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Washington, Friday, July 3, 1942

The President

EXECUTIVE ORDER 9187

TRANSFERRING CERTAIN PERSONNEL FROM THE COAST AND GEODETIC SURVEY TO THE WAR AND NAVY DEPARTMENTS

By virtue of the authority vested in me by section 16 of the act of May 22, 1917, 40 Stat. 87 (U.S.C., title 33, sec. 855), and as President of the United States, and in view of the existing national emergency, it is hereby ordered as follows:

1. The following-named commissioned officers are hereby transferred from the Coast and Geodetic Survey to the service and jurisdiction of the War Department:

Ensign Francis X. Popper
Lieutenant John C. Ellerbe, Jr.
Lieutenant Edward R. McCarthy
Lieutenant James D. Thurmond
Lieutenant Commander Leo C. Wilder

2. The following-named commissioned officers are hereby transferred from the Coast and Geodetic Survey to the service and jurisdiction of the Navy Department:

Ensign Edward G. Cunney
Ensign Norman Porter
Ensign G. Albion Smith
Ensign Lorin F. Woodcock
Lieutenant (jg) William R. Jackson
Lieutenant (jg) William N. Martin
Lieutenant Roswell C. Bolstad
Lieutenant Horace G. Conerly
Lieutenant Robert A. Earle
Lieutenant Fred A. Riddell
Lieutenant Emmett H. Sheridan
Lieutenant Commander Edgar H. Bernstein
Captain Frederick B. T. Siems
Captain Paul C. Whitney

3. The above-named officers shall, while under the jurisdiction of the War or Navy Department, serve under their commissions in the Coast and Geodetic Survey, and while so serving shall constitute a part of the active military or

naval forces of the United States and shall be under direct orders of the War or Navy Department and subject to the laws, regulations, and orders for the government of the Army or Navy so far as they may be applicable.

4. The above-named officers shall be returned to the Coast and Geodetic Survey when the present national emergency ceases to exist.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
June 30, 1942.

[F. R. Dcc. 42-6228; Filed, July 1, 1942;
2:37 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1942-11]

PART 701—NATIONAL AGRICULTURAL CON- SERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1942 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.301 (c) (6) is amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions.*

(c) *Peanuts.* * * *

(6) *Deduction.* Ten times the payment rate for each acre of peanuts in excess of the peanut allotment if the producer (i) fails to show the disposition of any peanuts grown on the farm, or (ii) fails to pay the penalty due upon any excess peanuts under the marketing quota program: *Provided*, That no deduction will be made if the acreage of peanuts on the farm is 1 acre or less.

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2. Section 701.301 (i) (1) (xii) is amended to read as follows:

(i) *Minimum soil-conserving and soil-building requirements* * * *

(1) *Minimum conserving acreage.* * * *

(xii) New seedings of perennial grasses or legumes, biennial legumes, or lespedeza seeded in accordance with good farming practice with flax, peas, or small grains as a nurse crop. The maximum acreage which may qualify under this item shall be limited to the 1942 acreage of flax plus 40 percent of the sum of the 1942 acreages of the following crops on the farm: Soybeans for beans, peanuts for oil, hemp, castor beans, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes, and American-Egyptian cotton.

3. Section 701.302 (e) (3) is amended to read as follows:

§ 701.302 *Soil-building goals, payments, and practices.* * * *

(e) *Deduction for failure to maintain practices under previous programs.* * * *

(3) The effectiveness of any soil-building practice carried out under any previous program is destroyed during the 1942 program year contrary to good farming practice, there shall be deducted an amount equal to the payment that would be made under the 1942 program for a similar amount of such practice from the net payment due the person (after increase in small payments and deductions for association expense) on the same or any other farm in the county who was responsible for the failure to maintain such practices. In the event the amount of such deduction exceeds the amount of payment for the producer subject to deduction, the amount of such

difference shall be paid by the producer to the Secretary.

4. Section 701.302 (f) (22) is amended to read as follows:

(f) *Soil-building practices.* * * *

(22) With prior approval of the county committee, the establishment of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning—5 cents per 100 linear feet.

5. Section 701.302 (f) (23) is amended to read as follows:

(23) With prior approval of the county committee, destruction of noxious plants on range land and noncrop open pasture land by mowing. Payment will not be made if the plants mowed are used for hay or sold for any purpose. Payment will be made for mowing the number of times that the county committee, with the approval of the State committee, finds is necessary for destruction of the noxious plants—25 cents per acre for each mowing.

6. Section 701.313 (e) (7) is amended to read as follows:

§ 701.313 *Definitions.* * * *

(e) *Miscellaneous.* * * *

(7) Noncrop open pasture land means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

7. Section 701.313 (e) (8) is amended to read as follows:

(8) "Range land" means any land which produces forage grazed by range livestock without cultivation or general irrigation in which an operator has such a legal estate or interest as to give him control thereof, except land determined by the Agricultural Adjustment Agency to be noncrop open pasture land.

(Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 727; 16 U.S.C. 1940 ed. 590g-590q; 55 Stat. 257, 860; Public Law 439, approved February 6, 1942)

Done at Washington, D. C., this 30th day of June 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-6230; Filed, July 1, 1942; 4:22 p. m.]

PART 728—WHEAT

RESULTS OF THE WHEAT REFERENDUM, 1942 CROP

By virtue of the authority vested in the Secretary of Agriculture by section 336 of the Agricultural Adjustment Act

of 1938, as amended, the following proclamation is hereby made:

§ 728.306 *Results of wheat referendum.* In the referendum of wheat farmers conducted by the Secretary of Agriculture on the 2nd day of May, 1942, to determine whether such farmers were in favor of or opposed to marketing quotas for the 1942 crop of wheat, the total number of votes cast was 392,111, of which 323,030, or 82.4 per centum, were in favor of, and 69,081, or 17.6 per centum, were opposed to, such marketing quotas. Therefore, the national marketing quota for wheat, as proclaimed by the Secretary of Agriculture on July 24, 1941, will be in effect for the 1942 crop.

(Sec. 336, 52 Stat. 55, 7 U.S.C. 1336)

Done at Washington, D. C., this 30th day of June, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.
[F. R. Doc. 42-6229; Filed, July 1, 1942; 4:22 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT
Chapter I—Aid of Civil Authorities and Public Relations

PART 13—ASSISTANCE OF CREDITOR BY WAR DEPARTMENT

SALES ON CREDIT TO ENLISTED MEN

Section 13.1 is hereby amended to read as follows:

§ 13.1 *Sales on credit to enlisted men.* A person, firm, or corporation desiring to sell merchandise on credit to an enlisted man should, prior to doing so, obtain from the commanding officer of the organization to which the enlisted man belongs approval of the transaction and of the arrangements in connection therewith. The incurring by enlisted men of financial obligations which it will be difficult for them to meet is not regarded with favor, except under most exceptional circumstances. The War Department will not concern itself with the business of persons, firms, or corporations selling merchandise to enlisted men on credit, and all communications with respect to such sales, and all arrangements looking to the establishment of such business relations must be had with the commanding officers of the organizations to which the enlisted men belong. The War Department will decline to assist, by answering inquiries or otherwise, in securing the payment of obligations of this character that are incurred without the previous knowledge and consent of the commanding officers of the organizations to which the debtors belong. (R.S. 161; 5 U.S.C. 22) [Par. 2e, AR 600-10, June 2, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.
[F. R. Doc. 42-6239; Filed, July 2, 1942; 10:01 a. m.]

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

INSIGNIA OF GRADE FOR WARRANT OFFICERS AND AIR NAVIGATORS

Sections 79.25 (c) and 79.54 (m) are hereby amended to read as follows:

§ 79.25 *Insignia of grade.*

(c) *Warrant officers other than of the Army Mine Planter Service*—(1) *Chief warrant officer.* One gold bar $\frac{3}{8}$ inch in width and 1 inch in length, with rounded ends, having a brown enameled top and a longitudinal center of gold $\frac{1}{8}$ inch in width.

(2) *Warrant officer (junior grade).* One gold bar $\frac{3}{8}$ inch in width and 1 inch in length, with rounded ends, having a brown enameled top and a latitudinal center of gold $\frac{1}{8}$ inch in width. (R.S. 1296; 10 U.S.C. 1391) [Par. 25c, AR 600-35, as amended by Cir. 200, W.D., June 22, 1942]

§ 79.54 *Badges, aviation.*

(m) *Navigator.* At the center of the wings, an armillary sphere superimposed on a horizontally lined background. (R.S. 1296; 10 U.S.C. 1391) [Par. 54m, AR 600-35, as amended by Cir. 202, W.D., June 23, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.
[F. R. Doc. 42-6240; Filed, July 2, 1942; 10:01 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 04-14, Civil Air Regulations]

PART 04—AIRPLANE AIRWORTHINESS

STALLING AND SPINNING PERFORMANCE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of June 1942.

