.

§ 1499.111 *Licensing*—(a) *License required.* A license as a condition of selling is hereby required of every person now or hereafter selling any service for which a maximum price is established by this Maximum Price Regulation No. 165 as amended or by any other price regulation of the Office of Price Administration.

(b) *License granted.* Every person now or hereafter selling any service for which a maximum price is established by this Maximum Price Regulation No. 165 as amended or by any other price regulation of the Office of Price Administration is hereby granted a license as a condition of selling any such service. The provisions of the regulation or of any price regulation of the Office of Price Administration to which this section is now or may hereafter become applicable, shall be deemed to be incorporated in the license hereby granted and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on July 1, 1942, the effective date of this regulation, or when any person becomes subject to the maximum price provisions of this or any other such price regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, continue in force so long as and to the extent that this or any other such price regulation, or any amendment or supplement thereto, remains in effect.

(c) *Licensing section of General Maximum Price Regulation superseded.* This section supersedes the provisions of § 1499.16 of the General Maximum Price Regulation insofar as said section may be applicable to persons selling any service.

§ 1499.112 *Registration of licensees.* Every person hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1499.113 *Penalties.* Persons violating any provision of Maximum Price Regulation No. 165 as amended are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

#### PROCEDURE FOR ADJUSTMENT OR AMENDMENT

§ 1499.114 *Applications for adjustment by sellers.* (a) Any seller who finds that the maximum price of a service established for him under the provisions of §§ 1499.102 or 1499.103 is abnormally low in relation to the maximum prices of the same or similar services established for other sellers, and that this abnormality subjects him to substantial hardship, may file an application for adjustment of that maximum price in accordance with Temporary Procedural Regulation No. 5<sup>5</sup> issued June 23, 1942, by the Office of Price Administration. (b) Any seller, who finds that the maximum price of a service established for him under the provisions of §§ 1499.102 or 1499.103 subjects him to substantial hardship because of cost increases (1) incurred between February 1, 1942, and April 27, 1942, not reflected in the prices which are established for him under the above provisions, including any increase subsequent to April 27, 1942, resulting from a collective bargaining contract or other wage agreement which contract or agreement (i) was entered into on or prior to April 27, 1942, and (ii) provides for an unconditional increase in wage rates of a fixed amount or percent, and (2) where such cost increases threaten the continued supply of the service, may file an application for adjustment of that maximum price in accordance with Temporary Procedural Regulation No. 5<sup>5</sup> issued June 23, 1942, by the Office of Price Administration. Such application, if filed with respect to sales other than retail sales, shall contain a statement setting forth in detail the effect that, in the applicant's opinion, the granting of the relief sought would have upon the retail price level of the particular service, together with all of the facts upon which applicant relies in support of this opinion. The Price Administrator, or his authorized representative, may deny in whole or in part any such application which, in his judgment, will increase the level of retail prices for the particular service. (c) Any person seeking relief, for which no provision is made in the foregoing paragraphs (a) and (b) of this section, from a maximum price established under this Maximum Price Regulation No. 165 as amended, may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1,<sup>6</sup> and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant, together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of Maximum Price Regulation No. 165 as amended to eliminate the danger of inflation.

<sup>5</sup> 7 FR. 4730.

<sup>6</sup> 7 FR. 971, 3663.



§ 1499.115 *Petitions for amendment.*

Any person seeking a modification of any provision of Maximum Price Regulation No. 165 as amended or an adjustment not otherwise provided for may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1<sup>0</sup> issued by the Office of Price Administration.

§ 1499.116 *Definitions and explanations.* (a) When used in Maximum Price Regulation No. 165 as amended:

(1) "Appropriate description and identification" means a complete listing of the specifications, process, and other characteristics of the service, or of the various grades of services.

(2) "Appropriate field office of the Office of Price Administration" means district office for the district (or in the absence of such district office, the state office for the State) in which is located the seller's place of business from which his sales are made.

(3) "Appropriate War Price and Rationing Board" means the War Price and Rationing Board for the area in which is located the seller's place of business from which the services are offered for sale.

(4) "Base period" means: (a) for prices determined under § 1499.102, March, 1942; and (b) for prices determined under § 1499.103, the season or period prior to March, 1942, with reference to which the seller's maximum price is determined.

(5) "Most closely competitive seller of the same class." "Seller of the same class" means a seller (i) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, installing, or repairing), (ii) of similar type (for example, cash and carry, pick-up and delivery, chain store, specialty shop, cut-rate store), (iii) dealing in the same type of service, and (iv) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (a) is selling the same or a similar service, and (b) is closely competitive in the sale of such service, and (c) is located nearest to the seller.

(6) "Offering price" means the price quoted in the seller's price list, or, if he had no such price list, the price which he regularly quoted in any other manner, or the price determined by the rate, or the pricing method and charges, which the seller regularly used. But "offering price" shall not include a price intended to withhold a service from the market, or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

(7) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(8) "Pricing method" means the formula by which the seller figures his

price for any service, whether such formula is disclosed to the purchaser or is merely the seller's device for figuring cost of labor and materials, other costs, and margin of profit.

(9) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(10) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for services for sales to different purchasers or kinds of purchasers (for example, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(11) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(12) "Rental" means any leasing of a commodity except where the lease is a substitute for a conditional sale, chattel mortgage, or other security device in connection with an instalment sale, or except where the lease contains a provision giving the lessee an option to buy the leased commodity at a stipulated price from which all or a portion of the payments made as rent are to be deducted.

(13) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user. Sales to farmers shall be considered sales at retail.

(14) "Season" or "seasonal" means any division of the year into periods of one or more months or portions thereof for pricing purposes, such division being based upon regular and recurrent differences in demand for or supply of the service or materials or in the costs of doing business.

(15) "Sell" includes sell, rent, supply, dispose, barter, exchange, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase" and "purchaser" shall be construed accordingly. Nothing in this Maximum Price Regulation No. 165 as amended shall be construed to prohibit the making of a contract to sell service at a price not to exceed the maximum price at the time of supply.

(16) "Seller" includes a seller of any service. Where a seller supplies services through more than one selling unit, other than salesmen making sales at uniform prices, each separate place of business of the seller shall be deemed to be a separate seller, except that for the purposes of § 1499.111 of this Maximum Price Regulation No. 165 as amended, the owner of the business shall be considered the seller regardless of the number of separate places of business he owns.

(17) "Service" shall include any and all of those services listed in § 1499.101 (c), and shall include any commodity or article sold in connection with the sale of a particular service.

(18) "Sold" and "supplied." A service shall be deemed to be "sold" or "supplied" when completed, except that rental services and storage services shall be deemed to be sold or supplied when the rental or storage period begins.

(19) "War procurement agency" includes the Department of the Navy, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Office of Scientific Research and Development, the United States Maritime Commission, the War Department, the War Shipping Administration or any agency of the foregoing.

§ 1499.117 *Exclusions.* This Maximum Price Regulation No. 165, as amended, shall not apply, and the General Maximum Price Regulation shall not apply, to:

(a) *Developmental contracts and subcontracts.* (1) This Maximum Price Regulation No. 165, as amended shall not apply, and the General Maximum Price Regulation shall not apply, to any sale of a service performed pursuant to a contract or subcontract certified in writing to the Office of Price Administration by any war procurement agency or any duly authorized officer thereof as being developmental: *Provided*, That a report is filed pursuant to paragraph (2) of this § 1499.117 (a). For the purpose of this section, a contract is deemed to be "developmental" during such period, not to exceed ninety days as is required for the selection of a particular service by the purchaser or for the accumulation of sufficient operating experience by the seller or supplier to permit a fair estimate of the cost of rendering such service, or both. After the Office of Price Administration shall have determined after consultation with the appropriate war procurement agency that the period, not to exceed ninety days, necessary for development has expired, and has in writing so notified such agency and the supplier of such service, this Maximum Price Regulation No. 165, as amended shall apply to all subsequent sales or performances of such services performed thereafter.

(2) Within ten days after entering into any such developmental contract or subcontract, the supplier of such service shall file a report with the Office of Price Administration, Washington, D. C., containing a summary of the terms of the contract or subcontract including all pricing provisions, a short statement of the service plan of which this contract is part, and an estimate of the expected duration of such developmental work. For any such contract or subcontract in effect on August 19, 1942, such report shall be filed prior to September 9, 1942.

(b) *Secret contracts.* (1) This Maximum Price Regulation No. 165, as amended, shall not apply, and the General Maximum Price Regulation shall



not apply, to any sale of a service pursuant to a contract or subcontract which is deemed to be a "secret" contract and is so certified to the Office of Price Administration by any war procurement agency or any duly authorized officer thereof. Such certification shall set forth the date of the "secret" contract and its number or other designation. After the Office of Price Administration shall have received notice from the certifying agency that such contract is no longer deemed to be secret, this Maximum Price Regulation No. 165, as amended, shall apply to all subsequent sales of such service performed thereafter.

(c) *Emergency purchases.* (1) This Maximum Price Regulation No. 165, as amended, shall not apply, and the General Maximum Price Regulation shall not apply, to any sale of a service pursuant to any emergency purchase by any war procurement agency or any duly authorized officer thereof of such service for immediate performance: *Provided*, That, if the total price exceeds five hundred dollars, a report is filed pursuant to paragraph (2) of this § 1499.117 (c).

(2) Within ten days after making any such emergency purchase in the amount of more than five hundred dollars at a price which is known or suspected by the purchaser to be in excess of the maximum price which would otherwise be applicable, any person making such purchase on behalf of any war procurement agency shall file a report with the Office of Price Administration, Washington, D. C., certifying that such purchase was made in a situation in which it was imperative to secure the immediate performance of the service and in which it was impossible to secure, or unfair to require, immediate performance at the applicable maximum price and setting forth (i) the name and address of the seller or supplier; (ii) date of purchase; (iii) date of performance; (iv) appropriate description and identification of the service performed; (v) amount or quantity of service performed; (vi) price at which supplied; (vii) a brief statement of the facts giving rise to the emergency situation which necessitated the purchase at a price higher than the applicable maximum price.

§ 1499.118 *Privileges accorded to certain Governments.* The privileges accorded to the United States or any agency thereof by § 1499.117 hereof shall apply to the government of any country whose defense the President deems vital to the defense of the United States under the terms of the act of March 11, 1942, entitled "An Act to Promote the Defense of the United States," or to any agency of such government.

§ 1499.119 *Applicability.* The provisions of Maximum Price Regulation No. 165, as amended, shall be applicable to the continental United States and the District of Columbia, but shall not be applicable to the territories and possessions of the United States.

§ 1499.120 *Effect of other price regulation.* The provisions of this Maximum Price Regulation No. 165, as amended, except §§ 1499.111 and 1499.112, shall not apply to any sale of services other than those services set forth in § 1499.101 (c), nor to such of those services for which a maximum price is in effect under the provisions of any "price regulation" other than the General Maximum Price Regulation, issued or which may be issued by The Office of Price Administration, except as otherwise provided in any such price regulation.

§ 1499.121 *Effective date.* All of the provisions of the Maximum Price Regulation No. 165, as amended (§§ 1499.101 to 1499.124 inclusive), shall become effective August 19, 1942.

§ 1499.122 *Appendix A: Form 265-1.*

REPORT OF A MAXIMUM PRICE FOR A NON-SEASONAL SERVICE

This form should be used to report a maximum price determined under § 1499.102 (c) of Maximum Price Regulation No. 165 as amended. It should be used only for services which cannot be priced under § 1499.102 (a) or (b), which are not subject to seasonal variations and which are performed during more than one season of the year.

To: Office of Price Administration.

From: \_\_\_\_\_  
(Name)

Name of store or business \_\_\_\_\_  
\_\_\_\_\_

(Fill in exact form used, like The Fixit Shop, etc.)

Address of store or business \_\_\_\_\_  
\_\_\_\_\_

(Number) (Street) (Phone number)

(City) (State)

Report of maximum price determination of the service described in Item 1 below made in accordance with § 1499.102 (c) of Maximum Price Regulation No. 165, as amended.

1. Brief description of the service for which a maximum price is reported. This should include the hours of labor involved, the number of employees who perform the service, if any, and a description of the kind and amount of material used.

2. Brief description of your business.

3. Reasons why the maximum price could not be determined under § 1499.102 (a) or (b) of Maximum Price Regulation No. 165, as amended.

4. Description of your pricing method adopted for any other service supplied by you in March 1942. (This item must be based on actual service supplied by you in March 1942. Be specific and show figures. If sufficient space is not provided below, use additional pages and attach them to this report.)

(a) Cost of direct labor

(b) Cost of materials

(c) Margin (in dollars or cents) above cost of direct labor and materials

(d) Percentage of margin (margin, item c ÷ cost, items a-b)

5. Maximum price for the service for which a maximum price is reported, based upon the pricing method applied in Number 4, above.

NOTE: This price cannot exceed a combination of the items set forth in Number 6, below.

6. (a) Cost of direct labor used in supplying the service for which a price is determined (computed on a basis no higher than the highest wage rate which you had in effect for each type of employee during March 1942.)

(b) If you had no wage rate in effect during March 1942, the highest wage rate which your competitors in the same area had in effect for each type of employee during March 1942. (If item (a) above is filled out this item should be left blank.)

(c) Cost of materials used in supplying the service for which a price is determined (computed on a basis no higher than the maximum prices established for such materials by the Office of Price Administration)

(d) If no such maximum price has been established, the highest price which you, or a purchaser of the same class, had to pay for such material in the month of March 1942. (If item (c) above is filled out this item should be left blank.)

(e) The margin (dollars or cents) over cost of labor and materials (items 6 (a) or 6 (b), and 6 (c) or 6 (d)) equal, as a percentage of cost, to the average margin over direct labor and material cost which was figured on the service, or type of service, for which a price was charged during March 1942, and which accounted for a greater portion of your gross income from services than any other service during March 1942.

(f) Total of items (a) or (b), (c) or (d), and (e), added together.

(g) Subtract all applicable discounts and other allowances in effect during March 1942 to a purchaser of the same class.

(h) Result (item (f) minus item (g)) your maximum price, regardless of the pricing method used, cannot exceed this figure.

Signature \_\_\_\_\_  
(Applicant)

By \_\_\_\_\_

(Title)

Your signature is not required to be acknowledged before a Notary Public.

Pursuant to section 205 (b) of the Emergency Price Control Act of 1942, it is a criminal offense punishable by a fine of not more than \$5,000, or by imprisonment for not more than 1 year, or both, to make any false statement or entry in the above report.