Acting pursuant to sections 205 (a), 601 (a), and 603 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board hereby amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 04 of the Civil Air Regulations is hereby amended as follows:

1. By adding a new § 04.7030 to read as follows:

§ 04.7030 *Controllability at the stall.* With power off and with 75% maximum-except-take-off power, with flaps and landing gear in any position; the airplane shall have sufficient directional and lateral control so that when the airplane is stalled, the downward pitching motion following the stall shall occur prior to any uncontrollable roll or yaw. Any such pitching motion shall not be excessive and recovery to normal flight shall be possible by normal use of the

controls after the pitching motion is unmistakably developed, without excessive loss of altitude.

2. By striking § 04.706 and inserting in lieu thereof the following:

§ 04.706 *Spinning.* (Not applicable to airplanes certificated in the transport category). At any permissible combination of weight and center of gravity position obtainable with all or part of the design useful load, there shall be no excessive reversal of control forces during any possible spinning up to 6 turns. It shall be possible promptly to recover at any point in the spinning described above by using the controls in a normal manner for that purpose and without exceeding either the limiting airspeed or the limit design normal acceleration for the airplane. It shall not be possible to obtain uncontrollable spins by means of any possible use of the controls: *Provided*, That compliance with the foregoing requirements with respect to spinning shall not be required for those airplanes—

- (a) permanently placarded "intentional spinning prohibited"; or
- (b) demonstrated to the satisfaction of the Administrator to be characteristically incapable of spinning.

3. By striking §§ 04.7060 and 04.7061.

By the Civil Aeronautics Board.
[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-6263; Filed, July 2, 1942; 12:04 p. m.]

[Amendment 21-7, Civil Air Regulations]

PART 21—AIRLINE TRANSPORT PILOT RATING

PERMANENT AIRLINE TRANSPORT PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 26th day of June, 1942.

Acting pursuant to sections 205 (a), 601, and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 7, 1941, Part 21 of the Civil Air Regulations is amended as follows:

1. By amending § 21.24 to read as follows:

§ 21.24 *Duration.* An airline transport pilot certificate shall be of 60 days' duration and, unless the holder thereof is otherwise notified by the Administrator within such period, it shall continue in effect thereafter, until otherwise specified by the Board, unless suspended or revoked.

2. By striking §§ 21.25, 21.250 (a), and 21.251 (b) and substituting in lieu thereof § 21.25 to read as follows:

§ 21.25 *Expired certificates; special issuance.* The holder of an airline transport pilot certificate which has expired within the preceding 12 months, upon application, may obtain a new airline transport pilot certificate and aircraft rating to pilot aircraft of the same type and with the same special rating theretofore held immediately prior to its expiration, by demonstrating to the satisfaction of the Administrator that he is qualified to hold the certificate and rating sought.

3. By striking § 21.42 and substituting in lieu thereof § 21.42 to read as follows:

§ 21.42 *Recent experience requirements.*

§ 21.421 *Without passengers.* A certificated airline transport pilot who within the preceding 6 calendar months has not made and logged at least 3 take-offs and 3 landings to a full stop in aircraft of the type and class to be flown, shall not pilot such aircraft until he has made 3 take-offs and 3 landings to a full stop therein, accompanied by a certificated pilot of at least private grade holding an appropriate type, class and horsepower rating.

§ 21.422 *Passenger flight (day and night).* A certificated airline transport pilot shall not pilot an aircraft carrying any person other than the members of the crew thereof, certificated airmen carried in air carrier aircraft in furtherance of their official duties, or a certificated instructor rated for the aircraft operated, unless within the preceding 3 calendar months he shall have made and logged at least 3 take-offs and landings to a full stop in an aircraft of the same type and class as that of the aircraft in which such person is carried. A certificated airline transport pilot shall not pilot such aircraft between sunset and sunrise unless he has made at least one of the 3 required take-offs and landings between sunset and sunrise.

§ 21.423 *Instrument flight.* A certificated airline transport pilot who within the preceding 6 calendar months has not flown and logged at least 2 hours of flight time solely by reference to instruments under either actual or properly simulated instrument flight conditions, shall not pilot an aircraft under such conditions until he has flown and logged at least 2 hours of such flight time accompanied by a certificated pilot of at least private grade holding an appropriate type, class and horsepower rating for the aircraft, and authorized to operate aircraft under instrument conditions.

4. By adding a new § 21.444 to read as follows:

§ 21.444 *Reports.* The holder of an airline transport pilot certificate shall furnish the authorized airline medical examiner of the Administrator, at the time of each physical examination to be forwarded by him to the Administrator, a report setting forth the amount and type of his aeronautical experience and such other pertinent data as the Administrator may require since his last preceding report.

5. By amending the table of contents to conform to Items 2 and 3 of this amendment.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-6265; Filed, July 2, 1942;
12:04 p. m.]

[Amendment 26-4. Civil Air Regulations]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

PERMANENT CONTROL-TOWER OPERATOR CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of June 1942.

Acting pursuant to sections 205 (a), 601, and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 7, 1941, Part 26 of the Civil Air Regulations is amended as follows:

1. By amending § 26.4 to read as follows:

§ 26.4 *Duration.* An air-traffic control-tower operator's certificate shall be of 60 days' duration, and unless the holder is otherwise notified by the Administrator within such period, it shall continue in effect thereafter until otherwise specified by the Board, unless suspended or revoked.

2. By striking § 26.40 and inserting in lieu thereof the following:

§ 26.40 Unassigned.

3. By striking § 26.41 and inserting in lieu thereof the following:

§ 26.41 *Expired certificates; special issuance.* The holder of an air-traffic control-tower operator certificate which has expired during the preceding twelve months may obtain a new certificate and the same rating theretofore held immediately prior to its expiration, upon application, by demonstrating to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the Civil Air Regulations for the issuance of the certificate and rating.

4. By striking § 26.500.

5. By adding a new § 26.60 to read as follows:

§ 26.60 *Periodic physical examination.* The holder of an air-traffic control-tower operator's certificate shall not exercise the privileges thereunder unless within the preceding 12 calendar months he has met the physical standards of the Second Class prescribed in Part 29 by passing an examination conducted by an authorized medical examiner of the Administrator.

6. By adding a new § 26.61 to read as follows:

§ 26.61 *Recent experience requirements.* The holder of an air-traffic

control-tower operator's certificate shall not exercise the privileges thereunder unless:

(1) If rated as a junior air-traffic control-tower operator he has served for at least three months as an operator at the airport to which the rating applies during the twelve calendar months immediately preceding, or

(2) If rated as a senior air-traffic control-tower operator, he has served for at least three months as an operator at the airport to which the rating applies during the six calendar months immediately preceding, or

(3) He has demonstrated to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the Civil Air Regulations for the issuance of the certificate and rating.

7. By adding a new § 26.62 to read as follows:

§ 26.62 *Reports.* The holder of an air-traffic control-tower operator certificate shall furnish the medical examiner, at the time of each physical examination, to be forwarded by him to the Administrator, a report setting forth the amount and type of his aeronautical experience and such other pertinent data as the Administrator may require, since his last preceding medical examination.

8. By amending the table of contents to conform to Items 2, 3, 5, 6, and 7 of this amendment.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-6264; Filed, July 2, 1942;
12:04 p. m.]

[Amendment 27-8, Civil Air Regulations]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

PERMANENT AIRCRAFT DISPATCHER CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of June 1942.

Acting pursuant to sections 205 (a), 601, and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 7, 1941, Part 27 of the Civil Air Regulations is amended as follows:

1. By amending § 27.22 to read as follows:

§ 27.22 *Duration.* An aircraft dispatcher certificate shall be of 60 days' duration, and unless the holder is otherwise notified by the Administrator within such period, it shall continue in effect thereafter until otherwise specified by the Board, unless suspended or revoked.

2. By striking § 27.23 and inserting in lieu thereof a new section as follows:

§ 27.23 *Recent experience requirements.* The holder of an aircraft dis-

patcher certificate shall not exercise the privileges thereunder unless, within the preceding twelve calendar months he has:

- (a) For at least three months,
 - (1) Served as an aircraft dispatcher, or
 - (2) Served as first or second pilot in scheduled air carrier operation, or
 - (3) Been engaged in the actual supervision of, or has been responsible for determining or certifying the competency or qualifications of aircraft dispatchers, or air carrier dispatcher systems, or,
 - (4) Served in any combination of the duties described in subsections (1), (2), or (3);

(b) Demonstrated to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the Civil Air Regulations for the issuance of the certificate and rating.

3. By adding a new § 27.230 to read as follows:

§ 27.230 *Reports.* The holder of an aircraft dispatcher certificate shall transmit to the Administrator, annually, during the month of January, a report for the preceding twelve-month period, setting forth the amount and type of his aeronautical experience and such other pertinent data as the Administrator may require.

4. By amending § 27.24 to read as follows:

§ 27.24 *Expired certificates: special issuance.* The holder of an aircraft dispatcher certificate which has expired during the preceding twelve months may obtain a new certificate and the same rating theretofore held immediately prior to its expiration, upon application, by demonstrating to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the Civil Air Regulations for the issuance of the certificate and rating.

5. By amending the table of contents to conform to Items 2 and 4 of this amendment.

6. By adding to the table of contents in the proper numerical order the following:

- 27.28 Revocation.
- 27.29 Aircraft dispatcher identification card.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 24-6266; Filed, July 2, 1942; 12:05 p. m.]

[Amendment 51-7, Civil Air Regulations]

PART 51—GROUND INSTRUCTOR RATING

PERMANENT GROUND INSTRUCTOR
CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of June, 1942.

Acting pursuant to sections 205 (a), 601, and 607 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 7, 1941, Part 51 of the Civil Air Regulations is amended as follows:

1. By amending § 51.22 to read as follows:

§ 51.22 *Duration.* A ground instructor certificate shall be of 60 days' duration, and unless the holder is otherwise notified by the Administrator within such period, it shall continue in effect thereafter until otherwise specified by the Board, unless suspended or revoked.

2. By striking § 51.23 and inserting in lieu thereof the following:

§ 51.23 *Recent experience requirements.* The holder of a ground instructor certificate shall not exercise the privileges thereunder unless during the preceding twelve calendar months he has:

- (1) Served for at least three months as a ground school instructor, or
- (2) Demonstrated to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the Civil Air Regulations for the issuance of the certificate and rating.

3. By adding a new § 51.230 to read as follows:

§ 51.230 *Reports.* The holder of a ground instructor certificate shall transmit to the Administrator, annually, during the month of January, a report for the preceding twelve-month period, setting forth the amount and type of his aeronautical experience and such other pertinent data as the Administrator may require.

4. By amending § 51.24 to read as follows:

§ 51.24 *Expired certificates: special issuance.* The holder of a ground instructor certificate which has expired within the preceding twelve months may obtain a new certificate and the same rating theretofore held immediately prior to its expiration, upon application, by demonstrating to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the Civil Air Regulations for the issuance of the certificate and rating.

5. By amending the table of contents to conform to Items 2 and 4 of this amendment.

6. By adding to the table of contents in the proper numerical order the following:

- 51.28 Revocation.
- 51.29 Ground Instructor identification card.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-6267; Filed, July 2, 1942; 12:05 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4530].

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHUMANIE MEDICINE COMPANY

§ 3.6 (b) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (y) 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's Chumanie's Triple XXX Tablets, Iron Tonic Pills, Yellow Jacket Pills, Double RR Tablets, and Plantation C. M. Q. Capsules, or other similar preparations, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or through inference, (1) that said "Triple XXX Tablets" are a safe or competent treatment for irregular or delayed menstruation; or that cold feet has any substantial influence in delaying or preventing the onset of menstruation; (2) that said "Iron Tonic Pills" are an effective treatment for anemia, except in cases of anemia resulting from a deficiency of iron in the diet; or that the symptoms of feeling old, played out, or nervousness, indicate a deficiency of iron in the diet; (3) that said "Yellow Jacket Pills" are a stimulant to the kidneys, except as a mild diuretic, or are an effective treatment for kidney or bladder disorders, or for such symptoms as backache, leg pains, puffy or swollen eyes, or that such symptoms indicate kidney or bladder disorders; (4) that said "Double RR Tablets" are an effective treatment for rheumatism or inflamed, painful joints or that they will have any therapeutic effect in the treatment of said conditions in excess of mitigating the distress and discomforts thereof; or that stiff or painful joints are caused only by a rheumatic condition of the human body; and (5) that said "Plantation C. M. Q. Capsules" are a treatment for the relief of the common cold; or which advertisements fail to reveal that the use of said "Triple XXX Tablets" may cause gastro-intestinal disturbances, pelvic congestion, excessive uterine hemorrhages, and, in cases of pregnancy, infection of the pelvic organs and blood poisoning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, as modified by motion, Chumanie Medicine Company, Docket 4530, July 1, 1942]

In the Matter of Charles Roehm, Individually and Trading Under the Name of Chumantie Medicine Company.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1942.

This matter coming on to be heard by the Commission upon the respondent's motion to modify the order to cease and desist heretofore issued by the Commission on May 11, 1942, and the Commission having duly considered said motion and the record herein and being now fully advised in the premises;

It is ordered, That respondent's motion for an order modifying the order to cease and desist be, and the same hereby is, granted insofar as said motion moves the deletion of the words "or nutritional lack of iron" in lines 4 and 5 of subsection (a) of paragraph 1 of the order to cease and desist issued on May 11, 1942.

It is further ordered, That respondent's motion be, and the same hereby is, denied insofar as it moves the deletion of the word "competent" from the second line of subsection (a) of paragraph 1 and the insertion of the clause "or that the nutritional lack of iron has any influence in delaying or preventing the onset of menstruation other than confined to certain well defined limits" immediately preceding the semicolon in line 7 of subsection (a) of paragraph 1.

It is still further ordered, That except as hereinabove modified the order to cease and desist issued by the Commission on May 11, 1942, remain in full force and effect.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-6251; Filed, July 2, 1942; 11:35 a. m.]

TITLE 30—MINERAL RESOURCES
Chapter III—Bituminous Coal Division
[Docket No. A-1474]
PART 327—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 7

RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief

in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 327.21 (*High volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R-II, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding

thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The original petitioner proposed Price Classification B for the coals of Mine Index No. 310 in Size Group 8 for all shipments except truck. Since it appears that Price Classification D has been established in Size Group 8 for comparable and analogous coals, and since the petition does not allege any facts in support of the proposed price classification for the Size Group 8 coals of Mine Index No. 310, Price Classification D has been established by the order herein for the coals of this mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: June 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
310	Atlantic Coal Sales Co.	Asco #1.	4	Davy-Sewell.	Davy, W. Va.	N&W	30	D	(†)	(†)	(†)	(†)	B	B	D	(†)	(†)

†When shown under a size group number, this symbol indicates no classification effective for this size group.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.21 High volatile coals: Alphabetical list of code members—Supplement R-II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile beam	Subdistrict	Shipping point	Railroad	Freight class group	Price classifications by size group Nos.																																			
								For destinations other than Great Lakes						For Great Lakes cargo only																													
311	Deepwater Coal Co. of E. L. Michle.	Deepwater No. 1	No. 2 Gas	2	Deepwater, W. Va.	Vgn	15	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27

†When shown under a size group number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area—Supplement T

Code member Index	Mine	County	Scam	All sizes except 18" and 16" screens	18" screens	16" screens	Straight Mine run	Screened 2/R	All sizes except 18" and 16" screens	18" screens	16" screens
Atlantic Coal Sales Co., Deepwater Coal Co., E. L. Michle.	Acce #1 Deepwater #1	McDowell Foyette	Davy-Sewell No. 2 Gas	1	20	20	20	20	20	20	20

[F. R. Dec. 42-6210; Filed, July 1, 1942; 11:11 a. m.]

[Pocket No. A-1490]
PART 330—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 10
RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 10.

An original petition, pursuant to section 4 II (c) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifica-

tions and minimum prices for the coals of certain mines in District No. 10; and It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.2 (Mine Index numbers) is amended by adding thereto Supplement R-I, § 330.10 (a)

(Special prices—Railroad locomotive fuel prices) is amended by adding thereto Supplement R-II, and § 330.25 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five

(45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (c) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: June 24, 1942.

[SEAL] DAN E. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 Mine index numbers—Supplement R-I

Price Group No.	Product	Mine	Mine Index No.	Price Group	Shipping point	Railroad
1	Sahana Coal Company.	Sahana #1	1574	133	Harrisburg, Ill.	NYO.
1	Sahana Coal Company.	Sahana #5	1575	133	Harrisburg, Ill.	NYO.
7	Sahana Coal Company.	Central Preparation Plant.	1576	133	Harrisburg, Ill.	NYO.
		Hankins Creek #3	1577	133	Harrisburg, Ill.	NYO.

1 Mine Index Nos. 1571 and 1572 shall be included in Price Group 1 and shall take the same f. o. b. mine prices as other mines in Price Group 1, Schedule No. 1, District No. 10, for All Shipments Except Truck, on all size groups and for shipment to all market areas and for all uses exceptive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Harrisburg, Illinois.

2 Mine Index No. 1573 shall be included in Price Group 7 and shall take the same f. o. b. mine prices as other mines in Price Group 7, Schedule No. 1, District No. 10, for All Shipments Except Truck, on all size groups and for shipment to all market areas and for all uses exceptive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Harrisburg, Illinois.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 337, Minimum Price Schedule for District No. 17, and supplements thereto.