§ 1499.123 *Appendix B.—Form 265-2.*

REPORT OF A SEASONAL OR SEASONALLY VARYING MAXIMUM PRICE FOR A SERVICE

This form should be used to report a maximum price for a service determined under § 1499.103 (a), (b) or (c) of Maximum Price Regulation No. 165, as amended. It should be used only for services subject to seasonal variations in price or for services performed in one season of the year, but not in March 1942.

To: OFFICE OF PRICE ADMINISTRATION

From: \_\_\_\_\_  
(Name)

Name of store or business \_\_\_\_\_  
(Fill in exact form used, like The Fixit Shop, etc.)

Address of store or business \_\_\_\_\_  
(Number) (Street) (Phone Number)

(City) (State)

Report of determination, made in accordance with § 1499.103 (indicate (a), (b), or (c)), of Maximum Price Regulation No. 165, as amended, for the service described in Item 1, below).



1. Brief description of service for which a maximum price is determined.....

2. If this report is filed under § 1499.103 (a) or (b), fill out the following:

(a) In column (a) show the season or seasons in which the service is performed—or in which price varies. Indicate by months.

(b) In column (b) show the highest price charged by you for such service in the corresponding season from March 1, 1941 to February 28, 1942, inclusive.

(c) In column (c) show the percentage of increase in the cost of living from the last period of the corresponding season to March 1942, as set forth in footnote to § 1499.103 of Maximum Price Regulation No. 165 as amended.

(d) In column (d) show the sum to be added to the highest price charged in the most recent corresponding season. (Price shown in column (b) multiplied by percentage shown in column (c).)

(e) In column (e) show the maximum price for the service. (Price shown in column (b) plus amount shown in column (d).)

Table with 5 columns: (a), (b), (c), (d), (e)

3. If this report is filed under § 1499.103 (c), fill out the following:

My nearest competitor of the same class in supplying this service is ..... his address is ..... He filed maximum prices with OPA on ..... 194....

Column (a) below shows the season or seasons in which the service is performed—or during which price varies. Column (b) shows my nearest competitor's maximum price for each such season, which are now my maximum prices:

Table with 2 columns: (a), (b)

Signature..... (Applicant)

By..... (Title)

Your signature is not required to be acknowledged before a Notary Public.

Pursuant to section 205 (b) of the Emergency Price Control Act of 1942 it is a criminal offense punishable by a fine of not more than \$5,000, or by imprisonment for not more than 1 year, or both, to make any false statement or entry in the above report.

§ 1499.124 Appendix C.—Form 265:3.

APPLICATION FOR APPROVAL OF A MAXIMUM PRICE FOR A NEW SERVICE

[In accordance with § 1499.102 (d) of Maximum Price Regulation No. 165 as amended]

This form is to be used when (1) the same or a similar service was not sold or offered by the applicant or by a competitor in March 1942, (2) a price cannot be de-

termined for the service in the manner provided for a seasonal service, and (3) the applicant was not supplying any service in March 1942.

NOTE.—A separate application for approval must be filed for each class of service with Office of Price Administration.

..... hereby applies to the (Name of Applicant)

Office of Price Administration for approval of maximum price for..... (Service)

in accordance with Maximum Price Regulation No. 165 as amended, § 1499.102, paragraph (d). Applicant's relation to the business is:..... The (Owner, manager, partner, officer, etc.)

proposed maximum price is \$..... per (Unit)

The following facts are furnished to the Office of Price Administration in support of this application:

1. Name of establishment or business:..... (Fill in exact form used, like the Fixit Shop, Acme Shoe Repair, etc.)

2. Address of establishment or business:..... Number Street Phone No. City County State

3. Type of business:..... (Fill in exact and complete description. For example, indicate whether a Laundry is a hand or a power laundry; whether an auto shop does general repairs or just body and fender repairs.)

4. Type of operation: Retail only ( ) Both wholesale and retail ( ) (check one) Wholesale only ( ) Other (specify).....

5. Ownership: Individual ownership ( ) Partnership ( ) (check one) Corporation ( ) Other (specify).....

6. Is your store or business a unit in any sort of chain? Yes. ( ) No. ( ) If "yes" explain exact type of chain and operation and give address of main office.....

7. Type of service for which application for a maximum price is made: (Describe service in detail).....

8. The reasons why this service cannot be priced except under paragraph (d) of § 1499.102 of Maximum Price Regulation No. 165 as amended are:.....

9. Date when you commenced supplying this service:.....

10. The service is performed at..... (Your own shop, customer's house, wholesale establishment, etc.) Does this service include delivery? Yes. ( ) No. ( )

11. List all rebates, discounts, allowances, and special offers customarily given or to be given purchasers.....

12. Summary of materials and supplies cost for this service. (List materials and supplies in terms of units purchased by you.).....

Table with 5 columns: Type of material or supplies, Purchasing unit, Cost per unit, Amount used per unit of service performed, Cost per unit of service performed

1 If this item cannot be stated per unit of service, give the same information for each 100 units, or estimated consumption per week or month. Indicate on which basis the cost is computed.

13. Summary of labor costs for this service. (List rate per hour, per week, per piece, or however else it is paid.)

Table with 5 columns: Occupational classifications, Rate, Unit, Amount used per unit of service performed, Cost per unit of service performed

1 List each principal type of operator employed in performing this service—such as, for a power laundry: Washerman, finisher, deliveryman, etc.; for an auto repair shop: Motor mechanic, body and fender man, ignition specialist, etc. Indicate with an "X" following the classification which, if any, of these are performed primarily by the owner.

If your labor costs have increased or decreased since the date you first commenced supplying this service give details respecting such increase or decrease.....

14. Overhead cost—per unit of service: \$..... (Included in overhead are all costs of supplying the service not covered in items for material and supplies and labor, e.g. rent, insurance, taxes (except income taxes), repairs, depreciation, etc. Do not include salary or wages of owner or the amount he has taken out of the business, if he does not take any regular salary or wages. If your overhead also covers the sale of commodities or services other than the service in this application, it must be apportioned among them. Further details respecting overhead may be required, and may be attached to this application.)

15. Profit—per unit of service: \$..... Signature..... (Applicant)

By..... (Title)

The signature is not required to be acknowledged before a notary public. Pursuant to section 205 (b) of the Emergency Price Control Act of 1942 it is a criminal offense punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or both,



to make any false statement or entry in the above report. If additional space is required for answering questions on this form use a separate sheet and attach it to the form.

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7917; Filed, August 13, 1942;  
5:01 p. m.]

## TITLE 45—PUBLIC WELFARE

### Chapter I—Office of Education, Federal Security Agency

#### PART 2—EDUCATION AND TRAINING OF WAR WORKERS

*Regulations Governing the Education and Training of War Workers Pursuant to the Provisions of Title II, Subheading "Education and Training, Defense Workers (National Defense)" of the "Labor-Federal Security Appropriation Act, 1943," Public Law 647, 77th Congress, 2nd Session, Approved July 2, 1942*

#### INTRODUCTORY

Pursuant to the authority conferred by Title II, subheading "Education and Training, Defense Workers (National Defense)" of the "Labor-Federal Security Appropriation Act, 1943", Public Law 647, 77th Congress, 2nd Session, approved July 2, 1942, the following regulations are prescribed for the administration of the provisions of the said Act.

Section 2.1 defines terms that are used in these regulations.

Sections 2.2-2.10 deal with courses conducted by State agencies under subdivision (1) of the Act.

Sections 2.11-2.16 deal with courses conducted by colleges under subdivision (2) of the Act.

Sections 2.17-2.24 deal with courses conducted by State agencies under subdivision (3) of the Act.

Sections 2.25-2.26 contain provisions of general applicability.

Sections 2.1 to 2.29 inclusive (sections 101 to 603 inclusive as signed by the President), issued under the authority contained in Title II, subheading "Education and Training, Defense Workers (National Defense)" of the Labor-Federal Security Appropriation Act, 1942 (55 Stat. 476)<sup>1</sup> are superseded by the following regulations.

#### DEFINITIONS

Sec.  
2.1 Terms

#### COURSES CONDUCTED BY STATE AGENCIES UNDER SUBDIVISION (1) OF THE ACT

- 2.2 Provisions of the Act.
- 2.3 Purpose of requirement of State plans.
- 2.4 Survey of facilities.
- 2.5 Bases of administration, coordination and supervision.
- 2.6 Provision for additional space and equipment.
- 2.7 Disposition of products manufactured in courses.
- 2.8 Reports and audits.
- 2.9 Courses by private vocational schools.

<sup>1</sup> 6 F.R. 4147.

#### COURSES CONDUCTED BY COLLEGES UNDER SUBDIVISION (2) OF THE ACT

- Sec.
- 2.10 Certification for payment.
- 2.11 Provisions of the Act.
- 2.12 National Advisory Committee.
- 2.13 Regional coordination.
- 2.14 Determination of needs.
- 2.15 College plans.
- 2.16 Certification for payment.

#### COURSES CONDUCTED BY STATE AGENCIES UNDER SUBDIVISION (3) OF THE ACT

- 2.17 Provisions of the Act.
- 2.18 Purpose of requirement of State plans.
- 2.19 Survey of facilities.
- 2.20 Bases of administration, coordination and supervision.
- 2.21 Certification for payment.
- 2.22 Provisions for additional space and equipment.
- 2.23 Disposition of products manufactured in courses.
- 2.24 Reports and audits.

#### GENERAL PROVISIONS

- 2.25 Labor resources.
- 2.26 Continued operation under plans pursuant to Public Law 146.

AUTHORITY: §§ 2.1 to 2.6, inclusive, issued under Pub. Law 647, 77th Cong.

#### DEFINITIONS

§ 2.1 *Terms.* Unless otherwise clearly indicated, the following terms shall have the meaning hereinafter defined:

(a) "Act" means Title II, subheading "Education and Training, Defense Workers (National Defense)" of the "Labor-Federal Security Appropriation Act, 1943", Public Law 647, 77th Congress, 2d Session, approved July 2, 1942.

(b) "Subdivision" refers to the indicated subdivision of the Act.

(c) "Commissioner" means the United States Commissioner of Education.

(d) "Director" means the officer in the United States Office of Education acting under the Commissioner's supervision to whom he delegates powers, duties, and functions and who is accordingly charged by the Commissioner with the chief responsibility for carrying out the particular war training program involved. All delegation of powers, duties, and functions under the Act is and shall remain subject to the right of the Commissioner to resume at his discretion any of the powers, duties, and functions delegated.

(e) "Director of Defense Training" means the officer appointed by the Federal Security Administrator to direct and supervise the various defense training activities of the constituent units of the Federal Security Agency. This officer is also the Chief, Training Division, War Manpower Commission.

(f) "State" includes the several States, District of Columbia, Hawaii, Alaska, Puerto Rico and any other qualified public authority.

(g) "State agency" means an agency of a State, subdivision thereof or other public agency operating public educational facilities.

(h) "Local agency" means a subdivision of a State, or other public agency participating in a State plan under the control and supervision of a State agency.

(i) "Public employment office registers" means the registers maintained by the United States Employment Service

and the register maintained by the United States Civil Service Commission, except in Puerto Rico, where it means the register maintained by the Employment Service of the Insular Department of Labor of Puerto Rico.

(j) "College" means a degree-granting college or a university whose educational property is exempt from taxation by virtue of the provisions of the special or general law under which it is organized and operates or a public degree-granting educational institution. Degree-granting as used herein shall mean that the institution, in recognition of satisfactory completion of a curriculum of four years or longer beyond high school graduation, granted during the academic year 1940-41 or 1941-42 degrees with a major in one or more of the following fields: engineering, chemistry, physics, or production supervision.

(k) "Courses of college grade" refers to the character and content of the course and not to an institution and indicates an academic standard customarily required of college and university students in the same field.

(l) "Courses of less than college grade" refers to the character and content of the course and not to an institution and indicates a course, the content of which is determined by occupational rather than by academic standards and has as an objective, employment in an occupation for which training of college grade is not customarily required.

(m) "Cost of courses" means all expenditures necessary for organization, administration, supervision, instruction, and maintenance and operation of plant in conducting the courses pursuant to an approved plan. It may include expenses for such items as personal services; supplies and material; heat, light and power; travel; transportation of trainees; physical examination of instructors and trainees; insurance, including workmen's compensation; contributions to teachers' retirement plans; communications, including postage; maintenance and repair of equipment; replacement of parts; necessary printing and duplicating; books and other instructional material when such material is necessary as part of the instruction; necessary additional space and equipment; and national and regional coordination. Cost of courses does not include items of expense the incurrence of which is not necessitated by activities under war training plans. For example, it does not include items of expense which an agency, school, or college incurs in the normal operation of its plant or would have incurred regardless of whether it had conducted courses under the Act.

(n) "Occupations essential to war production" means occupations approved as essential to war production by the Chairman of the War Manpower Commission or the person to whom he delegates the function of approving such occupations. Occupation refers to a payroll job rather than to an industry.

#### COURSES CONDUCTED BY STATE AGENCIES UNDER SUBDIVISION (1) OF THE ACT

§ 2.2 *Provisions of the Act.* Subdivision (1) provides \$94,000,000 for the



cost other than for equipment of vocational courses of less than college grade provided by State agencies and by vocational schools exempt from Federal income tax by reason of their educational character and also by private schools and other private facilities where equipment for training is available. Not to exceed five million dollars of this amount is available for rental of necessary additional space. Courses include those supplementary to employment, preemployment courses, and refresher courses. Courses supplementary to employment are those designed to train workers who are currently engaged in occupations essential to war production or closely related occupations. Preemployment courses are those designed to prepare for such occupations. Refresher courses are those designed to develop and revive skills on the part of workers who may have had some training or skill in an occupation essential to war production. Unemployment is not a condition of eligibility for entrance into courses. Pre-employment and refresher trainees must be selected from public employment office registers.

The First Deficiency Appropriation Act, 1942, Public Law 463, 77th Congress, 2nd Session, Title I under the heading, "Federal Security Agency," subheading, "Office of Education," provides \$10,000,000 to be available until June 30, 1943, for payment to State agencies for the acquisition by them of equipment to be used under plans approved by the Director in giving courses provided under subdivision (1).