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 17:

§ 337.4 Code member price index—Supplement R-I

Insert the following listing in proper alphabetical order:

Producer	Mine	Mine Index No.	County	Shipping point	Subdistrict price group	Railroad	F. O. C. No.	Prices	
								Rail	Truck
Barton, Thos. E.	Sun	515	Routt	Hayden	No. 5	D&SL	89	\$37.5	\$37.21

§ 337.5 General prices; minimum for shipment via rail transportation—Supplement R-II. The coals of the above listed Sun Mine (Mine Index No. 515) of Thos. E. Barton shall take the minimum f. o. b. mine prices in cents per ton for shipment by rail transportation into Market Areas shown under Subdistrict No. 5, of the Schedule of Effective Minimum Prices for District No. 17.

§ 337.21 General prices in cents per net ton for shipment into all market areas—Supplement T. Insert the following code member name, mine name and county under Subdistrict No. 5, in proper order and the following prices:

Code member—mine name	County	Size groups											
		1	2	3	4	5	6	7	8	10	11	13	17
SUBDISTRICT NO. 5													
Barton, Thos. E., Sun Mine	Routt	455	445	425	425	460	370	320	315	235	220	170	315

[F. R. Doc. 42-6211; Filed, July 1, 1942; (11:12 a. m.)]

TITLE 32—NATIONAL DEFENSE
Chapter IX—War Production Board
Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY
[Supplementary Directive 1-J]

§ 903.11 Supplementary Directive 1-J—Further Delegation of Authority with Respect to Rationing in Puerto Rico and the Virgin Islands.

(a) In order to permit the efficient rationing of all material in Puerto Rico and the Virgin Islands, the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1)¹ is hereby extended to include the exercise of control over the sale, distribution and use of all materials in Puerto Rico and the Virgin Islands, except the acquisition or use thereof by or for the account of any of the persons or agencies designated in subparagraph (1) of paragraph (a) of said Directive No. 1. The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1 and to the conditions hereinafter specified in this Supplementary Directive, and, in the case of exports, shall also be subject to the provisions of section 6 of the Act of July 2, 1940 (54 Stat. 714) and pertinent regulations issued thereunder.

(b) As used in this Supplementary Directive, the term "materials" means any

commodity, equipment, accessory, part, assembly, or product of any kind.

(c) Neither this Supplementary Directive, nor any action taken hereunder by the Office of Price Administration, shall relieve any person from complying with the provisions of any order or regulation of the Director of Industry Operations applicable to Puerto Rico or the Virgin Islands.

(E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; E.O. 9125, April 7, 1942, 7 F.R. 2719; Sec. 2 (a), Public Law No. 671, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st Sess. and by Public No. 507, 77th Cong., 2d Sess.; W.P.B. Directive No. 1, Jan. 24, 1942, 7 F.R. 562; W.P.B. Reg. No. 1, Jan. 26, 1942, 7 F.R. 561, as amended March 14, 1942, 7 F.R. 2126)

Issued this 1st day of July 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6234; Filed, July 2, 1942; 11:01 a. m.]

Subchapter B—Division of Industry Operations

PART 933—COPPER

[Extension 1 of General Preference Order M-9-a]

It is hereby ordered, That § 933.2 General Preference Order M-9-a,² as last amended May 7, 1942, shall continue in

¹7 F.R. 3424.

effect until 12 o'clock midnight on July 31, 1942, unless sooner revoked or amended by the Director of Industry Operations.

Issued this 30th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6227; Filed, July 1, 1942; 2:31 p. m.]

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

[Exemption 1 to Priorities Regulation 11]

§ 944.32a Exemption 1 to Priorities Regulation 11. (a) Pursuant to paragraph (c) of Priorities Regulation No. 11,¹ Class 1 producers, as defined in said Regulation, located in Alaska, Panama Canal Zone, or in territories or possessions of the United States outside of the continental United States, are hereby exempted from filing PRP applications for the third calendar quarter of 1942, and are granted until September 15, 1942, for filing applications for the fourth calendar quarter.

(P.D. Reg. 1, as amended, 6 F.R. 6630; 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 1st day of July 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6245; Filed, July 2, 1942; 11:01 a. m.]

PART 949—CHROMIUM

[Amendment 3 to General Preference Order M-18-a¹]

(a) Paragraph (1) of § 949.2 is hereby amended to read as follows:

(1) Effective dates. This order shall take effect immediately upon its issuance and shall continue in effect until revoked by the Director of Industry Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6630; 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 1st day of July 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6243; Filed, July 2, 1942; 11:01 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-g]

HEAT-RESISTANT CHROMIUM OR CHROMIUM-NICKEL ALLOY IRON AND ALLOY STEEL

§ 962.8—Supplementary Order M-21-g—(a) Restrictions on certain uses of chro-

¹7 F.R. 4423, 4615, 4633.

²6 F.R. 6142; 7 F.R. 251, 748.

mium and chromium-nickel iron and steel alloys for heat resistant purposes. Except pursuant to specific authorization or direction of the Director of Industry Operations, from and after the effective date of this order:

(1) No person shall melt, process, fabricate or deliver any heat resistant chromium or chromium-nickel alloy iron or alloy steel for the uses set forth in Schedule A with a higher chromium and/or nickel content than specifically authorized in Schedule A;

(2) No person, in placing an order for heat resistant chromium or chromium-nickel alloy iron or alloy steel for the uses set forth in Schedule A, shall specify temperature requirements beyond those necessary to maintain operations then engaged in; and

(3) No person, in redesigning or re-building any equipment, or parts therefor, for the uses set forth in Schedule A, shall increase the weight of the heat resistant chromium or chromium-nickel alloy iron or alloy steel in any unit to an amount greater than 10% of the weight of such iron or steel contained in the original design of such unit.

(b) *Exception for Army, Navy, and Maritime Commission orders.* The restrictions imposed by paragraph (a) shall not apply in the case of materials or equipment to be purchased by or for the account of the Army or Navy of the United States, or the United States Maritime Commission, or to be physically incorporated into materials or equipment to be so purchased, to the extent that the use of heat resistant chromium or chromium-nickel alloy iron or alloy steel is required by the specifications (including performance specifications) of the Army or Navy of the United States, or the United States Maritime Commission applicable to the contract, subcontract, or purchase order.

(c) *Other exceptions.* The restrictions imposed by paragraph (a) shall not apply to:

(1) Materials fully fabricated at the effective date of this order;

(2) Materials to be melted, processed, fabricated or delivered pursuant to a contract made prior to the effective date of this order where it would not be practicable to change specifications to conform to the provisions of this order, provided that delivery of such materials under such contract shall be completed within sixty (60) days after the effective date of this order; and

(3) Any industrial instrument, instrument connection, instrument end, control valve, safety valve, or regulator, as defined by Conservation Order L-134, as amended from time to time, to the extent that the use of heat resistant chromium or chromium-nickel alloy iron or alloy steel is permitted by such order.

(d) *General restrictions.* (1) No person shall melt, process, fabricate or de-

liver any heat resistant chromium or chromium-nickel alloy iron or alloy steel to or for the account of any person for the uses set forth in Schedule A if he knows or has reason to believe that such material will be sold or used in violation of the terms of this order or any other or further order or direction of the Director of Industry Operations.

(2) A person melting, processing, fabricating or delivering any heat resistant chromium or chromium-nickel alloy iron or alloy steel for the uses set forth in Schedule A, may rely on the statement of his customer that such material will not be sold or used except in compliance with this order and any other or further order or direction, which statement shall be endorsed in the following form, signed by an official duly authorized for such purpose, on every purchase order for such material:

The undersigned certifies to the seller and to the War Production Board that the material ordered herein will not be sold or used in violation of the terms of Supplementary Order M-21-g or any other or further order or direction of the Director of Industry Operations.

Such statement shall be a representation to the War Production Board and shall be preserved by the seller for a period of at least two years.

(e) *Applicability of other orders.* Insofar as any other Order of the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of

any material, the limitations of such other order shall be observed.

(f) *Appeal.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may apply to the War Production Board, Iron and Steel Branch, Washington, D. C., Ref: M-21-g, setting forth the pertinent facts, and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *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.

(h) *Effective date.* This order shall take effect immediately. (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 2d day of July 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE 9. Restrictions on certain uses of chromium and chromium-nickel iron and steel alloys for heat resistant purposes

PART I—PARTS FOR, OR EQUIPMENT USED IN, INDUSTRIAL, HEAT TREATING OR OTHER METALLURGICAL FURNACES

Analysis	Max. Cr. %	Max. Ni. %	Max. Plus %	Notes
A	None	None	None	1. For all uses where temperatures are below 900° F. 2. For non-integral furnace parts and accessories, operating at temperatures between 900° F. and 1,200° F. 3. For pots for molten baths, such as lead or salts, operating at temperatures below 1,400° F.
B	6	0	6	1. For integral furnace parts and those mechanical parts subject to substantially uniform heating and mechanical loading, operating at temperatures between 900° F. and 1,200° F. 2. For non-integral furnace parts and accessories not subject to frequently repeated severe thermal shock, operating at temperatures between 1,200° F. and 1,400° F.
C	18	8	26	1. For integral furnace parts and those mechanical parts subject to substantially uniform heating and mechanical loading, operating at temperatures between 1,200° F. and 1,400° F. 2. For operating parts which allow substantial latitude in design, such as walking beam rails, roller rails, rotating shafts and slide rails, operating at temperatures between 900° F. and 1,200° F.
E	25	12	37	1. For both integral and non-integral furnace parts and accessories not subject to severe thermal shock or abnormal load, operating at temperatures between 1,400° F. and 1,900° F. 2. For fuel fired radiant tube heating elements. 3. For operating parts which allow substantial latitude in design, such as walking beam rails, roller rails, rotating shafts and slide rails, operating at temperatures above 1,200° F.
G	15	35	50	4. Refractories for magnesium. 1. For parts which must of necessity endure highly concentrated stress because of the nature of the mechanism, such as link conveyors, mesh belts, chain conveyors, shaker hearths, hot bearings and fan wheels, operating at temperatures above 900° F.
G	27	4	31	2. For parts subject to thermal shock or abnormal load, operating at temperatures above 1,200° F. 3. For parts subject to chemical attack or electrolytic action, such as carburizing and "dry cyaniding." 4. For parts, such as quenching fixtures and hearth plates, where it can be shown that sealing can not be avoided which would result in serious difficulties. 5. For pots for molten baths, such as lead or salts, operating at temperatures above 1,400° F.
H	15	65	80	6. For furnace parts and accessories, operating at temperatures above 1,000° F. 1. For electrical heating elements where the operating temperatures of the element is below 1,200° F.

Or the following alternate Analysis G may be used:

SCHEDULE 9. Restrictions on certain uses of chromium and chromium-nickel iron and steel alloys for heat resistant purposes—Continued

PART II—PARTS FOR, OR EQUIPMENT USED IN, OIL REFINERIES, SYNTHETIC RUBBER PLANTS, AND CEMENT MILL FURNACES

Analysis	Max. Cr. %	Max. Ni. %	Max. Plus %	Ni., Cr., uses
A	None	None	None	1. For all uses, operating at temperatures below 650° F.
B	6	0	6	1. For all uses, operating at temperatures between 650° F. and 1,425° F.
C	18	8	26	1. For all uses, operating at temperatures between 1,425° F. and 1,650° F.
E	25	12	37	1. For all uses, operating at temperatures above 1,650° F.

PART III—PARTS FOR POWER PLANT EQUIPMENT

Analysis	Max. Cr. %	Max. Ni. %	Max. Plus %	Ni., Cr., uses
A	None	None	None	1. For economizer supports and sleeves. 2. For boiler dampers. 3. For all stoker parts. 4. For soot blowers, operating at temperatures below 1050° F. 5. For seal plates, wall castings and door liners. 6. Tubing for feed water heaters.
C	18	8	26	1. For that part of chemical feed pipe connections inside the boiler drum.
D	27	9	36	1. For soot blowers, operating at temperatures above 1050° F.
E	25	12	37	1. For super-heater supports, clamps and baffles, operating at temperatures between 1300° F. and 1650° F. 2. For boiler non-pressure parts exposed to direct furnace temperatures of over 1600° F.
F	25	20	45	1. For super-heater supports, clamps and baffles, operating at temperatures above 1650° F. 2. For fuel burners—oil, gas and coal, where parts are directly exposed to furnace temperatures.
H	15	65	80	1. For fuel burner impeller plates 3/8" in thickness.

NOTE: With the exception of Analysis A, an addition of 2% in content of chromium and 2% in content of nickel in the analyses designated in this Schedule A is permissible to allow for the use of scrap and for variations in melting and laboratory procedures. For example: In the case of Analysis C (85% Cr.—8% Ni.) up to 87% chromium and 10% nickel is permissible.

[F. R. Doc. 42-6248; Filed, July 2, 1942; 11:02 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Amendment 4 to General Limitation Order L-30]

Paragraph (b) of § 1052.1 (General Limitation Order L-30)¹ is hereby amended by adding at the end thereof a new paragraph (b) (8) as follows:

(8) During the month of July, 1942, no manufacturer shall use:

(i) More iron and steel in his total production of:

(a) Group I Products than 90% of his average monthly use of scarce materials in the production of such products in the base period, or

(b) Group II Products than 70% of his average monthly use of scarce materials in the production of such products in the base period,

except that a manufacturer may use in the production of Group I Products any part of his quota of iron and steel for Group II Products, provided that he reduces his quota of iron and steel for Group II Products by an equivalent amount; or

(ii) More zinc in his total production of Group-II Products than 50% of his average monthly use of zinc in the production of such products during the base period.

(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

¹7 F.R. 2463, 2785, 3473, 4450.

Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of July 1942.

J. S. Knowlson,
Director of Industry Operations.

[F. R. Doc. 42-6231; Filed, July 1, 1942; 4:24 p. m.]

PART 1083—KAPOK

[General Conservation Order M-85, as amended to July 2, 1942]

Section 1083.1 General Conservation Order M-85,¹ is hereby amended to read as follows:

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

§ 1083.1 General Conservation Order M-85—(a) Applicability of Priorities Regulation 1. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) Additional definitions. For the purposes of this order:

¹7 F.R. 784, 2162, 3314, 3315, 4170.

(1) "Kapok" shall mean the fiber or pulp from the pod of the Ceiba or kapok tree, except that grown in South and Central America, but shall not include any kapok which, on the effective date of this order, has already been put into process for the manufacture of any article of which kapok is a component part.

(2) "Dealer" shall mean any person purchasing kapok for resale and the term shall include also importers, agents and brokers.

(3) "Manufacturer" shall mean any person producing any product of which kapok is a component part or into which it is physically incorporated.

(c) Restrictions on sales and deliveries. No dealer shall hereafter sell, transfer title to, or deliver, and no person shall hereafter purchase, accept transfers of title to, or deliveries of, any kapok, except upon the following categories of orders:

(1) Orders placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing.

(2) Orders placed by manufacturers for delivery in any calendar month of the minimum amounts necessary to enable them to continue until the end of the said calendar month to produce the products hereinafter listed in paragraph (d) of this order, taking into consideration their existing inventories, and to maintain not more than a practicable minimum working inventory of finished products: *Provided, however,* That each order placed by a manufacturer pursuant to the provisions of this subparagraph shall be accompanied by a certificate manually signed on behalf of such manufacturer by a person authorized to sign for such manufacturer and in the following form:

This order is for an amount of kapok which, together with the undersigned manufacturer's existing inventory and other orders outstanding will not exceed the minimum amount necessary to enable the undersigned manufacturer to continue operations, to the extent permitted by paragraph (d) of General Conservation Order No. M-85, As Amended to July 2, 1942, (Kapok) until the end of the calendar month in which such kapok is delivered, and maintain not more than a practicable minimum working inventory of finished products. This certificate shall be deemed to be a representation by the undersigned manufacturer to the War Production Board and to the above-named dealer that the facts stated above are true and correct.

(3) Orders specifically authorized hereunder by the Director of Industry Operations.

(4) Orders placed by dealers with manufacturers, importers, or importing agents.

(d) Restrictions on production. Notwithstanding anything in Priorities Regulation 1 to the contrary, unless specifically authorized by the Director of Industry Operations no manufac-

turer shall hereafter use any kapok in the production of any product, except those hereinafter listed:

- (1) Life buoys to fill defense orders.
- (2) Life preservers, life jackets and collars to fill defense orders.
- (3) Sleeping bags, mattresses, pillows, blankets and pontoon bridges to fill orders placed by the War and Navy Departments but only to the extent that kapok is specifically required by the specifications of the prime contract involved.
- (4) Insulation padding for airplanes, but only to the extent of 45% of the actual total fibre content of such insulation padding: *Provided, however,* That no person shall use any kapok of Java grades for the production of such product unless and until such person shall be unable to obtain any other kapok for such purpose: *And provided further,* That the foregoing restrictions may be exceeded in the manufacturer of insulation padding for airplanes to be delivered to or for the account of the Army or Navy of the United States when a higher percentage of kapok or use of a Java grade is specifically required by the specifications of the prime contract involved or its use is hereafter specifically directed in writing by the Army or Navy contracting officer of the prime contract involved.

(e) *Restrictions on manufacturers' sales of kapok.* No manufacturer shall hereafter sell, transfer title to, or deliver any kapok to any person, except to the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or to a dealer, and no person except the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or a dealer shall hereafter purchase, accept any transfer of title to, or deliveries of kapok from a manufacturer.

(f) *Assignment of preference rating.* A preference rating of A-2 is hereby assigned to all orders for kapok placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, and such rating may be applied in the manner prescribed by Priorities Regulation No. 3, as amended.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of kapok conserved, or that compliance

with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal in writing to the War Production Board, Reference M-85, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to the War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Ref: M-85.

(i) *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. (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 2d day of July 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6247; Filed, July 2, 1942;
11:01 a. m.]