§ 2.3 *Purpose of requirement of State plans.* The basic condition to the approval of courses, acquisition of equipment, rental of space, and payment of the budgeted costs thereof from the foregoing appropriations is the submission of agency proposals in conformity with underlying plans of the State agency, as approved by the Director. The purpose of this requirement in the Act is to insure continued and mutual understanding at the State and Federal levels that the courses and training thereby provided as well as all other activities of the State in connection with the war production training program are maintained in close harmony and effective coordination with the development of the war production program as a whole.

The content of State plans and the reporting procedures thereunder should be sufficiently comprehensive in detail to permit of an accurate evaluation of the State's contribution in terms of current procedures and placements. State plans should be formulated in such a way as to show the most effective use that can be made of the available training facilities within each State as well as of those that can be made available with reasonable expenditure of time and money.

For this purpose State Boards for Vocational Education upon consultation with State Advisory Committees hereinafter referred to are to submit new plans or to confirm, amend or extend existing plans as may be necessary to bring them into conformity with the Act and these regulations.

§ 2.4 *Survey of facilities.* Each State plan should contain, as may be required by the Director, evaluative statements or survey of the principal facilities and resources of the State both in use and available for use for vocational training within the contemplation of the foregoing provisions and should from time to time and as may be required by the Director indicate the feasibility and probable costs of providing additional space and equipment so as to expand facilities of the State for vocational training purposes in accordance with the ascertained needs of the national program of war production. The Director may also require any other information deemed necessary to make the most effective allocation of funds to the various States.

In the case of any State whose law provides for separate schools to serve separate population groups, the plan should provide that all proposals, whether for the conduct of courses or for the acquisition of additional space or equipment, will state such facts and circumstances as will serve to indicate that approval thereof is consistent with the requirement of the Act that to the extent needed for trainees of each such group equitable provisions shall be made for facilities and training of like quality.

§ 2.5 *Bases of administration, coordination and supervision.* State plans should develop the following bases of administration, coordination and supervision:

(a) *State Board for Vocational Education.* The basic jurisdiction of the State Board for Vocational Education as the authority responsible for phases of the training program within the State and the use of the State's training facilities is recognized. Each State plan shall indicate the designation or appointment of a State Director of Vocational Training for War Production Workers who shall be a full-time employee of the State Board for Vocational Education qualified in the field of vocational education. The State plan shall provide that his appointment shall be subject to the approval of the Director and that he shall carry out the policies of the State Board and assume responsibility for the preparation and submission of State plans, reports, budgets and accounting in compliance with all State and Federal requirements.

(b) *Advisory committees.* In order that the proper coordination of training programs with labor and industry may be assured, State plans for vocational training for war production workers shall provide for the establishment and utilization of State and local representative advisory committees. These committees shall be composed of an equal number of representatives from management and from labor. The representatives shall be selected from lists of nominees submitted by bona fide labor organizations and employer groups in response to written requests from the proper State or local school authorities. Representatives of other interested groups or agencies, whose cooperation is essential to the successful operation of the program, shall serve as consultants to the committees.

The State plans for vocational training for war production workers shall also provide for counsel and advice from individual craft organizations representing the occupations for which classes are organized. This may be done through the use of either craft committees or authorized craft consultants to the general local advisory committees.

Each State may provide suitable procedures for participation of the agency in the enrollment and dispatch of workers to other training centers within or without the State whenever this course offers the most expeditious and economical method of coordinating supply and demand of training facilities. Such transfers should be made only after clearance has been effected through the United States Employment Service.

(c) *Employment service.* The United States Employment Service has the general responsibility for utilizing its facilities in the effort to ascertain the supply and demand of all types of labor and skills needed in the war production program, and for this purpose to report the data affecting demand and supply of labor and labor market developments on the basis of its contacts and experience, and to report deficiencies in available labor and labor skills with specific data as to number, dates needed and job specifications that must be met in all areas of the United States. State and local Directors of Vocational Training for War Production Workers assume the responsibility for seeing that such data, including the specific needs within the areas which they service, are utilized and reflected in proposals for courses except as otherwise ordered by the Director of Defense Training.

The responsibility for making applications for approval of courses rests with the local public school authorities conducting the vocational training program for war production workers and the responsibility for approving such courses rests with the State Director of Vocational Training for War Production Workers.

In order to facilitate and further implement the functioning of the employment service in this respect all refresher and pre-employment enrollments, transfers of enrollees and specifications of the training of enrollees shall be reported to the local employment manager according to a regular schedule for such reporting. In like manner the vocational schools shall report regularly to the employment service all material facts known to them in relation to the placement of trainees other than through the employment service itself.

(d) *Training for excess needs.* The following rules shall apply to the situation in which local facilities for training are found insufficient to meet the demands placed upon them, or when after due canvass the supply of trainees appears inadequate to meet the call upon the community or area for a particular order or skills. In either event the State Director of Vocational Training for War Production Workers will take appropriate steps to meet the deficiency either by submitting proposals for the acquisition of additional space and equipment for



training purposes or to the extent feasible by cooperative utilization of facilities possessed by other communities available to meet the deficiency. In either case the facts and proposals shall be fully reported to the Director.

When over-all shortages in particular occupations develop because of pending war production contracts, war production training may be authorized in any community in excess of locally reported need. In order to meet needs determined on a national basis such training should be given only pursuant to express arrangement and authorization by the Director of Defense Training. The purpose of such procedure should be to create a reservoir of workers with initial skills in selected occupations. Courses will be designed to give specific training for specific jobs in war production industries.

(e) *General requirements and standards.* Within these general requirements the plan shall provide for the submission of courses in accordance with such detailed forms and procedures as may be provided by the Director, including accompanying budgets or estimates of costs subject to such revisions as he may require for approval thereof. The plan shall provide that all courses shall be conducted under the detailed supervision and direction of the State Director of Vocational Training for War Production Workers and with due observance of the standards established by him for such instruction. The plan shall include a statement of the qualifications of instructors and detailed methods and procedures employed in the selection and enrollment of trainees. The Director may make such investigations, examination, and inspection thereof and of the conditions under which courses are conducted as may be expedient or necessary and may require the maintenance of such standards in respect of the content of the several courses, the qualifications of the instructors thereof, the selection of trainees, the time within which such courses must be given or completed, and the adoption of such procedures as may serve to assure effective use of Federal funds.

§ 2.6 *Provision for additional space and equipment.* All proposals for the rental of additional space and acquisition of equipment shall be made on the forms and in accordance with detailed specifications to be provided by the Director. The Director may prescribe by rule or otherwise those items of expenditure which constitute cost of equipment. Title to equipment which is purchased from funds made available pursuant to the Act shall be in the State for use and subject to transfer as required by the Director for war production training as long as the need exists. Where such equipment is placed in buildings not owned by the State, suitable measures shall be taken to safeguard the continued availability of the equipment for the aforementioned purposes.

§ 2.7 *Disposition of products manufactured in courses.* Articles made in war production training courses from supplies furnished by Federal funds may

be disposed of in such a manner as will best carry out the purpose of the Act. Such articles may be used in the conduct of the training program if suitable or they may be dismantled to furnish raw materials for further training or otherwise disposed of with the approval of and in a manner provided by the State Board for Vocational Education.

§ 2.8 *Reports and audits.* Each State plan shall provide that the State agency will make such reports in such form and containing such information as the Director may from time to time require and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

For this purpose plans shall provide for the maintenance at the State level of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the respective Federal authorizations.

Estimates of cost of courses and of additional space and equipment as well as final statements thereof subject to audit and verification as aforesaid shall be submitted in such form and at such times as the Director may indicate. Such fiscal reports and detailed statistical statements of the enrollments, training transfers, placements and other details of the State's activities shall be furnished monthly or at such other times and subject to such supplementation as the Director may require and shall be sufficient to enable the Commissioner to transmit to Congress quarterly reports of this war production training program as required by the terms of the Act.

§ 2.9 *Courses by private vocational schools.* Courses given under subdivision (1) of the Act in private vocational schools and in other private facilities where equipment is available shall be included in the State plan and conducted thereunder unless the Director shall determine that circumstances warrant submission of an institutional plan or form of contract or both.

§ 2.10 *Certification for payment.* After approval of the State plan certification for payment to the officer authorized under State law to act as custodian of funds provided under this Act will be made at such time or times as the certifying officer may specify. Funds paid to a State under the Act shall be held and disbursed according to the fiscal policies and procedures of the State: *Provided, however,* That the Director may make rules with respect to the custody and disposition of such funds as may be deemed reasonably necessary to safeguard their availability and use in the war production training program.

COURSES CONDUCTED BY COLLEGES UNDER SUBDIVISION (2) OF THE ACT

§ 2.11 *Provisions of the Act.* Subdivision (2) of the Act provides \$30,000,000 for the cost of short courses of college grade provided by colleges and designed

to meet the shortage of engineers, chemists, physicists and production supervisors in fields essential to the national war program pursuant to plans which may provide for regional coordination of the war training program of the participating colleges and provides that not to exceed 20 per centum of the amount allotted to any school shall be allotted to it for expenditure for purchase and rental of additional equipment and leasing of additional space.

§ 2.12 *National Advisory Committee.* To assure guidance in the formulation of policies and procedures in the administration of the war training program, the Commissioner is authorized to designate a National Advisory Committee with whom he may consult at such times as he deems advisable. Each of the several professions for which training is provided in the Act shall be represented on the committee. Proper expenditures by such committee members shall constitute a permissible item in the cost of courses by the respective colleges to which the committee members are attached.

§ 2.13 *Regional coordination.* For the better achievement of the purposes of the Act, there may be defined and established regional areas adapted to the purposes of coordinating war training activities and there may be designated for each such region an adviser who is associated with one of the colleges within such region and whose functions shall be to assist in coordinating war training in the colleges within the region, and with the war needs of government and industry, to the extent and in the manner prescribed by the Director. The functions of the regional adviser may include among others the following: assembly of facts and data bearing upon the need for professional personnel of the above description; necessary contacts with governmental and industrial agencies or institutions within the region; liaison between the different colleges within the region; and consultation with representatives of the United States Office of Education in negotiations relating to or arising out of proposals for specific courses in colleges within the regional area. Proper expenditures by such advisers shall constitute a permissible item in the cost of courses conducted by the respective colleges to which they are attached.

§ 2.14 *Determination of needs.* It shall be the duty of the Director to assemble from time to time from the reports of the regional advisers, the findings of the National Advisory Committee, and from all other sources available to him the relative needs for professional training authorized by the Act. Approval of courses shall be determined on the basis of these findings.

§ 2.15 *College plans.* Each participating college shall as a condition to its participation submit for approval a plan pursuant to which courses are to be conducted. Such plans shall be subject to revision from time to time, and shall be formulated with the view to the most effective utilization of college facilities carrying out the war training program.



Such college plans as thus revised and approved from time to time shall include the following:

(a) Each plan shall indicate that the college is exempt from taxation with respect to its educational property and has authority to receive and administer Federal funds. The Director may require presentation of such additional facts and verification as he may from time to time deem necessary to substantiate the qualifications of the institution for carrying out its approved plan.

(b) The plan shall be executed in the name of the college by its duly authorized officer. It shall designate an institutional representative who shall coordinate all activities at the college under its approved plan, and shall serve as the liaison officer between the college and Federal officials and between the college and other participating colleges. Among other things he shall be authorized to conduct negotiations with the Director, to assume responsibility for making reports, and to assure representation of his college on the regional committee. The plan shall also contain provisions which will enable the college to comply with any arrangements for regional coordination arising under § 2.13. It shall indicate the college official authorized to receive and receipt for Federal funds.

(c) Such plan shall indicate to the extent required by the Director the facilities available to the college for war training within the Federal authorization, including both staff and physical equipment. The plan may provide for the utilization by the college of facilities of other public or private agencies and institutions. In no event, however, may any course be given for which the college does not assume full responsibility for the scope, content, and standards of instruction, and the actual direction and control of activities under the plan in all important substantive and procedural aspects. The plan shall provide that all courses shall be of college grade.

(d) Within these general requirements the plan shall provide for the submission of proposals for courses in accordance with such forms and procedures as may be provided from time to time by the Director. Approval of any proposal shall be subject to the further action of the Director who may require the course to be discontinued subject to such reimbursement for expenditures made or incurred by the college as he may determine to be equitable, or provide for the continuance thereof subject to such conditions as he may deem essential to effectuate the purposes of the national program. The Director may likewise make such investigations, examination, and inspection thereof and of the conditions under which courses are given as may be expedient or necessary, and may require the maintenance of such standards and the adoption of such procedures as may serve to assure effective use of Federal funds.

(e) The plan shall further provide that any equipment purchased from Federal funds provided by the Act shall be held available at all times for use in war training courses, and shall be subject to

disposition by the Director for use elsewhere in the program. For these purposes title to equipment shall be held by the college or its nominee. The total amount expended by the college chargeable to Federal funds for purchase and rental of additional equipment and leasing of additional space for use under its approved plan shall not be in excess of 20 per centum of the total expenditures of such college under the approved plan.

(f) *Reports and audits.* Each plan shall provide that the college will make such reports in such form and containing such information as the Director may from time to time require and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

For this purpose the plan shall provide for the maintenance by the college of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grant, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the Federal authorization.

To provide reimbursement for costs that cannot reasonably be accounted for separately, the college may, subject to prior approval by the Director, charge to the cost of courses a percentage of definitely ascertainable costs. Any such percentage and the basis for application must be justified by such evidence as the Director may require.

Estimates of the cost of courses and of additional space and equipment as well as final statements thereof, subject to audit and verification as aforesaid, shall be submitted in such form and at such times as the Director may require. Such fiscal reports and detailed statistical statements of the enrollments, training, transfers, placements and other details of the college's activities under the plan shall be furnished monthly or at such other times and subject to such supplementation as the Director may require and shall be sufficient to enable the Commissioner to transmit to Congress quarterly reports of the war training program as required by the provisions of the Act.

§ 2.16 *Certification for payment.* Upon approval of the plan, certification for payment to the college official authorized to receive and receipt for Federal funds will be made at such time or times as the certifying officer may specify. Funds thus certified and paid shall be held by such official and expended in accordance with the regulations of the college which are applicable to other college funds: *Provided, however,* That the Director may make rules with respect to the custody and disposition of such funds as may be deemed reasonably necessary to safeguard their availability and use in the war training program.