PART 1294—PHOSPHATE PLASTICIZERS

[General Preference Order M-183]

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

§ 1294.1 *General Preference Order M-183*—(a) *Definitions.* For the purpose of this order:

(1) "Phosphate plasticizers" means tricresyl phosphate and triphenyl phosphate in any form or from whatever source derived.

(2) "Producer" means any person engaged in the production of phosphate plasticizers and includes any person who has such phosphate plasticizers produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases phosphate plasticizers for purpose of resale.

(b) *Restrictions on use and delivery of phosphate plasticizers.* On and after August 1, 1942 no person shall use, deliver or accept delivery of phosphate plasticizers except as specifically authorized by the Director of Industry Operations upon application pursuant to para-

graph (c) (1) hereof: *Provided, however,* That no such specific authorization shall be required with respect to:

(1) The use or acceptance of delivery by any person during any one calendar month of one hundred (100) pounds or less of phosphate plasticizers;

(2) The delivery by any producer or distributor of one hundred (100) pounds or less of phosphate plasticizers to any one person during any one calendar month (which may be made without regard to preference ratings): *Provided,* That the aggregate amount of such deliveries by any producer or distributor during any one calendar month shall not exceed two percent (2%) of the deliveries which he is specifically authorized to make during such month.

(c) *Applications and reports.* In addition to such other reports as may from time to time be required by the Director of Industry Operations:

(1) Each person seeking authorization for use or delivery of phosphate plasticizers during any month pursuant to sub-paragraph (b) hereof, including producers or distributors seeking authorization to use or accept delivery of phosphate plasticizers, shall file Form PD-558 in the manner prescribed therein on or before the 15th day of the month preceding the month for which authorization for use or delivery is requested; *Provided, however,* That application for authorization by the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration may be made in any manner.

(2) Each producer or distributor shall file Form PD-557 in the manner prescribed therein on or before July 24, 1942, and on or before the 24th day of each month thereafter.

(d) *Notification of customers.* Producers and distributors of phosphate plasticizers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any such person from complying with the terms thereof.

(e) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of phosphate plasticizers 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.

(3) *Violations.* Any person who willfully violates any provision of this or-

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

(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-183. (P.D. Reg. I, as amended, 6 F.R. 6680; W.P.B. Reg. I, 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 2d day of July 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6246; Filed, July 2, 1942; 11:01 a. m.]

Chapter XI—Office of Price Administration

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Maximum Price Regulation 136*]

MACHINES AND PARTS

The title, preamble and §§ 1390.1 to 1390.34, inclusive, are renumbered and amended to read as set forth below.

[Maximum Price Regulation 136, as Amended]

MACHINES AND PARTS, AND MACHINERY SERVICES

In the judgment of the Price Administrator the prices of machines and parts and machinery services 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 machines and parts and machinery services prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

*7 F.R. 3158, 3370, 3447, 3723, 4176.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,⁷ issued by the Office of Price Administration, Maximum Price Regulation No. 136, as amended, is hereby issued.

Sec.

- 1390.1 Definition of "machines and parts" and "machinery services."
- 1390.2 Exclusions.
- 1390.3 Prohibition against sales at higher than maximum prices.
- 1390.4 Maximum prices: general provisions.
- 1390.5 Maximum prices: published or confidential price lists.
- 1390.6 Maximum prices: sales by the manufacturer of machines or parts with list prices.
- 1390.7 Maximum prices: sales by the manufacturer of machines or parts without list prices.
- 1390.8 Maximum prices: sales by the manufacturer of machines or parts manufactured in new or converted plants.
- 1390.9 Maximum prices: machinery services.
- 1390.10 Maximum prices: sales by sellers other than the manufacturer.
- 1390.11 Maximum prices: sales of second-hand machines and parts.
- 1390.12 Maximum prices: leases.
- 1390.13 New list prices.
- 1390.14 Reports on cost-plus contracts.
- 1390.15 Emergency service charges.
- 1390.16 Federal and state taxes.
- 1390.17 Export sales.
- 1390.18 Contract prices, renegotiations, price-adjustment agreements, and price increases.
- 1390.19 Less than maximum prices.
- 1390.20 Evasion.
- 1390.21 Developmental contracts and subcontracts.
- 1390.22 Secret contracts.
- 1390.23 Emergency purchases.
- 1390.24 Privileges accorded to certain foreign governments.
- 1390.25 Petitions for amendment or adjustment.
- 1390.26 Records and additional or substituted reports.
- 1390.27 Sales slips and receipts.
- 1390.28 Transfer of business or stock in trade.
- 1390.29 Enforcement.
- 1390.30 Definitions.
- 1390.31 Effective date.
- 1390.32 Appendix A: Machines and parts to which the October 1, 1941 date is applicable.
- 1390.33 Appendix B: Machines and parts to which the March 31, 1942 date is applicable.
- 1390.34 Appendix C: Illustrative list of products not covered by Maximum Price Regulation No. 136.

AUTHORITY: §§ 1390.1 to 1390.34, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1390.1 *Definition of "machines and parts" and "machinery services."* For the purposes of this Maximum Price Regulation No. 136, as amended:

(a) The term "machines and parts" means, and is limited to, products falling within the groups listed in § 1390.32, Appendix A, and § 1390.33, Appendix B. Any other product is subject to the General Maximum Price Regulation,⁸ unless excluded therefrom or unless subject to

⁷7 F.R. 971, 3663.

⁸7 F.R. 3163, 3330, 3666, 3930, 3991, 4330, 4487, 4659, 4738.

some other specific regulation. For purposes of clarification, a list of certain products related to machinery but not covered by this Maximum Price Regulation No. 136, as amended, is contained in § 1390.34, Appendix C;

(b) The term "machinery service" means any operation in the processing, machining, welding, treating, finishing, testing, inspecting, adjusting, maintaining, repairing or rebuilding of a "machine or part" owned by another or of a product owned by another which, as a result of such operation, becomes a "machine or part."

§ 1390.2 *Exclusions.* This Maximum Price Regulation No. 136, as amended, shall not apply to:

(a) Any sale or delivery of a machine or part or any machinery service for which a maximum price is established by any other regulation or order issued by the Office of Price Administration,⁴ except the General Maximum Price Regulation;⁵

(b) Any sale or delivery of a machine or part if, prior to July 22, 1942, such machine or part had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser;

(c) Any sale or delivery of a machine or part or machinery service performed pursuant to a "developmental" contract or subcontract, as provided in § 1390.21.

(d) Any sale or delivery of a machine or part or any machinery service performed pursuant to a "secret" contract or subcontract, as provided in § 1390.22;

(e) Any sale or delivery of a machine or part or any machinery service performed pursuant to an "emergency purchase", as provided in § 1390.23;

(f) Any sale or delivery at retail of a machine or part, except any sale or delivery of a machine or part by the manufacturer thereof. "Sale at retail" means any sale to an ultimate user other than an industrial, commercial or governmental user, or any sale made at a store or shop where such sales are customarily made;

(g) Any sale or delivery of a machine or part or any machinery service performed pursuant to a cost-plus-a-fixed-fee or cost-plus-a-percentage-of-cost contract: *Provided*, That a report is filed with the Office of Price Administration as provided in § 1390.14.

§ 1390.3 *Prohibition against sales at higher than maximum prices.* (a) On and after July 22, 1942, regardless of any contract, lease or other obligation:

(1) No person shall sell or deliver any machine or part and no person shall supply any machinery service, at a price

⁴See for example, Revised Price Schedules No. 1—Second-Hand Machine Tools (7 F.R. 1232, 1636, 2132); No. 67—New Machine Tools (7 F.R. 1337, 1836, 2105, 2600, 2472, 2473, 2639, 2336, 2445 3223 4176); No. 82—Wire Cable, and Cable Accessories (7 F.R. 1359, 1939, 2000, 2132, 2320, 3125, 3820); No. 105—Gears, Pinions, Sprockets, and Speed Reducers (7 F.R. 1404, 1839, 2132, 2710); and Maximum Price Regulation No. 134—Construction and Road Maintenance Equipment Rental Prices (7 F.R. 3203, 3411, 3447).

higher than the maximum price established by this Maximum Price Regulation No. 136, as amended;

(2) No person in the course of trade or business shall buy or receive any machine, part, or machinery service at a price higher than such maximum price: *Provided*, That if upon the purchase of any machine, part, or machinery service, the purchaser shall receive from the seller or supplier a written affirmation, that to the best of his knowledge, information, and belief the price charged does not exceed the maximum price established by this Maximum Price Regulation No. 136, as amended, and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section;

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in subparagraphs (1) and (2).

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Maximum Price Regulation No. 136, as amended, or by the Emergency Price Control Act of 1942.

§ 1390.4 *Maximum prices: general provisions.* (a) The base date for machines and parts set forth in § 1390.32, Appendix A, is October 1, 1941; the base date for machines and parts set forth in § 1390.33, Appendix B, and for all machinery services is March 31, 1942. In applying the provisions of this Maximum Price Regulation No. 136, as amended, to the machines and parts set forth in Appendix B, the date March 31, 1942 shall be substituted for the date October 1, 1941 wherever it appears in this Maximum Price Regulation No. 136, as amended. Such substitution, however, shall not be made in § 1390.10 (b) which applies only to machines and parts set forth in Appendix A.

(b) Notwithstanding any provision of this Maximum Price Regulation No. 136, as amended:

(1) The maximum price for the sale or delivery by the manufacturer of any machine or part set forth in Administrative Notice No. 1⁵ or any amendments thereto shall be the price provided for therein;

(2) The maximum price for the sale or delivery by a seller other than the manufacturer of any machine or part set forth in Administrative Notice No. 1⁵ or any amendments thereto, for which the manufacturer has published a list price in accordance with Administrative Notice No. 1 or any amendments thereto, shall be such list price, subject to all applicable extra charges, discounts or other allowances which such seller had in effect on October 1, 1941.

⁵ 7 F.R. 2984, 3690. Administrative Notice No. 1 sets forth exceptions from the provisions of voluntary price agreements and arrangements.

§ 1390.5 *Maximum prices: published or confidential price lists—(a) Prices.* If any manufacturer, seller or lessor had published or confidential price lists in effect on October 1, 1941, covering:

- (1) Sales of machines or parts, or
- (2) Rentals of machines or parts,

the maximum price to any purchaser for any machine or part so listed shall be the net price which the manufacturer, seller or lessor would have received on that date from a purchaser of the same class. "Net price" means the amount paid by or charged to the purchaser, after adjustment for all applicable extra charges, discounts or other allowances in effect on October 1, 1941.

(b) *Reports.* On or before August 1, 1942, every manufacturer, seller, and lessor subject to this Maximum Price Regulation No. 136, as amended, shall file with the Office of Price Administration, Washington, D. C., if he has not already done so, all his published and confidential price, rental, and discount sheets in effect on October 1, 1941, for machines and parts. However, the manufacturer of any machine shall not be required to file list prices in effect on October 1, 1941, for repair parts for such machines unless such filing is specifically required in writing by the Office of Price Administration. Any person who on October 1, 1941, sold, leased or delivered machines or parts at prices based upon price sheets published by any other person subject hereto need not file such other person's published price sheets but shall file instead a statement identifying the particular price sheets he used on that date, together with his own discount sheets, if any, and a statement of any prices which constitute exceptions to such practice.

(c) *Specification changes.* Notwithstanding the provisions of paragraph (a), if substantial specification changes are made in any machine or part for which the manufacturer, seller or lessor had a published or confidential list price or rental in effect on October 1, 1941, the maximum price for such machine or part may be determined pursuant to §§ 1390.7, 1390.10 (c) or 1390.12 (b), whichever is applicable: *Provided*, That either before such change in price or within ten days after making such change in price, a report shall be filed with the Office of Price Administration, Washington, D. C., containing a description of the machine or part in question and of the specification changes, and a statement of the former price and the proposed price. If it is desired to issue a new list price, a report shall be filed pursuant to § 1390.13.

§ 1390.6 *Maximum prices: sales by the manufacturer of machines or parts with list prices.* If for any machine or part the manufacturer thereof had a published or confidential list price in effect on October 1, 1941, the maximum price shall be determined as provided in § 1390.5.

§ 1390.7 *Maximum prices: sales by the manufacturer of machines or parts without list prices.* If for any machine or

part the manufacturer thereof had no published or confidential list price in effect on October 1, 1941, the maximum price of such machine or part to any purchaser shall be computed on the basis of the following:

(a) *Pricing formula.* (1) the price-determining method which was in use on October 1, 1941, applying the overhead rate, machine hour rates, if any, or other bases of computation which were in use on that date. If no such method was in use on October 1, 1941, the manufacturer shall use the method which would have been used on that date, applying the overhead rate, machine hour rates, if any, or other bases of computation which were in use or would have been used on that date. For the purposes of this subparagraph (1), the method of determining the total price in a cost-plus contract shall not be deemed to be a "price-determining method";

(2) to the extent that the price-determining method includes or is based on direct labor costs, the manufacturer shall use labor rates in effect on October 1, 1941, determined and applied in accordance with the provisions of paragraph (b) below;

(3) to the extent that the price-determining method includes or is based on prices paid for materials, the manufacturer shall use material prices in effect on October 1, 1941, determined and applied in accordance with the provisions of, and subject to the exceptions contained in, paragraph (c) below;

(4) to the extent that the price-determining method includes or is based on prices paid for subcontracted machinery services, the manufacturer shall use actual prices paid or to be paid for subcontracted machinery services, not in excess of maximum prices provided by this Maximum Price Regulation No. 136, as amended, determined in accordance with paragraph (c) (4) below;

(5) to the extent that the price-determining method includes freight rates paid, the manufacturer shall use freight rates in effect on March 31, 1942 for outbound shipments for the mode of transportation actually used and for inbound shipments for the mode of transportation actually used and from the actual point of origin;

(6) for the labor required for installation if the machine or part is sold on an installed basis: labor rates in the area of installation in effect on, or resulting from an agreement concluded or from a grant made or announced on or before, April 27, 1942, or, where the wage stabilization agreement issued May 22, 1942, between the Building and Construction Trades Department of the American Federation of Labor and certain agencies of the United States is applicable, labor rates in effect on July 1, 1942;

(7) all applicable extra charges, discounts or other allowances in use on October 1, 1941 to a purchaser of the same class.

(b) *Labor rates.* (1) "Labor rates in effect on October 1, 1941" are the labor rates prevailing on that date in the manufacturer's plant for each classification

of labor. If the manufacturer employs labor of a particular classification not employed in such plant on October 1, 1941, he shall apply the rate prevailing on that date for such classification in the locality in which the manufacturing is to be performed. If labor of such classification was not employed on October 1, 1941 in such locality, the manufacturer shall apply the rate prevailing on that date for the nearest skill in the nearest comparable locality, as accurately as he is able to determine the same by reasonably diligent inquiry.

(2) The permitted labor cost to be used in the pricing formula provided in paragraph (a) is to be determined by applying to the clock hours of each classification of labor estimated to be required on the basis of previous production experience, or, where an estimate is not used, the clock hours actually required, the hourly rate for such classification in effect on October 1, 1941. If on October 1, 1941, an average rate was used, an average rate may be applied: *Provided*, That the labor rates and the method of computing the average in effect on October 1, 1941, are used. If individuals have been or are promoted from one classification to another because of increased efficiency, the higher rates may be used: *Provided*, That such higher rates may not be used if they result in increased prices.

(3) In determining the price for a firm price contract, the amount of overtime estimated to be required in excess of that provided for in the overhead or machine hour rate may be added to the estimated cost of labor. Further, the amount of overtime actually required in an unforeseen contingency, over and above the amount estimated, if any, may be added to the price if the purchaser agrees and if it is billed separately: *Provided*, That no markup, overhead, or profit shall be applied to that part of the labor cost which is in excess of the straight-time cost, except that no adjustment of the overhead rate or machine hour rate in effect on October 1, 1941, shall be required.

(c) *Material prices.* (1) The term "material prices" includes the prices for raw materials, and for materials or products which have been processed or fabricated to any degree, including parts and subassemblies.

(2) The permitted material cost to be used in the pricing formula provided in paragraph (a) is to be determined by applying material prices as determined in subparagraph (3) below to the quantities of materials estimated to be required on the basis of previous production experience or, where an estimate is not used, the quantities actually required.

(3) Except as provided in subdivisions (i) and (ii) below, the manufacturer shall use the lower of the following two prices: the price for the material which was or would have been paid by him on October 1, 1941, or the actual price for such material paid or to be paid, not in excess of the applicable maximum price.

(i) For any part or subassembly purchased, the manufacturer shall use the

actual price for such part or subassembly paid or to be paid, not in excess of the applicable maximum price. For the purposes of this paragraph, the term "part or subassembly" means, in addition to products covered by this Maximum Price Regulation No. 136, as amended, products covered by Revised Price Schedule No. 82—*Wire, Cable, and Cable Accessories*,⁴ No. 105—*Gears, Pinions, Sprockets and Speed Reducers*,⁴ Maximum Price Regulations No. 119—*Original Equipment Tires and Tubes*,⁵ No. 147—*Bolts, Nuts, Screws and Rivets*,⁶ and No. 149—*Mechanical Rubber Goods*.⁶

(ii) For any material for which the manufacturer is unable by reasonable diligence to determine the price he would have paid on October 1, 1941, the manufacturer shall use the actual price for such material paid or to be paid, not in excess of the applicable maximum price. In no event shall this subdivision (ii) apply if the material had a published price in effect on October 1, 1941, or if the manufacturer purchased such material on or about October 1, 1941, or if the manufacturer's supplier of the material, or one of the manufacturer's suppliers, was selling such material on or about October 1, 1941.