COURSES CONDUCTED BY STATE AGENCIES UNDER SUBDIVISION (3) OF THE ACT

§ 2.17 *Provisions of the Act.* Subdivision (3) provides \$15,000,000 for the cost of vocational courses of less than college grade and related instruction provided

by State agencies for out-of-school rural persons who have attained the age of seventeen and who, if unemployed, have filed a registration card with the United States Employment Service. Such courses are hereinafter referred to as rural war production training. The appropriation is also available for nonrural persons who otherwise meet the foregoing requirements, and whose training is not feasible under subdivisions (1) and (2) of the Act. Not to exceed 20 per centum of the appropriation is available for purchase and rental of equipment and rental of necessary additional space. Subdivision (3) authorizes vocational courses in the production of farm commodities and in the repair, operation and construction of farm machinery and equipment as may be necessary to meet the needs of farmers in obtaining the production of goals of those farm commodities designated from time to time in the "Food for Freedom" program and promulgated by the Secretary of Agriculture. The training may also include subjects related to war production occupations with a view to developing general manipulative skills in such trades as woodworking and auto shop work. All vocational courses conducted under subdivision (3) are limited to a list of courses having prior approval of the Chairman of the War Manpower Commission or the person to whom he delegates the function of approving such courses.

§ 2.18 *Purpose of requirement of State plans.* The basic condition to the approval of courses, acquisition of equipment, rental of space and payment of the budgeted costs thereof from the foregoing appropriation is the submission of agency proposals in conformity with underlying plans of the State agency, as approved by the Director. The purpose of this requirement in the Act is to insure continued and mutual understanding at the State and Federal levels that the courses and training thereby provided as well as all other activities of the State in connection with this rural war production training program are maintained in close harmony and effective coordination with the development of the war production program as a whole.

The content of the State plan and the reporting procedures thereunder shall be sufficiently comprehensive in detail to permit of an accurate evaluation of the program. State plans shall be formulated in such a way as to show the most effective use that can be made of the available training facilities within each State as well as of those that can be made available with reasonable expenditure of time and money. For this purpose State Boards for Vocational Education are to submit new plans or to amend existing plans as may be necessary to bring them into conformity with the Act and these regulations.

§ 2.19 *Survey of facilities.* Each State plan shall contain, as may be required by the Director, evaluative statements or survey of the principal facilities and resources of the State both in use and available for use for the rural war production training program. The Director may also require any other in-



formation deemed necessary to make the most effective allocation of funds to the various States.

In the case of any State whose law provides for separate schools to serve separate population groups, the plan shall provide that all proposals, whether for the conduct of courses or for the acquisition of additional space or equipment, will state such facts and circumstances as will serve to indicate that approval thereof is consistent with the requirement of the Act that to the extent needed for trainees of each such group equitable provisions shall be made for facilities and training of like quality.

§ 2.20 *Bases of administration, coordination and supervision.* State plans should develop the following bases of administration, coordination and supervision:

(a) *State Board for Vocational Education.* The basic jurisdiction of the State Board for Vocational Education as the authority responsible for phases of the training program within the State and the use of the State's training facilities is recognized. Each State plan shall indicate the designation or appointment of a State Director of Rural War Production Training who shall be a full-time employee of the State Board for Vocational Education qualified in the field of vocational education. The State plan shall provide that his appointment shall be subject to the approval of the Director and that he shall carry out the policies of the State Board and assume responsibility for the preparation and submission of State plans, reports, budgets and accounting in compliance with all State and Federal requirements.

(b) *Employment service.* The United States Employment Service has the general responsibility for utilizing its facilities in the effort to ascertain the supply and demand of all types of labor and skills needed in the war production program, and for this purpose to report the data affecting demand and supply of labor and labor market developments on the basis of its contacts and experience, and to report deficiencies in available labor and labor skills with specific data as to number, dates needed and job specifications that must be met in all areas of the United States. State Directors of Rural War Production Training assume the responsibility for seeing that such data, including the specific needs within the areas which they service, are utilized and reflected in proposals for courses except as otherwise ordered by the Director. The responsibility for making applications for approval of courses rests with the local public school authorities conducting the rural war production training program and the responsibility for approving such courses rests with the State Director of Rural War Production Training.

In order to facilitate and further implement the functioning of the employment service in this respect, specifications of the training of the unemployed enrollees shall be reported to the local employment manager according to a regular schedule for such reporting. In

like manner the vocational schools shall report regularly to the United States Employment Service all material facts known to them in relation to the placement of trainees other than through the United States Employment Service itself.

(c) *Supervision of courses.* The rural war production training program has been planned to meet a number of predetermined needs. In meeting those needs it has been planned to utilize the training facilities available in the various rural communities having Departments of Vocational Agriculture as well as other suitable facilities available in communities not having Departments of Vocational Agriculture. To insure that the program is operated efficiently in meeting these predetermined needs, State plans shall include provisions for adequate supervision by qualified supervisors on both State and local levels.

(d) *General requirements and standards.* Within these general requirements State plans shall include provisions for the submission to the Director, of applications for approval of courses in accordance with such detailed forms and procedures as may be provided from time to time by the Director, including accompanying budgets or estimates of costs. As a condition of his approval of such courses and budgets, the Director may require revisions thereof deemed essential to the foregoing purposes.

The Director may make or cause to be made such investigation, examination and inspection of courses and of the conditions under which they are given as may be expedient or necessary, and may formulate standards with respect to the conduct of such courses, the qualifications of teachers, supervisors and Directors thereof, the selection of trainees, and in other respects in keeping with these regulations.

§ 2.21 *Certification for payment.* After approval of the State plan certification for payment to the officer authorized under State law to act as custodian of funds provided under this Act will be made at such time or times as the certifying officer may specify. Funds paid to a State under the Act shall be held and disbursed according to the fiscal policies and procedures of the State: *Provided, however,* That the Director may make rules with respect to the custody and disposition of such funds as may be deemed reasonably necessary to safeguard their availability and use in this training program.

§ 2.22 *Provisions for additional space and equipment.* All expenditures for the rental of additional space, both for instructional purposes and for supervision, must have prior approval by the Director. Except when specifically approved by the Director, all expenditures for the purchase or rental of equipment shall be for the purpose of completing instructional equipment of a school shop already partially equipped. The additional equipment purchased from these funds must be that necessary to accommodate the number of persons enrolled for whom it is found desirable to provide

instruction. Title to equipment which is purchased from funds made available pursuant to subdivision (3) of the Act shall be in the State for use and subject to transfer as required by the Director in rural war production training as long as the need exists. Where such equipment is placed in buildings not owned by the State, suitable measures shall be taken to safeguard the continued availability of the equipment for the aforementioned purposes.

§ 2.23 *Disposition of products manufactured in courses.* Articles made in rural war production training courses from supplies furnished by Federal funds may be disposed of in such a manner as will best carry out the purpose of the Act. Such articles may be used in the conduct of the training program if suitable or they may be dismantled to furnish raw materials for further training or otherwise disposed of with the approval of and in a manner provided by the State Board for Vocational Education.

§ 2.24 *Reports and audits.* Each State plan shall provide that the State agency shall make reports in such form and containing such information as the Director may from time to time require and that the State shall comply with such provisions as the Director may find necessary to assure the correctness and verification of such reports.

For this purpose plans shall provide for the maintenance at the State level of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the respective Federal authorizations.

Estimates of cost of courses and of additional space and equipment, as well as final statements thereof, subject to audit and verification as aforesaid, shall be submitted in such form and at such times as the Director may require. Fiscal reports and detailed statistical statements of training, enrollments, transfers, placements, and other details of the State's activities shall be furnished monthly or at such other times and subject to such supplementation as the Director may require and shall be sufficient to enable the Commissioner to transmit to Congress, quarterly, reports required by the Act.

#### GENERAL PROVISIONS

§ 2.25 *Labor resources.* Unless otherwise indicated the following provisions are applicable to war training programs under the Act.

(a) *Discrimination.* The Act provides that no trainee in courses conducted pursuant to subdivisions (1), (2), and (3) of the Act shall be discriminated against because of sex, race, or color and it is also provided that the selection of trainees shall be based upon the existing and anticipated need for war workers and where separate schools are required by



law for separate population groups, to the extent needed for trainees of each such group, equitable provisions shall be made for facilities and training of like quality.

Executive Order No. 8802 of June 25, 1941, as amended, reaffirms the policy of the United States that there shall be no discrimination in the employment of workers in war industries or in the government because of race, creed, color, or national origin. It orders that all departments and agencies of the government of the United States concerned with vocational and training programs for war production shall take measures to assure that such programs are administered without discrimination because of race, creed, color, or national origin. It requires provisions in government contracts for carrying out this policy and establishes in the War Production Board a Committee on Fair Employment Practice to investigate complaints of discrimination in violation of the provisions of the order and to take appropriate steps to redress valid grievances. The Committee is also empowered to recommend to the several departments and agencies of the Government and to the President all measures which may be deemed by it necessary or proper to carry out the provisions of the order. All training programs under the provisions of the Act shall be so conducted as to carry out the policies and provisions of this order.

(b) *Women workers.* In considering the eligibility of women for courses recognition should be given to the policies adopted by the War Manpower Commission to promote the employment of women as the general labor market tightens. Training of women, however, must take into consideration the ability of such women to secure presently or in the future employment in occupations essential to the war program.

(c) *Shortage of farm labor.* State plans should take into consideration the possibility of a shortage of farm labor in certain regions in which national policy requires an expansion of production. Agricultural as well as non-agricultural needs should be considered.

§ 2.26 *Continued operation under plans pursuant to Public Law 146.* Insofar as they are not inconsistent with the policies expressed in these Regulations, existing plans for courses under all subdivisions of the Act under which State agencies and colleges are operating pursuant to the Labor-Federal Security Appropriation Act of 1942 (55 Stat. 476) Public Law 146, 77th Congress, 1st Session, may furnish the basis under which courses under this Act are conducted. Where these regulations would require changes or additions, time will be allowed by the Commissioner or the designated Director to enable the cooperating agencies to comply with such requirements without impairing the use of funds for

carrying on the war training program under existing plans.

Issued August 11, 1942.

J. W. STUDEBAKER,  
U. S. Commissioner of Education.

JULY 30, 1942.

Approved: July 31, 1942.

PAUL V. McNUTT,  
Federal Security Administrator.

Approved: July 31, 1942.

PAUL V. McNUTT,  
Chairman,  
War Manpower Commission.

Approved: August 11, 1942.

FRANKLIN D. ROOSEVELT,  
The White House.

[F. R. Doc. 42-7902; Filed, August 13, 1942;  
2:18 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 154—MATERIALS AND SUPPLIES

ORDER WAIVING THE PROVISIONS OF CERTAIN VALUATION ORDERS FOR THE YEAR 1942

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 10th day of August A. D., 1942.

It is ordered, That the requirements of Valuation Orders Nos. 4 and 22, relating to inventory of materials and supplies, made and entered by the Commission under dates of June 25, 1914, and July 26, 1918 (§ 154.0 Inventories), respectively, be, and they are hereby, waived insofar as applicable to the year 1942.

By the Commission, division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 42-7942; Filed, August 14, 1942;  
11:19 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs, *10/30/42*  
[T.D. 50703]

DRAWBACK—EXTENSION OF PERIOD FOR USE OF SUGAR

Acting under the authority vested in him by section 318, Tariff Act of 1930, the President, on August 7, 1942, issued a proclamation declaring an emergency to exist and authorizing the Secretary of the Treasury to extend to three years the time prescribed in section 313 (b), Tariff Act of 1930, for the use of sugar in the manufacture or production of articles, in

any case in which the time prescribed in such section has not expired. The proclamation is published below for your information and guidance. [Here follows Proc. 2566; 7 F.R. 6157.]

Pursuant to the authority conferred upon the Secretary of the Treasury by the proclamation, the period of one year prescribed in section 313 (b), Tariff Act of 1930, for the use of sugar in the manufacture or production of articles is hereby extended to three years.

The extension herein granted is not applicable in any case in which the one-year period prescribed in section 313 (b) expired before August 7, 1942, the date on which the proclamation was issued. No extension of the three-year period for exportation prescribed in section 313 (h), Tariff Act of 1930, is authorized in the proclamation. (Sec. 313, 318, 46 Stat. 694, 696; 19 U.S.C. 1313, 1318. Proc. 2566, August 7, 1942; 7 F.R. 6157.)

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 42-7965; Filed, August 14, 1942;  
11:51 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1793-FD]

HERMAN SANDERS, CODE MEMBER

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed herein on July 5, 1941 by the Bituminous Coal Producers Board for District No. 13, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging willful violation by Herman Sanders, Monteagle, Tennessee, code member in District No. 13, of the Act, of the Bituminous Coal Code (the "Code"), and rules and regulations thereunder; and

An Order having been issued herein on July 9, 1942 revoking and cancelling the code membership of said Herman Sanders, effective fifteen (15) days from the date of said Order; and

Said Order of Cancellation and Revocation having been duly served on July 13, 1942 on said Herman Sanders; and

Said Herman Sanders having filed with the Division, as provided in section 5 (c) of the Act, his application dated August 1, 1942 for restoration to code membership to become effective simultaneously with the effective date of said cancellation and revocation of his code membership; and

It appearing from said application that said Herman Sanders has paid to the Collector of Internal Revenue at Nashville, Tennessee, on July 22, 1942, the sum of \$509.95, pursuant to said Order dated July 9, 1942, as a condition



precedent to the restoration of his code membership;

Now, therefore, it is ordered, That said application of Herman Sanders, dated August 1, 1942, be, and it hereby is, granted.

It is further ordered, That said restoration of the code membership of Herman Sanders be effective as of the effective date of said cancellation and revocation of his code membership.

Dated: August 13, 1942.

[SEAL] E. BOYKIN HARTLEY,  
Acting Director.

[F. R. Doc. 42-7935; Filed, August 14, 1942;  
11:15 a. m.]

#### DISTRICT BOARD NO. 8

[Docket No. A-1567]

##### NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 8 for a change in the price classifications and minimum prices for rail and truck shipments for the coals of certain mines in Bell, Knox, and Whitley Counties, Kentucky, Claiborne County, Tennessee, and Wyoming County, West Virginia, District No. 8.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is Ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 14, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is

sought. Such petition of intervention shall be filed with the Bituminous Coal Division on or before October 7, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by District Board No. 8 requesting changes in the price classifications, minimum prices for rail and truck shipments, seam and county designations for the coals of certain mines in Bell, Knox, and Whitley Counties, Kentucky, Claiborne County, Tennessee, and Wyoming County, West Virginia, District No. 8, including, among other things, increases and decreases in effective minimum prices.

Dated: August 13, 1942.

[SEAL] H. BOYKIN HARTLEY,  
Acting Director.