(4) Where the "actual price to be paid" for any material (including any part or subassembly) or machinery service is required or permitted to be used by the provisions of subparagraph (3) above, or of subparagraph (4) of paragraph (a), in calculating such price:

(i) The manufacturer shall use the price estimated by his supplier, if available: *Provided*, That the manufacturer has no reason to believe that the price so estimated exceeds the applicable maximum price; or

(ii) If a price estimated by a supplier is not available at the time he estimates his price, the manufacturer shall use his own estimate of the price to be paid for the material or machinery services: *Provided*, That if the price so estimated exceeds the actual price charged by the supplier, such actual price, not to exceed the supplier's maximum price, shall be substituted in the pricing formula and the manufacturer's maximum price recomputed accordingly. If the price so estimated is less than the actual price charged by the supplier, such actual price, not to exceed the supplier's maximum price, may be substituted in the pricing formula and the manufacturer's maximum price recomputed accordingly.

(d) *Reports.* If the price of any machine or part computed in accordance with the provisions of this Section is at any time increased above the price charged on the previous sale or delivery, or is increased above the original contract price by renegotiation or by a price adjustment clause, unless the increase is definitely assignable to a change in specifications or a change in conditions of delivery, the manufacturer

thereof shall file the report required by § 1390.18 (g).

§ 1390.8 *Maximum prices: Sales by the manufacturer of machines or parts manufactured in new or converted plants.* Notwithstanding the provisions of §§ 1390.5, 1390.6, and 1390.7, if a machine or part is manufactured in a newly constructed plant, or, if the manufacturer is unable to determine the maximum price for a machine or part pursuant to the provisions of § 1390.7 because such machine or part is manufactured in a converted plant or for any other reason:

(a) *Price.* The maximum price for each sale of such machine or part shall be the price determined so far as possible in accordance with § 1390.7 and reported pursuant to paragraph (b) hereof: *Provided*, That the Office of Price Administration either approves such price in writing or fails to disapprove it within thirty days after receipt of the report. Within five days prior to filing such report and during such thirty-day period, such manufacturer may quote, contract, sell or deliver at the proposed price; but final settlement shall be made in accordance with the action of the Office of Price Administration on such report and, if required by the Office of Price Administration, refunds shall be made.

(b) *Report.* The manufacturer of such machine or part shall file a report with the Office of Price Administration, Washington, D. C., containing the proposed price, the proposed billing date, a statement of whether or not such machine or part had a published or confidential list price in effect on October 1, 1941, all relevant price-determining data including evidence that the proposed price was determined so far as possible in accordance with § 1390.7, a statement of whether or not quantity production of such machine or part is anticipated, and a brief description of the newly constructed or converted plant. If such manufacturer desires such price to become the maximum price applicable to all subsequent sales of such machine or part, a statement that the report is also being filed pursuant to § 1390.13 should be made.

§ 1390.9 *Maximum prices: Machinery services—*(a) (1) *Services with list prices.* If for any machinery service the supplier had a published or confidential machine hour rate or other charge in effect on March 31, 1942, the maximum price to any purchaser for such machinery service shall be the net price which the supplier would have received on that date from a purchaser of the same class.

(2) *Reports.* On or before August 1, 1942, every machinery service supplier subject to this Maximum Price Regulation No. 136, as amended, shall file with the Office of Price Administration, Washington, D. C., if he has not already done so, all his published and confidential machine hour rates, charge sheets, and discount sheets in effect on March 31, 1942, for machinery services.

⁴ *Supra*, note 4.

⁵ 7 F.R. 3590.

⁶ 7 F.R. 3808, 3905.

⁶ 7 F.R. 3869.

(b) *Services without list prices.* If for any machinery service a supplier had no such published or confidential rate or charge in effect on March 31, 1942, the maximum price for such machinery service to any purchaser shall be determined in accordance with the applicable provisions of § 1390.7, except that the date March 31, 1942, shall be substituted for the date October 1, 1941, wherever it appears.

(c) *New or converted plants.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, if any machinery service is performed in a newly constructed plant or if the supplier is unable to determine the maximum price for any machinery service because it is performed in a converted plant or for any other reason:

(1) *Price.* The maximum price for each sale of such machinery service shall be a price determined so far as possible in accordance with paragraph (b) of this section and reported pursuant to subparagraph (2) below: *Provided,* That the Office of Price Administration either approves such price in writing or fails to disapprove it within thirty days after receipt of the report. Within five days prior to filing such report and during such thirty-day period, the supplier may quote, contract or perform such machinery service at the proposed price, but final settlement shall be made in accordance with the action of the Office of Price Administration on such report and, if required by the Office of Price Administration, refunds shall be made.

(2) *Report.* Such supplier shall file a report with the Office of Price Administration, Washington, D. C., containing the proposed price, the proposed billing date, a statement of whether or not such machinery service had a published or confidential rate or charge in effect on March 31, 1942, all relevant price-determining data including evidence that the proposed price was determined so far as possible in accordance with paragraph (b) of this section, and a brief description of the newly constructed or converted plant. If the supplier desires such price to become the maximum price applicable to such machinery services thereafter performed, a statement that the report is also being filed pursuant to § 1390.13 should be made.

§ 1390.10 *Maximum prices: Sales by sellers other than the manufacturer—*

(a) *Machines and parts with list prices.* If for any machine or part a seller other than the manufacturer thereof had a published or confidential list price in effect on October 1, 1941, the maximum price shall be determined as provided in § 1390.5.

(b) *Thirty-day price adjustment period—*(1) *Price.* Notwithstanding the provisions of paragraph (a) or of § 1390.5 if for any machine or part set forth in § 1390.32, Appendix A, a seller other than the manufacturer thereof had a published or confidential list price in effect on October 31, 1941, which was higher than his price in effect on October 1, 1941, because of an increase in the price to him of such machine or part made be-

tween September 1, 1941 and October 1, 1941, inclusive, the maximum price for such machine or part shall be the lower of the following two prices:

(i) The price in effect on October 1, 1941, plus an amount not exceeding in percentage the amount of the increase in the price to him, or

(ii) The price in effect on October 31, 1941: *Provided,* That unless a report is filed pursuant to subparagraph (2), the maximum price for such machine or part shall be the maximum price provided in paragraph (a) and § 1390.5.

(2) *Report.* In the circumstances set forth in subparagraph (1), a report shall be filed with the Office of Price Administration, Washington, D. C., not later than September 1, 1942, containing a description of the machine or part in question, the seller's price in effect on October 31, 1941, and the date such price became effective, the seller's price in effect on October 1, 1941, and the date such price became effective, the price to such seller in effect on August 31, 1941, the price to such seller in effect on October 1, 1941 and the date such price became effective, and the maximum price determined pursuant to this paragraph (b).

(3) This paragraph (b) does not apply to machines and parts set forth in § 1390.33, Appendix B. For such machines and parts the base date in all cases is March 31, 1942.

(c) *Machines and parts without list prices.* If for any machine or part a seller other than the manufacturer thereof had no published or confidential list price in effect on October 1, 1941, the maximum price to any purchaser for such machine or part shall be the net price determined by applying to the seller's net invoiced cost of such machine or part, not to exceed the applicable maximum price, the average percentage margin over net invoice cost realized on or about October 1, 1941, for all machines or parts of the same class sold by such seller on or about October 1, 1941, to purchasers of the same class.

(d) *Machines and parts, new lines.* If for any machine or part a seller other than the manufacturer had no published or confidential list price in effect on October 1, 1941, and if such seller sold no machine or part of the same class on or about that date:

(1) *Price.* The maximum price for such machine or part shall be the price reported pursuant to subparagraph (2), below: *Provided,* That the Office of Price Administration either approves such price in writing or fails to disapprove it within thirty days after receipt of the report. Within five days prior to the filing of such report and during such thirty-day period, such seller may quote, contract, sell or deliver at the proposed price, but final settlement shall be made in accordance with the action of the Office of Price Administration on such report and, if required by the Office of Price Administration, refunds shall be made.

(2) *Reports.* The seller of such machine or part shall file with the Office of

Price Administration, Washington, D. C., a report containing the proposed price, the proposed billing date, the net invoiced cost of such machine or part, the date of purchase, a statement of the basis on which such proposed price was determined, and an explanation of the reasons why § 1390.5 and paragraphs (a) and (c) of this section were inapplicable. If such seller desires such price to become the maximum price applicable to all subsequent sales and deliveries of such machine or part, a statement that the report is also being filed pursuant to § 1390.13 should be included.

(e) *Machines and parts completely subcontracted.* If a manufacturer subcontracts to another the manufacture of a machine or part which he resells in the form in which it is received from the subcontractor the maximum price for the prime contractor shall be determined as follows:

(1) If for any such machine or part the prime contractor had a published or confidential list price in effect on October 1, 1941, the maximum price shall be determined in accordance with § 1390.5; or

(2) If the prime contractor had no such list price, the maximum price shall be determined in accordance with the applicable provisions of subparagraphs (1) and (2) of paragraph (d).

(f) *