[F. R. Doc. 42-7936; Filed, August 14, 1942;  
11:15 a. m.]

[Docket No. A-1582]

#### DISTRICT BOARD NO. 3

##### NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 3 for a change in price classifications and minimum prices for the coals of Sunset Mine, Mine Index No. 776, of J. A. Jackson, and the Franklin Mine, Mine Index No. 243, of H. S. Glenn, District No. 3.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 15, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 8, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by District Board No. 3 requesting that the price classification of "F" in Size Groups 1 to 10, inclusive, now established for the coals of Sunset Mine, Mine Index No. 243, be changed to "DE" in Size Groups 1-6, inclusive, and "DF" in Size Groups 7-10, inclusive, and that the price classification of "B" in Size Groups 11-16, inclusive, be established. It appears that the temporary price classifications and minimum prices requested to be established are higher than the price classifications and minimum prices now established for the coals of these mines, that price classifications and minimum prices for additional size groups are requested, and that a hearing will be necessary in order to determine if these changes should be made permanent. It further appears, however, that an adequate showing of necessity has been made for the granting of temporary relief establishing temporary price classifications and minimum prices for the coals of the above-named mines as requested.

It is, therefore, ordered, That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 3, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Supplement R", annexed hereto and hereby made a part hereof.<sup>1</sup>

Dated: August 13, 1942.

[SEAL] E. BOYKIN HARTLEY,  
Acting Director.

[F. R. Doc. 42-7937; Filed, August 14, 1942;  
11:16 a. m.]

<sup>1</sup>Not filed with the Division of the Federal Register.



[Docket No. B-289]

JOE ADDIS AND PHILLIP ADDIS, CODE MEMBER

## ORDER POSTPONING HEARING

In the matter of Joe Addis and Phillip Addis, individually and as co-partners, doing business under the name and style of Joe Addis and Son, Code Member.

The above-entitled matter having been heretofore scheduled for hearing at 10:00 a. m. on September 24, 1942, at a hearing room of the Bituminous Coal Division at the Cabell County Court House, Huntington, West Virginia; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10:00 a. m. on September 24, 1942, Cabell County Court House, Huntington, West Virginia, to a place and date to be hereafter designated by appropriate order.

Dated: August 13, 1942.

[SEAL] E. BOYKIN HARTLEY,  
Acting Director.[F. R. Doc. 42-7938; Filed, August 14, 1942;  
11:16 a. m.]

## DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[P. &amp; S. Docket No. 1510]

ESSEX COUNTY COOP CO.

## ORDER OF SUSPENSION

In re Seymour Berkowitz and Elsie Landskroner, copartners, trading as the Essex County Coop Company, respondents.

On August 5, 1942, Seymour Berkowitz and Elsie Landskroner, copartners, trading as the Essex County Coop Company, filed with the Secretary a schedule of rates and charges, effective August 15, amendatory of Tariff No. 1 which was filed January 9, 1942, the effect of which is to increase the rates and charges for the rental of coops from 55 cents to 58½ cents in the designated cities of Newark, New Jersey, Jersey City, New Jersey, and New York, New York, and there is reason to believe that the increase proposed by such new schedule is not justified and is unreasonable.

It is concluded that a proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 7 U.S.C. 1940 ed. 181, should be had for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in Amendment No. 1 to Tariff No. 1 and that pending a hearing and decision in such proceeding, the amended tariff should be suspended and its use deferred.

It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondents and of any rule, regulation, or practice affecting such rates and charges and whether any stockyard service is ren-

dered by the respondent without making a lawful charge therefor.

It is therefore ordered, That the operation and use of the tariff filed by the respondents on August 5, effective August 15, 1942, and designated as Amendment No. 1 to Tariff No. 1 shall be and it is hereby suspended and its use deferred until the expiration of 30 days beyond the time when such tariff would otherwise go into effect.

Done at Washington, D. C. this 13th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Assistant Secretary of Agriculture.[F. R. Doc. 42-7905; Filed, August 13, 1942;  
4:29 p. m.]

[Docket No. AO 23-A 4]

KANSAS CITY, MISSOURI, MARKETING AREA  
HEARING ON HANDLING OF MILK

Proposed amendments to tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Kansas City, Missouri, Marketing Area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the applicable rules of practice and procedure thereunder (6 F.R. 6570, 7 F.R. 3350), notice is hereby given of a hearing to be held in the United States Court House, 811 Grand Avenue, Kansas City, Missouri, beginning at 10:00 a. m., c. w. t., August 21, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Kansas City, Missouri, marketing area.

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture. Evidence will be received at the hearing relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate and which may require revision in the event any of the proposed amendments are to be made effective. The amendments which have been proposed are as follows:

A. Proposed by the Pure Milk Producers Association of Greater Kansas City and the Bates County Milk Producers Association:

1. Delete § 913.1 (a) (3) and substitute therefor the following:

(3) The term "producer" means any person who produces milk which is purchased or received by a handler. It is provided that a handler who buys milk from producers shall pool his own farm production as a producer.

The term "graded producer" means any person, who with respect to the reg-

ulations applicable to milk to be used for consumption as milk or cream in the marketing area, (i) under supervision of the health department of Kansas City, Kansas; Leavenworth, Kansas; Excelsior Springs, Missouri; Independence, Missouri or Kansas City, Missouri or (ii) under a permit issued by either the Kansas State Board of Health or the Missouri State Board of Health, produces milk which is purchased or received at a plant of a handler, or which a cooperative association caused to be delivered from such person's farm to a plant from which no milk is disposed of as Class I milk or Class II milk in the marketing area, for the account of such cooperative association.

2. Delete § 913.1 (a) (4) and substitute therefor the following:

(4) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk or cream at his plant from producers, association of producers, his own farm production, other handlers, or any other source, all or a portion of which is disposed of as Class I milk or Class II milk in the marketing area.

A handler who received no milk from producers other than his own farm production and who sold or disposed of no Class I milk or Class II milk to other than the ultimate consumer shall be exempt from the provisions of §§ 913.4, 913.7, 913.8, 913.9, 913.10, 913.11: *Provided*, That (i) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk on his own farm is the personal enterprise of and at the personal risk of such person in his capacity as a producer and (ii) the processing, packaging and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler: *And provided further*, That such handler may sell or dispose of bulk milk as Class III milk to another handler or to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area.

*It is still further provided*, That the term "handler" shall include any cooperative association with respect to the milk of any graded producer which such cooperative association causes to be delivered to a plant from which no milk is disposed of as Class I or as Class II milk in the marketing area for the account of such cooperative association.

3. Renumber § 913.1 (a) (5), (6), (7), (8), (9), and (10) as § 913.1 (a) (6), (7), (8), (9), (10), and (11).

4. Add as § 913.1 (a) (5) the following:

(5) The term "ultimate consumer" means a person who purchases milk or cream for use only in his own household.

5. Delete § 913.3 (a) and substitute therefor the following:

(a) *Basis of classification*. All milk and milk products purchased or received by each handler, including the milk of a graded producer which a cooperative association caused to be delivered from such producer's farm to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area,



for the account of such cooperative association, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

6. Delete § 913.3 (b) and substitute therefor the following:

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of bottled skim milk, fluid milk containing less than 6 percent butterfat, except such milk as is accounted for pursuant to subparagraphs (2) and (3) of this paragraph and all milk not accounted for pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk disposed of in the form of flavored milk or flavored milk drinks, creamed butter-milk, creamed cottage cheese, aerated cream, eggnog, and milk or cream (both sweet and sour) containing 6 percent butterfat or more, except such milk as is accounted for pursuant to subparagraph (3) of this paragraph.

(3) Class III milk shall be all milk; used to produce butter, cheese (other than creamed cottage cheese), evaporated milk, condensed milk, ice cream, and powdered whole milk; used for starter churning, wholesale baking, and candy making purposes; accounted for as salvage from products where the recovery of fat is impossible; not accounted for but not in excess of 3 percent of the total receipts of milk from producers.

(4) Class IV milk shall be all milk which a cooperative association caused to be delivered from a graded producer's farm to a manufacturing plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area, for the account of such cooperative association.

7. Delete § 913.4 and substitute therefor the following:

§ 913.4 *Minimum prices.*—(a) *Class prices.* Each handler shall pay producers, at the time and in the manner set forth in § 913.9, for milk purchased or received from them not less than the following prices:

(1) *Class I milk.* The price per hundredweight of Class I milk during each delivery period shall be the price determined pursuant to subparagraph (5) of this paragraph plus 90 cents, or the Class IV price plus 90 cents, whichever price is higher.

(2) *Class II milk.* The price per hundredweight of Class II milk during each delivery period shall be the price determined pursuant to subparagraph (5) of this paragraph plus 65 cents, or the Class IV price plus 65 cents, whichever price is higher.

(3) *Class III milk.* The price per hundredweight of Class III milk during each delivery period shall be the price of Class IV milk plus 40 cents or the price determined pursuant to subparagraph (5) of this paragraph plus 40 cents, whichever is higher.

(4) *Class IV milk.* The price per hundredweight of Class IV milk during each delivery period shall be the highest price ascertained by the market administrator to have been quoted for ungraded milk

of the same butterfat content received during such delivery period by any one of the three following plants: The Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas; the Franklin Ice Cream Company at its plant at Tonganoxie, Kansas; and the Milk Producers Marketing Company at its plant at Kansas City, Kansas.

(5) *Determination of foundation price of Class I and Class II milk.* The market administrator shall compute and announce on or before the 5th day of the delivery period the arithmetical average of the prices per hundredweight reported to the United States Department of Agriculture as being paid all farmers for milk of 3.8 percent butterfat content delivered f. o. b. plant during the immediately preceding delivery period at the following plants and places:

Borden Company, Mt. Pleasant, Mich.  
Carnation Company, Sparta, Mich.  
Pet Milk Company, Hudson, Mich.  
Pet Milk Company, Wayland, Mich.  
Pet Milk Company, Coopersville, Mich.  
Borden Company, Greenville, Wis.  
Borden Company, Black Creek, Wis.  
Borden Company, Orfordville, Wis.  
Carnation Company, Chilton, Wis.  
Carnation Company, Berlin, Wis.  
Carnation Company, Richland Center, Wis.

Carnation Company, Oconomowoc, Wis.

Carnation Company, Jefferson, Wis.  
Pet Milk Company, New Glarus, Wis.  
Pet Milk Company, Belleville, Wis.  
Borden Company, New London, Wis.  
White House Milk Company, Manitowoc, Wis.

White House Milk Company, West Bend, Wis.

8. Add a new § 913.4 (a) (6):

*Butterfat differential to handlers.* If any handler has purchased or received milk from producers containing more or less than 3.8 percent butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of one percent butterfat above or below 3.8 percent, an amount computed as follows: Divide the price of Class IV milk, as ascertained by the market administrator, by 3.8, and divide the result by 10.

9. Delete § 913.6 (a), (b), and (d) and redesignate paragraph (c) as paragraph (a).

10. Delete the third proviso of § 913.7 (a) and substitute therefor the following:

*Provided further,* That if any such milk received at such plant located outside the marketing area is sold or disposed of to another handler, the volume of such milk shall not be used in the determination pursuant to (1) of the first proviso of this paragraph.

11. Delete in § 913.7 (b) (1) the phrase "(1) For delivery periods from the effective date hereof to and including December 31, 1941:" and substitute therefor the following: (1) For the delivery periods excepting April, May, and June of each year:

12. Delete in § 913.7 (b) (2) the phrase "(2) For delivery periods subsequent to December 31, 1941, subject to subpara-

graph (3) of this paragraph:" and substitute therefor the following: (2) For the delivery periods of April, May and June of each year:

13. Delete § 913.7 (b) (3).

14. Delete § 913.8 (a) and substitute therefor the following:

(a) *Determination of base.* For the delivery periods of April, May and June of each year, the base of each graded producer shall be a quantity of milk calculated by the market administrator in the following manner: multiply by the applicable figure computed pursuant to subparagraphs (1), (2), or (3) of paragraph (b) of this section adjusted by paragraph (c) of this section by the number of days during such delivery period on which milk was received from such graded producer.

15. Delete § 913.8 (b) and substitute therefor the following:

(b) *Determination of base.* (1) Effective for the delivery periods of April, May, and June of each year, the daily base of each graded producer, who regularly delivered milk to a handler during the entire next previous delivery periods of October, November, December, and January, shall be computed by the market administrator from reports submitted by the handlers pursuant to § 913.5 from the best information available in the following manner:

(i) Determine for each graded producer who regularly delivered milk to a handler during the entire next previous delivery periods of October, November, December, and January, the average daily delivery of milk to a handler, for the period from the next previous October 1 to and including January 31. This result shall be known as the graded producer's daily base.

(2) Effective for the delivery periods of April, May, and June of each year, the daily base of each graded producer, who did not regularly deliver milk to a handler during the entire next previous delivery periods of October, November, December, and January, but who began regular deliveries of milk to a handler, subsequent to October 1 and previous to March 1, shall be computed by the market administrator from reports submitted by the handlers pursuant to § 913.5 or from the best information available in the following manner:

(i) Determine for each such graded producer, the average daily delivery of milk to a handler, for each delivery period of April, May, and June, and (ii) multiply by 70 percent. This result shall be known as the graded producer's daily base.

(3) In case a handler who distributes within the marketing area milk of his own production ceases to act as a handler and who begins regular deliveries of milk to a handler, the daily base of such graded producer shall be computed by the market administrator in the following manner: determine the average daily Class I milk and Class II milk produced and disposed of during the three months next preceding the date of his ceasing to act as a handler.

16. Delete § 913.8(c) and substitute therefor the following:



(1) In case a graded producer sells or delivers to a handler milk not of his own production as being milk of his own production, the amount to be paid such graded producer for all milk sold or delivered to a handler by such graded producer during such delivery period shall be the price of Class IV milk for such delivery period pursuant to § 913.4 (a) (4) and such milk shall not be included in the computation pursuant to § 913.8 (b) (1).

(2) A base of a graded producer may be transferred to the surviving spouse or a direct heir, upon written request of such person to the market administrator on or before the fifth day following the delivery period when such transfer is to be effective and if accompanied by an affidavit with respect to such graded producer's death.

(3) A landlord who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. Likewise, the tenant who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the daily base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship.

(4) A graded producer, whether landlord or tenant of a farm, may retain his base when moving his entire herd of cows from one farm to another farm: *Provided*, That at the beginning of tenant and landlord relationship the allotted base of each tenant and landlord shall be a combined base and may be divided only if such relationship is terminated.

17. Insert in (i) of § 913.9 (a) (1) between the words "to" and "producers" the word "graded".

18. Insert in (i) of § 913.9 (a) (2) between the words "to" and "producers" the word "graded".

19. Amend such other sections as may be necessary because of the above proposed amendments.

**B. Proposed by Handlers:**

1. Amend § 913.2 by adding a new § 913.2 (c) (6).

(6) Promptly notify all handlers when any handler's reports of sales or accounts are 30 days or more past due.

2. Amend § 913.10 (a) by inserting after the word "period," in line 6 the phrase "except milk purchased in bottles or from a handler's own production."

**C. Proposed by Dairy and Poultry Branch, Agricultural Marketing Administration, United States Department of Agriculture:**

1. Revise in § 913.1 (a) the meaning of the term "Secretary" to include any person who may be authorized to exercise the powers and perform the duties of the Secretary.

2. Revise § 913.3 (c) so as to specify with greater particularity the basis of classification of milk, particularly with respect to interplant movements of milk.

3. Add a paragraph to § 913.3 establishing upon whom the burden of proof of classification of milk shall rest.

4. Add a paragraph to § 913.3 setting forth the manner in which the market administrator shall compute the amount of milk in each class.

5. Add a paragraph to § 913.3 providing for a method of reconciling the utilization of milk by classes with receipts of milk from producers.

6. Revise § 913.5 so as to provide that reports by handlers whose sole sources of supply are receipts from other handlers or from own farm production shall be in a form and at a time elected by the market administrator and so as to further provide the nature of the reports which are to be verified, the manner of verification, and the responsibilities of the handlers in connection with such verification.

7. Add a paragraph to § 913.6 providing the method and manner of payment for milk received by handlers from sources determined as other than producers or other handlers.

8. Add a paragraph to § 913.6 providing for payment to producers for milk or butterfat in excess of receipts apparent on the basis of handlers' reports.

9. Revise § 913.7 with respect to the manner in which the market administrator shall compute the net pool obligations of handlers and the uniform prices.

10. Revise § 913.11 so as to make it fully apparent that handlers are subject to administrative assessment on all milk handled.

11. Add a new section, as follows:

**Agents.** The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Copies of this notice of hearing and of Order No. 13, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1019 South Building, Washington, D. C., or may be there inspected.

[SEAL] THOMAS J. FLAVIN,  
Assistant to the Secretary  
of Agriculture.<sup>1</sup>

Dated: August 14, 1942.

[F. R. Doc. 42-7952; Filed August 14, 1942; 11:42 a. m.]

**FEDERAL COMMUNICATIONS COMMISSION.**

[Docket No. 6393]

LARUS AND BROTHER, INC. (NEW)

**NOTICE OF HEARING**

In re application of Larus and Brother Company, Inc. (New), dated March 25, 1942; for construction permit; class of service, relay broadcast; location, 12 miles southeast of Richmond, Virginia, on James River; operating assignment specified:

<sup>1</sup> Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2658).

Frequency, 1,646, 2,090, 2,190, 2,830 kilocycles; power, 35 watts (A-3 emission); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942;

2. To determine whether, in view of the foregoing, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Larus and Brother Company, Inc., 22d and Cary Streets, Richmond, Virginia.

Dated at Washington, D. C., August 12, 1942.

By the Commission:

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7950; Filed, August 14, 1942; 11:32 a. m.]

[Docket No. 6394]

WHEC, INC. (NEW)

**NOTICE OF HEARING**

In re application of WHEC, Inc. (New), dated April 10, 1942; for construction permit; class of service, relay broadcast; class of station, relay broadcast; location, Rochester, New York; operating assignment specified: Frequency, 30,820, 33,740, 35,820, 37,980 kcs., emission: A-3; power, 30 w. night; 30 w. day; hours of operation, section 4.24.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942;

2. To determine whether, in view of the foregoing, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of



a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WHEC, Incorporated, 40 Franklin Street, Rochester, New York.

Dated at Washington, D. C., August 12, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7951; Filed, August 14, 1942; 11:32 a. m.]

[Docket No. 6331]

WDSU, Inc. (WDSU)

NOTICE OF HEARING

In re application of WDSU, Incorporated (WDSU), dated December 24, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, New Orleans, La.; operating assignment specified: frequency, 1,280 kc.; power, 5 kw. (DA-Day and night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of WDSU, Incorporated, Docket No. 6332; Natchez Broadcasting Company, Docket No. 6333; and P. K. Ewing, Docket No. 6334, for the following reasons:

1. To determine whether, in view of the Commission's Memorandum Opinion of April 27, 1942 and the evidence adduced under the issues relating to the application for renewal of license of Station WDSU, Docket No. 6332, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: WDSU, Incorporated, Radio Station WDSU, Hotel Monteleone, 214 Royal Street, New Orleans, Louisiana.

Dated at Washington, D. C., August 10, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7943; Filed, August 14, 1942; 11:29 a. m.]

[Docket No. 6332]

WDSU, Inc. (WDSU)

NOTICE OF HEARING

In re application of WDSU, Incorporated (WDSU); dated March 27, 1942; for Renewal of License; class of service, Broadcast; class of stations, Broadcast; location, New Orleans, La. Operating assignment specified: Frequency, 1280 kc; power, 1 kw night, 1 kw day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of WDSU, Incorporated, Docket No. 6331; Natchez Broadcasting Company, Docket No. 6333; and P. K. Ewing, Docket No. 6334, for the following reasons:

1. To determine whether on or about March 14, 1938 the station was equipped with a suitable plate volt meter for the last radio stage, as required by Rule 143.

2. To determine whether on or about May 17, 1939: (a) the station's operating log was maintained in accordance with the requirements of Rule 172; (b) the station was operated in a manner consistent with good quality of transmission and good broadcast practice as required by Rule 139; and (c) the operating power of the station was maintained in exact accordance with its licensed power at all times, as required by Rule 142.

3. To determine whether on or about October 9, 1939, recordings and transcriptions were announced as such as required by § 3.93 (c), Federal Communications Commission's Rules.

4. To determine whether on or about November 4, 1939, the station's identification announcements were made in accordance with § 3.92 (c), Federal Communications Commission's Rules.

5. To determine whether on or about August 29, 1940, the transmitter proper and associated transmitting equipment of the station were designed, constructed, maintained and operated in accordance with the provisions of § 3.46, Federal Communications Commission's Rules and the Standards of Good Engineering Practice issued pursuant thereto.

6. To determine whether on or about December 19, 1940: (a) the transmitter proper and associated transmitting equipment of the station were designed, constructed, maintained and operated in accordance with the provisions of § 3.46, Federal Communications Commission's

Rules and the Standards of Good Engineering Practice issued pursuant thereto; and (b) the transmitter was operated in such a manner as to have excessive carrier shift and asymmetrical modulation in violation of §§ 3.46, the Standards of Good Engineering Practice issued pursuant thereto, and § 3.55, Federal Communications Commission's Rules.

7. To determine whether at or about 3:25 p. m. on May 30, 1941, a licensed operator was on duty at the transmitter, as required by § 3.402, Federal Communications Commission's Rules and section 318 of the Communications Act of 1934, as amended.

8. To determine whether on or about June 2, 1941: (a) the transmitter proper and associated transmitting equipment of the station were designed, constructed, maintained and operated in accordance with the provisions of § 3.46, Federal Communications Commission's Rules and the Standards of Good Engineering Practice issued pursuant thereto; (b) the operating percentage of modulation was maintained as high as possible, consistent with good quality of transmission and good broadcast practice as required by § 3.55, Federal Communications Commission's Rules; and (c) transcriptions and recordings were properly logged as such as required by § 3.404, Federal Communications Commission's Rules.

9. To determine whether the station's program log contained identification entries for the following times and dates: 2:30 p. m., May 20, 21, and 22, 1941; 3:30, May 22, 1941; 9:00 and 9:30 p. m., May 23, 1941; 8:30 p. m., May 25, 1941; 2:30 p. m., June 2, 1941, as required by § 3.404, Federal Communications Commission's Rules; and (b) the station program logs were maintained on or about May 12, 1941, as required by § 3.404, Federal Communications Commission's Rules.

10. To determine whether the licensee, its officers, directors, and stockholders or the station management and personnel are technically qualified to continue the operation of Station WDSU.

11. To determine whether Station WDSU has been operated at all times in accordance with the rules and regulations of the Federal Communications Commission and the Standards (or the Interpretations) of Good Engineering Practice issued pursuant thereto.

12. To determine whether the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in ac-



cordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WDSU, Incorporated, Radio Station WDSU, Hotel Monteleone, 214 Royal Street, New Orleans, Louisiana.

Dated at Washington, D. C., August 10, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7944; Filed, August 14, 1942; 11:29 a. m.]

[Docket No. 6333]

NATCHEZ BROADCASTING CO. (WMIS)

NOTICE OF HEARING

In re application of Natchez Broadcasting Company (WMIS): Dated October 15, 1941; for renewal of license; class of service, broadcast; class of station, broadcast; Location, Natchez, Mississippi. Operating assignment specified: Frequency, 1490 kc; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of WDSU, Incorporated, Docket No. 6331; WDSU, Incorporated, Docket No. 6332; and P. K. Ewing, Docket No. 6334, for the following reasons:

1. To determine whether on or about June 21, 1941: (a) the license of the operator on duty at the transmitter was posted in a conspicuous place, as required by § 2.52, Federal Communications Commission's Rules; (b) the transmitter proper and the associated transmitting equipment were designed, constructed, maintained and operated in accordance with the provisions of § 3.46, Federal Communications Commission's Rules and the Standards of Good Engineering Practice issued pursuant thereto; (c) the station was operated in such a manner as was consistent with good quality of transmission and good broadcast practice as required by § 3.55, Federal Communications Commission's Rules; and (d) proper entries were made in the program log relative to the time of beginning and ending of programs, as required by § 3.404, Federal Communications Commission's Rules.

2. To determine whether on or about May 5 to June 13, 1941 and 7:55 a. m. to 9 a. m., June 21, 1941, proper entries were made in the operating log, as required by § 3.404, Federal Communications Commission's Rules.

3. To determine whether on or about October 22, 1941: (a) the antenna tower of the station was illuminated in accordance with the specifications supplied by the Commission, pursuant to § 303 (q) of the Communications Act of 1934, as amended, § 3.45, Federal Communications Commission's Rules, and § 6 of the Standards of Good Engineering Practice; (b) the transmitter proper and the associated transmitting equipment

of the station were designed, constructed, maintained and operated in accordance with the provisions of § 3.46, Federal Communications Commission's Rules and the Standards of Good Engineering Practice issued pursuant thereto; (c) the license of the operator on duty at the transmitter was posted in a conspicuous place, as required by § 2.52, Federal Communications Commission's Rules; and (d) the station logs were maintained in accordance with § 3.404, Federal Communications Commission's Rules.

4. To determine whether: (a) the transmitter operator failed to sign the log upon going off duty September 11, 21, and 22, 1941 and October 18, 1941, in violation of § 3.404, Federal Communications Commission's Rules and (b) whether entries for "program and carrier off" were made September 7 and 11, 1941, and October 18, 1941, as required by § 3.404, Federal Communications Commission's Rules.

5. To determine whether the applicant failed to reply to an "Official Notice (Form 793)" dated November 4, 1941, within three days after the receipt thereof, as required by Section 1.391, Federal Communications Commission's Rules.

6. To determine whether the licensee, its officer, directors, and stockholders, or the station management and personnel, are technically qualified to continue the operation of Station WMIS.

7. To determine the financial qualifications of the licensee to continue the operation of Station WMIS.

8. To determine whether Station WMIS has been operated at all times in accordance with the rules and regulations of the Federal Communications Commission and the Standards of Good Engineering Practice issued pursuant thereto.

9. To determine whether the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Natchez Broadcasting Company, Radio Station WMIS, City Bank & Trust Building, 407 Franklin Street, Natchez, Mississippi.

Dated at Washington, D. C., August 10, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7945; Filed, August 14, 1942; 11:29 a. m.]

[Docket No. 6334]

P. K. EWING (WGRM)

NOTICE OF HEARING

In re application of P. K. Ewing (WGRM), dated July 26, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Greenwood, Mississippi; operating assignment specified: Frequency, 1,240 kc; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of WDSU, Incorporated, Docket No. 6331; WDSU, Incorporated, Docket No. 6332; and Natchez Broadcasting Company, Docket No. 6333, for the following reasons:

1. To determine whether on or about November 8, 1937, the station was operating within the limits of 50 cycles above and 50 cycles below the assigned frequency in accordance with the requirements of Rule 144.

2. To determine whether on or about November 22, 1937, the transmitter proper and associated transmitting equipment of the station were designed, constructed, maintained and operated in accordance with the provisions of Rule 132, and Interpretations of Good Engineering Practice issued pursuant thereto.

3. To determine whether on or about December 11, 1937: (a) the transmitter proper and the associated transmitting equipment of the station were designed, constructed, maintained and operated in accordance with the provisions of Rule 132, and Interpretations of Good Engineering Practice issued pursuant thereto; (b) the modulation monitor was installed and in operation at the station as required by Rule 139 (b); (c) the operating power of the station was maintained in exact accordance with the licensed power as required by Rule 142; (d) the station had installed and in operation an approved frequency monitor as required by Rule 145; and (e) the operating logs of the station truly and accurately reflected the operating conditions of the station, as required by Rule 172.

4. To determine whether: (a) on or about November 17, 1938, the transmitter proper and the associated transmitting equipment of the station were designed, constructed, maintained and operated in accordance with the provisions of Rule 132, and the Interpretations of Good Engineering Practice issued pursuant thereto; (b) on or about October 24 to November 16, 1938, the nighttime operating power of the station was computed in accordance with Rule 136 and maintained in exact accordance with the licensed power as required by Rule 142; (c) on or about October 2 to October 22, 1938, the operating power of the station was maintained in exact accordance with its licensed power as required by Rule 142; (d) on or about October 26 to November 17, 1938, the modulation monitor was installed and in operation at the station as required by Rule 139 (b); and



(e) on or about November 17, 1938, the antenna ammeter in use at the station was the same as that specified in the application for construction permit or prior to said date had been changed or replaced without authority of the Commission, in violation of Rule 143.

5. To determine whether on or about July 19, 1939: (a) the transmitter proper and the associated transmitting equipment of the station were designed, constructed, maintained and operated in accordance with the provisions of Rule 132, and Interpretations of Good Engineering Practice issued pursuant thereto; (b) the transmitter was capable of delivering satisfactorily the authorized power with modulation of 85% with not over 10% combined audio frequency harmonics generated by the transmitter as required by Rule 139 (a); and (c) the plate volt meter, plate ammeter, and antenna ammeter were the same as those described in the application for renewal of license dated March 29, 1939, or whether prior to July 19, 1939, these instruments were changed or replaced without the authority of the Commission in violation of Rule 143.

6. To determine whether on or about October 21, 1939, suitable facilities for the transmitter operator's welfare and comfort were provided as required by § 3.46, Federal Communications Commission's Rules (section 12 (d) (2) Standards of Good Engineering Practice).

7. To determine whether on or about November 9, December 14, 1939, and February 8, 1940, the station was operated within the limits of 50 cycles above and 50 cycles below the assigned frequency in accordance with the requirements of § 3.59, Federal Communications Commission's Rules.

8. To determine whether on or about July 26, 1940: (a) the program logs of the station were maintained in accordance with § 3.404; and (b) suitable facilities were provided for the transmitter operator's welfare and comfort in accordance with § 3.46, Federal Communications Commission's Rules (section 12 (d) (2) Standards of Good Engineering Practice).

9. To determine whether on or about December 11, 1940, suitable facilities were provided for the transmitter operator's welfare and comfort in accordance with § 3.46.

10. To determine whether the licensee replied to an "Official Notice (Form 793)" dated December 11, 1940, within three days after the receipt thereof as required by § 1.391, Federal Communications Commission's Rules.

11. To determine whether on or about June 18, 1941: (a) proper entries were made in the station's operating log between 12:00 o'clock noon and 1:15 P. M. as required by § 3.404, Federal Communications Commission's Rules; (b) the station logs were properly signed by the operators as required by § 2.55, Federal Communications Commission's Rules; (c) the operating power was maintained within the tolerance limits of 105% and 90% of the power specified in the license,

as required by § 2.80, Federal Communications Commission's Rules; (d) the transmitter proper and the associated transmitting equipment of the station were designed, constructed, maintained and operated in accordance with the provisions of § 3.46, Federal Communications Commission's Rules and the Standards of Good Engineering Practice issued pursuant thereto; (e) suitable facilities were provided for the transmitter operator's welfare and comfort in accordance with § 3.46, Federal Communications Commission's Rules (section 12 (d) (2), Standards of Good Engineering Practice); (f) the operating power of the station was computed by using the direct method of power determination as required by § 3.51, Federal Communications Commission's Rules; (g) the station was being operated in such a manner as was consistent with good quality of transmission and good broadcast practice as required by § 3.55, Federal Communications Commission's Rules; (h) the painting and lighting specifications for the tower were posted as required by § 3.401, Federal Communications Commission's Rules; (i) there was a licensed operator on duty at the transmitter at about 1:15 P. M., Central Standard Time, as required by § 3.402, Federal Communications Commission's Rules, and section 318 of the Communications Act of 1934, as amended; and (j) whether the program logs were maintained in accordance with § 3.404, Federal Communications Commission's Rules.

12. To determine whether on or about October 25, 1941: (a) the transmitter proper and associated transmitting equipment of the station were designed, constructed, maintained and operated in accordance with the provisions of § 3.46, Federal Communications Commission's Rules and the Standards of Good Engineering Practice issued pursuant thereto; (b) suitable facilities were provided for the transmitter operator's welfare and comfort in accordance with the provisions of § 3.46, Federal Communications Commission's Rules (section 12 (d) (2) of the Standards of Good Engineering Practice); and (c) frequency monitor in operation at the station had stability and accuracy of at least five parts per million as required by § 3.60, Federal Communications Commission's Rules.

13. To determine whether the licensee answered an "Official Notice (Form 793)" dated November 5, 1941 within three days after the receipt thereof as required by § 1.391, Federal Communications Commission's Rules.

14. To determine whether applicant is financially qualified to continue the operation of Station WGRM.

15. To determine whether the applicant or the station management and personnel are technically qualified to continue the operation of Station WGRM.

16. To determine whether Station WGRM has been operated at all times in accordance with the rules and regulations of the Federal Communications Commission and the Standards (or interpretations) of Good Engineering Practice issued pursuant thereto.

17. To determine whether the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: P. K. Ewing, Radio Station WGRM, 222 Howard Street, Greenwood, Mississippi, Dated at Washington, D. C., August 10, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7946; Filed, August 14, 1942; 11:30 a. m.]

[Docket No. 6385]

BLUE NETWORK CO., INC. (NEW)

NOTICE OF HEARING

In re application of Blue Network Company Inc. (New), dated April 29, 1942, for construction permit, class of service, relay broadcast; class of station, relay broadcast; location, Hollywood, California; operating assignment specified: Frequency, 31,220, 35,620, 37,020, 39,260 kcs.; emission, A-3; power, 25 w. night, 25 w. day; hours of operation, section 4.24.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.



The applicant's address is as follows: Blue Network Company, Inc., RCA Building, 30 Rockefeller Plaza, New York, New York.

Dated at Washington, D. C., August 12, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7947; Filed, August 14, 1942;  
11:30 a. m.]

[Docket No. 6388]

W. A. PATTERSON (NEW)

NOTICE OF HEARING

In re application of W. A. Patterson (New), dated March 20, 1942, for Construction Permit; class of service, relay broadcast; class of station, relay broadcast; location, Chattanooga, Tennessee; operating assignment specified: Frequency, 1,622, 2,058, 2,150, 2,790 kcs.; emission, A-3; power, 35 w. night, 35 w. day; hours of operation, section 4.24.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether, in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: W. A. Patterson, Read House, Ninth and Broad Streets, Chattanooga, Tennessee. Dated at Washington, D. C., August 12, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7948; Filed, August 14, 1942;  
11:31 a. m.]

[Docket No. 6392]

LARUS AND BROTHER, INC. (NEW)

NOTICE OF HEARING

In re application of Larus and Brother Company, Inc. (New); dated

April 9, 1942; for construction permit; class of service, relay broadcast; class of station, relay broadcast; location, Richmond, Virginia; operating assignment specified: Frequency, 1,646, 2,090, 2,190, 2,830 kcs., emission: A-3; power, 40 w. night; 40 w. day; hours of operation, section 4.24.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether in view of the foregoing, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Larus and Brother Company, Inc., 22d and Cary Streets, Richmond, Virginia.

Dated at Washington, D. C., August 12, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7949; Filed, August 14, 1942;  
11:31 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-38]

LISTING AND CERTIFICATE OF COAL TAR  
COLORS

NOTICE OF HEARING

Notice of public hearing for the purpose of receiving evidence upon which a regulation may be promulgated amending "Regulations Under the Federal Food, Drug, and Cosmetic Act for the Listing of Coal-tar Colors, Certification of Batches Thereof and Payment of Fees for Such Service", by the listing of an additional coal-tar color.

In accordance with the Federal Food, Drug, and Cosmetic Act of 1938, sections 504, 604, and 701 [21 U.S.C., sections 354, 364, 371 (1940 ed.)], and in accordance with the Coal Tar Color Regulations heretofore promulgated [4 F.R. 1922], as amended, notice is hereby given to all interested persons that a public hearing

will be held beginning at 10 A. M. on Tuesday, September 15, 1942, in Room 2106, South Building, Department of Agriculture, between 12th and 14th Streets, SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which the Administrator of the Federal Security Agency may determine whether he shall promulgate a regulation further amending such Coal Tar Color Regulations by the listing of an additional coal-tar color, and what the provisions of any such amendment should be.

All interested persons are invited to attend and to offer relevant and material evidence either in person or by representative. In lieu of personal appearance, affidavits may be presented at any time prior to the opening of the hearing by delivery to the Presiding Officer, Joseph L. Maguire, Room 2242, South Building, Department of Agriculture. Such affidavits must be submitted in quintuplicate, and, if relevant and material, may be received and made a part of the record at the hearing, but the Administrator will consider the lack of adequate opportunity for cross-examination in determining the weight to be given to statements contained therein. Interested persons will be permitted to examine the affidavits offered and to file counter-affidavits.

The suggested amendment is subject to adoption, rejection, amendment or modification by the administrator in whole or in part as the evidence adduced at the hearing may require.

The hearing will be conducted in accordance with the "Rules of Practice for Hearings Required under the Federal Food, Drug, and Cosmetic Act", published in the FEDERAL REGISTER, June 26, 1940 [5 F.R. 2379].

Mr. Joseph L. Maguire is hereby designated as representative of the Administrator and as Presiding Officer to conduct in place of the Administrator the said hearing, with full power to administer oaths and affirmations, and to do all things necessary and appropriate for the proper conduct of such hearing.

SUGGESTED AMENDMENT TO THE REGULATIONS FOR THE LISTING OF COAL-TAR COLORS, CERTIFICATION OF BATCHES THEREOF, AND PAYMENT OF FEES FOR SUCH SERVICE

The regulations under the Federal Food, Drug, and Cosmetic Act for the listing of coal-tar colors, certification of batches thereof, and payment of fees for such service are hereby further amended:

By adding to the colors listed in § 135.05 the following:

EXT D&C Yellow No. 6  
Specifications

Disodium salt of 5-(para-sulfo-phenyl azo)-salicylic acid.  
Volatile matter (at 135° C.), not more than 3.0 percent.  
Water insoluble matter, not more than 1.0 percent.  
Ether extracts, not more than 0.5 percent.  
Sulfanilic acid, not more than 0.2 percent.  
Salicylic acid, not more than 0.2 percent.  
Chlorides and sulfates of sodium, not more than 15.0 percent.



Mixed oxides, not more than 1.0 percent. Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

[SEAL] WATSON B. MILLER,  
Acting Administrator.

WASHINGTON, D. C.,  
AUGUST 13, 1942.

[F. R. Doc. 42-7927; Filed, August 14, 1942;  
10:54 a. m.]

#### FEDERAL TRADE COMMISSION.

[File No. 21-374]

#### PROPOSED TRADE PRACTICE RULES RELATING TO COLORFASTNESS OF TEXTILES

#### NOTICE OF ADDITIONAL HEARING AND OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 14th day of August, A. D. 1942.

Notice is hereby given by the Federal Trade Commission to all persons, partnerships, corporations, associations, consumer organizations, and other parties or groups affected by or having an interest in the proposed trade practice rules relating to Colorfastness of Textiles, that further public hearing in respect to such rules will be held at the Pennsylvania Hotel, New York, N. Y., beginning at 10 a. m., September 9, 1942, at which any such person, concern, organization, group, or other interested or affected party, may appear and be heard in the premises. Such hearing shall be in addition to the hearing which, as heretofore announced, will be held on August 18, 1942, in Washington, D. C.

Presentation of suggestions or views for the consideration of the Commission may also be made in writing by filing the same with the Commission at any time prior to the conclusion of such final hearing on September 9th.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-7954; Filed, August 14, 1942;  
11:47 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Order 1 under Maximum Price Regulation 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157-1]

THE ANDALA COMPANY, INC.

#### ORDER GRANTING PETITION FOR ADJUSTMENT

On June 20, 1942, The Andala Company, Inc. of Andalusia, Alabama, filed a petition for amendment, adjustment or exception under Maximum Price Regulation No. 157. With the consent of the petitioner, said petition has been considered and treated as an application for adjustment under § 1378.2 (c) of Maximum Price Regulation No. 157. Due con-

sideration has been given to said application and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulations Nos. 1 and 6 issued by the Office of Price Administration, it is hereby ordered:

(a) The Andala Company, Inc. may sell and deliver, and agree, offer, solicit and attempt to sell and deliver to any war procurement agency the commodity described in paragraph (b) at a price not in excess of the price stated therein. Any war procurement agency may buy and receive, and agree, offer, solicit and attempt to buy and receive, such commodity at such price from The Andala Company, Inc.

(b) 8.2 ounce cotton khaki trousers fabricated in accordance with Quartermaster Corps Tentative Specification P. Q. D. No. 19A may be sold and delivered to any war procurement agency at 63½ cents per pair.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1378.10 of Maximum Price Regulation No. 157 shall apply to the terms used herein.

This Order No. 1 shall become effective August 13, 1942.

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7919; Filed, August 13, 1942;  
4:54 p. m.]

BALENTINE PACKING COMPANY, INC.

[Order 5 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-12]

#### ORDER GRANTING PETITION FOR ADJUSTMENT

On June 27, 1942, Balentine Packing Company, Inc., 110 East Court Street, Greenville, South Carolina, filed a petition docketed as a petition for an adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 5 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> is-

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

<sup>1</sup> 7 F.R. 3821, 4342.

<sup>2</sup> 7 F.R. 971.

sued by the Office of Price Administration, it is hereby ordered:

(a) Balentine Packing Company, Inc. may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from Balentine Packing Company, Inc.

	Cents per pound
(b) Pork Loins, fresh or frozen.....	29½
Shoulders, fresh or frozen.....	26
Hams, Boned, Rolled, Tied & Cured.....	44
Regular Picnic Hams Smoked.....	27
Skinned Picnics Smoked.....	29

(c) The permission granted to the Balentine Packing Company, Inc. in this Order No. 5 is subject to the following conditions: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which the Balentine Packing Company, Inc. may sell or deliver or agree, offer, solicit or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit or attempt to buy or receive from Balentine Packing Company, Inc. each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

This Order No. 5 shall become effective August 14, 1942.

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7920; Filed, August 13, 1942;  
4:53 p. m.]

[Order 12 Under Maximum Price Regulation 122—Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers—Docket 1122-152-P]

LANCASTER COAL COMPANY

#### ORDER GRANTING PETITION FOR ADJUSTMENT

For the reasons set forth in an opinion which has been issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1,<sup>2</sup> it is ordered:

<sup>1</sup> 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567.

<sup>2</sup> 7 F.R. 971, 3663.



(a) Lancaster Coal Company, Wingo, Kentucky may sell and deliver and any person may buy and receive from Lancaster Coal Company the size, kind and quality of solid fuel set forth in paragraph (b) below at a price not in excess of that stated therein;

(b) The maximum price for the sale of 7" x 3" egg size bituminous coal by Lancaster Coal Company shall be the maximum price for sales thereof determined in accordance with Section 1340.261 of Maximum Price Regulation No. 122 plus not more than 20 cents per net ton, i. e., \$4.75 per net ton.

(c) This Order No. 12 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein.

(e) This Order No. 12 shall become effective August 17, 1942.

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7921; Filed, August 13, 1942;  
4:53 p. m.]

[General Maximum Price Regulation—Order  
13 Under Supplementary Regulation 1<sup>1</sup>]

LORRAINE FIBRE MILLS, INC.

DISAPPROVAL OF REGISTRATION

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

The following company applied for registration and approval of the Office of Price Administration in order that its sales and deliveries might be excepted from the provisions of the General Maximum Price Regulation pursuant to § 1499.26 (b) (1) of Supplementary Regulation No. 1: Lorraine Fibre Mills, Inc., 430 Bond Street, Brooklyn, New York.

Due consideration has been given to the application for registration and approval of Lorraine Fibre Mills, Inc. and it has been found that said company does not meet the requirements of § 1499.26 (b) (1) of Supplementary Regulation No. 1. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) That the said application for registration and approval of Lorraine Fibre Mills, Inc., 430 Bond Street, Brooklyn, New York, be, and the same is, denied and disapproved.

(b) This Order No. 13 shall become effective August 14, 1942.

Issued this 13th day of August 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7918; Filed, August 13, 1942;  
4:57 p. m.]

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

<sup>1</sup> 7 F. R. 3158, 3486, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366.

## RAILROAD RETIREMENT BOARD.

STATUS OF CUPPLES STATION,  
ST. LOUIS, MO.

### NOTICE OF HEARING

Pursuant to regulations under the Railroad Unemployment Insurance Act (45 U.S.C. 1940 ed. 351-367), Part 319, §§ 319.42 et seq.,<sup>1</sup> the following orders have been issued:

#### ORDER AWARDING BENEFITS

In accordance with the determination of the issues presented and passed upon in my opinion of July 17, 1940, L-40-351, as supplemented by my memorandum of April 2, 1941, L-41-158, and as approved by the Board April 8, 1941, B. O. 41-159, and holding that Cupples Station of St. Louis, Missouri, as a separable and identifiable enterprise of Washington University, was on August 29, 1935 and thereafter has been a carrier by railroad subject to part I of the Interstate Commerce Act and, as such, an employer under the Railroad Retirement Act and the Railroad Unemployment Insurance Act:

Benefits are hereby awarded to all individuals whose compensation, earned in the service of said Cupples Station exclusively or in addition to compensation earned in the service of other covered employers, is \$150 or more in the applicable base year, such benefits to be determined in accordance with section 2 (a) of the Railroad Unemployment Insurance Act by including compensation earned in the service of said Cupples Station, and to be payable for any days of unemployment established in accordance with the Railroad Unemployment Insurance Act and applicable regulations: *Provided, however*, That all benefits paid pursuant to this award shall be paid subject to a right of recovery thereof as provided in section 5 (c) of the Railroad Unemployment Insurance Act.

Order entered and award of benefits made pursuant to authority vested in me by Regulations § 319.40, this 19th day of June, 1942.

LESTER P. SCHOENE,  
General Counsel.

#### ORDER REOPENING DETERMINATION AND DESIGNATING EXAMINER

Pursuant to Regulations §§ 319.42 and 319.45 all issues determined by my opinion of July 17, 1940, L-40-351, as supplemented by my memorandum of April 2, 1941, L-41-158, and as approved by the Board April 8, 1941, B. O. 41-159, relating to the employer status of Cupples Station of St. Louis, Missouri, are hereby reopened for further consideration and proceedings pursuant to Regulations Part 319, and for the conduct of such proceedings Mr. Paul M. Johnson is designated to serve as examiner, with all powers, duties and functions accruing to such examiner pursuant to such designation under Regulations Part 319. The examiner shall arrange for a hearing at the earliest date meeting the convenience of parties in interest, and shall notify all parties properly interested in any issue involved in the proceeding of the reopening of the determination and of their rights to participate in the proceeding and to present evidence and argument.

LESTER P. SCHOENE,  
General Counsel.

JUNE 19, 1942.

Pursuant to the above orders, notice is hereby given that a hearing will be held Wednesday, August 26, 1942, at 10:00 a. m., in Room 206, Main Post Office, St. Louis, Missouri, on the question

<sup>1</sup> 7 F. R. 4777.

whether the said Cupples Station was on August 29, 1935, and thereafter, an employer under the Railroad Retirement Act and the Railroad Unemployment Insurance Act.

Cupples Station, Washington University, the individuals who have been awarded benefits on the basis of pay earned in the service of Cupples Station, and all other parties properly interested may participate in the hearing and will be afforded an opportunity to present evidence and to make arguments before the Examiner.

In preparation for, and in the conduct of, said hearing, the Examiner is authorized to require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations. A record will be kept of all evidence presented, orally or in writing, at said hearing. The evidence presented orally will be under oath. The Examiner may require that copies of all exhibits admitted in evidence at the hearing be furnished by the party offering the same to all other parties participating or entering an appearance in the proceeding.

Dated: August 11, 1942.

PAUL M. JOHNSON,  
Examiner.

[F. R. Doc. 42-7922; Filed, August 14, 1942;  
9:54 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-32]

DENIS J. DRISCOLL AND WILLARD L. THORP,  
AS TRUSTEES OF ASSOCIATED GAS AND  
ELECTRIC CORPORATION, RESPONDENT

### ORDER REQUIRING DIVESTITURE OF CERTAIN PROPERTIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of August, A. D. 1942.

The Commission having on September 4, 1941, by notice and order for hearing, as amended by a notice and order dated September 11, 1941, instituted proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 with respect to Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, to determine their status and the status of the Associated Gas and Electric Corporation holding company system under said section, and the said Trustees having answered such notice and order; and

Hearings having been held after due notice, proposed findings of fact and briefs having been filed, and oral argument having been heard; and

It appearing that the said Trustees have made no claim and offered no proof with respect to the question whether certain companies within their holding company system may be retained under the standards of section 11 (b) (1) of the Public Utility Holding Company Act of 1935, and it further appearing from the record that such companies may not



be retained under the requirements of section 11 (b) (1) of said Act; and

The Commission being advised in the premises, and having this day issued its findings and opinions herein;

*It is ordered*, Pursuant to section 11 (b) (1), that Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, a registered holding company, shall sever their relationship with the companies named hereafter by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said Act or the rules and regulations promulgated thereunder, of their direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by the following companies:

Canadea Power Corporation.  
Granville Electric Company.  
Litchfield Electric Light & Power Co.  
Long Island Water Corporation.  
Jersey Central Power & Light Co.  
Agincourt Land Corporation.  
Lakewood Water Company.  
New Jersey Northern Gas Company.  
Patchogue Electric Light Company.  
Staten Island Edison Corporation.  
Richmond Light and Railroad Co.  
Spring Brook Water Company.  
York Railways Company.  
Dover Gas Light Company.  
Eastern Shore Public Service Co.  
Eastern Shore Public Service Co. of Maryland.  
Eastern Shore Public Service Co. of Virginia.  
Maryland Light and Power Company.  
Sante Fe Land Company.  
Lexington Water Power Company.  
Sanford Gas Company.  
South Carolina Electric & Gas Co.  
Southern Electric Utilities Co.  
Tide Water Power Company.  
Virginia Public Service Company.  
Citizens Rapid Transit Corporation.  
Harpers Ferry Paper Company.  
Virginia Northern Ice Corp.  
Arizona General Utilities Company.  
Eastern Land Corporation.  
Escudero Electric Service Co.  
Indiana Gas Utilities Company.  
Lake Shore Gas Company.  
Louisiana Public Utilities Co., Inc.  
Manila Electric Company.  
Associated Utilities Investing Corp.  
Missouri General Utilities Company.  
Missouri Southern Public Service Company.  
New Matamoras Electric Company.  
Ohio-Midland Light and Power Company.  
Ohio River Power Company.  
Owensboro Gas Company.  
Panhandle Public Service Company.  
Portsmouth Gas Company.  
Texas General Utilities Company.  
Union Gas & Electric Company.  
West Virginia Light, Heat & Power Co.  
Biglerville Water Company.  
Brookville Electric Company.  
Caribou Water, Light & Power Co.  
City Water Company.  
Clarion Water Company.  
Consumers Water Company of Montrose, Pa.  
Dawson Springs Waterworks Company.  
Eastport Water Company.  
Edwardsville Water Company.  
Ellwood Consolidated Water Company.  
Everett Water Company.  
General Utilities Company.  
Gettysburg Water Company.  
Grafton Water Company.  
Greenville Water Company.  
Guliford Water Company.  
Hampton Water-Works Company.  
Hartland Water Company.  
Hazelton Water Company.

Latrobe Water Company.  
Limestone Water and Sewer Company.  
Louisa Water Company.  
Mars Hill & Blaine Water Company.  
Maryland Water Works Company.  
Massachusetts Water Works Company.  
Mechanic Falls Water Company.  
Mystic Valley Water Company.  
North Berwick Water Company.  
Northeastern Water & Electric Service Corp.  
Norway Water Company.  
Ohio Northern Public Service Co.  
Oxford Water Company.  
Parkesburg Water Company.  
Penobscot County Water Company.  
Riverton Consolidated Water Co.  
Salisbury Water Supply Company.  
Sangerville Water Supply Company.  
Skowhegan Water Company.  
Southwest Harbor Water Company.  
Stockton Springs Water Company.  
Waldoboro Water Company.  
West Helena Water Works Company.  
West Penn Water Company.  
Western Reserve Power and Light Co.  
New London Power Company.  
Broome Electric Corp.  
Lockport Light, Heat and Power Co.  
Massachusetts Northeastern Transportation Company.  
New Jersey and Staten Island Ferry Co.  
Reading and Southwestern Street Railway Company.  
Reading Street Railway Company.  
Reading Traction Company.  
Schenectady Rapid Transit, Inc.  
Valley Public Service Company.  
Associated Real Properties, Inc.  
E. M. Gilbert Engineering Corp.  
Paul Smith's Electric Light and Power and Railroad Co.  
Paul Smith's Hotel Company.  
Railway and Bus Associates.  
Gas and Electric Associates.  
Richmond Railways, Inc.  
Rochester Transit Corporation.  
East Avenue Bus Company, Inc.  
Rochester Electric Railway Company.  
Rochester Interurban Bus Company, Inc.  
Syracuse Transit Corporation.  
Syracuse & Valley Land Co.  
Utilities Investing Trust.  
New England Gas and Electric Association and its subsidiaries.

*It is provided*, That jurisdiction is expressly reserved to determine subsequently what action should be taken with respect to all issues in the proceeding not disposed of in the findings, opinion and order this day issued and to make such orders as the Commission shall deem necessary or appropriate in order to effectuate compliance by the respondents with section 11 (b) (1) of the Act.  
By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-7923; Filed, August 14, 1942;  
9:54 a. m.]

[File No. 70-580]

WILLIAMSTOWN WATER COMPANY  
ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of August, A. D. 1942.

Williamstown Water Company, a wholly-owned subsidiary company of

Greenwich Water System, Inc., both subsidiary companies of American Water Works and Electric Company, Incorporated, a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-46 promulgated thereunder regarding the payment of a partial liquidating dividend of \$100,000 by Williamstown Water Company to its only stockholder, Greenwich Water System, Inc., and

Such declaration having been filed on July 21, 1942 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration pursuant to Rule U-46 to become effective, and finding that the requirements of section 12 (c) are satisfied, and being satisfied that the effective date of such declaration should be advanced:

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be, and hereby is, permitted to become effective forthwith.  
By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-7924; Filed, August 14, 1942;  
9:56 a. m.]

[File No. 1-2838]

LE ROI COMPANY \$10 PAR COMMON STOCK  
ORDER GRANTING APPLICATION TO WITHDRAW  
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of August, A. D., 1942.

The Le Roi Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its \$10 Par Common Stock from listing and registration on the Chicago Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on August 22, 1942.

By the Commission.  
[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-7925; Filed, August 14, 1942;  
9:56 a. m.]



## WAR MANPOWER COMMISSION.

[Directive No. IX]

DAY-CARE OF CHILDREN OF WORKING  
MOTHERS

## COORDINATION OF FEDERAL PROGRAMS

Directive to certain Government departments and agencies, to develop, integrate and coordinate Federal programs for the day-care of children of working mothers.

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139,<sup>1</sup> establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that existing and anticipated requirements for workers in essential activities render necessary the employment of large numbers of women, that among such women may be found many mothers of young children, that no woman responsible for the care of young children should be encouraged or compelled to seek employment which deprives her children of her essential care until after all other sources of labor supply have been exhausted, but that if such women are employed, adequate provision for the care of such children will facilitate their employment, and that the

<sup>1</sup> 7 FR. 2919.

measures hereinafter set forth will promote the effective mobilization and maximum utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

I. The Office of Defense Health and Welfare Services, in consultation with such departments and agencies of the Federal Government as it may deem appropriate, shall:

(a) Promote and coordinate the development of necessary programs for the day-care of children of mothers employed in essential activities;

(b) Determine, either directly or through such Federal departments and agencies as it may designate, areas in which such programs of day-care should be promoted, and the respective responsibilities of the Federal departments and agencies concerned in the development of such programs; and

(c) Take such action as may be necessary or appropriate to assure the effectuation of all such programs.

II. The United States Employment Service shall prepare, keep current and make available to the Office of Defense Health and Welfare Services, data reporting its best estimates with respect to the number of working mothers with young children, and the anticipated requirements of essential activities for the employment of such mothers, by periods and areas.

III. The Work Projects Administration in the Federal Works Agency, the Children's Bureau in the Department of Labor, the Office of Education in the Federal Security Agency, the Bureau of Public Assistance in the Social Security Board in the Federal Security Agency, the Farm Security Administration in the Department of Agriculture, the Federal Public Housing Authority in the National Housing Agency and every other Federal department or agency carrying on child day-care programs or programs related thereto shall make available to the Office of Defense Health and Welfare Services reports with respect to such day-care programs or programs related thereto, carried on by such department or agency, and shall take such action as may be necessary or appropriate to insure the integration and coordination, through the Office of Defense Health and Welfare Services, of all Federal programs for the day-care of children of working mothers and otherwise to carry out the purposes of this directive.

IV. This directive may be cited as the "Directive to Develop, Integrate and Coordinate Federal programs for the Day-Care of Children of Working Mothers."

PAUL V. McNUTT,  
Chairman.

AUGUST 12, 1942.

[F. R. Doc. 42-7928; Filed, August 14, 1942;  
11:09 a. m.]



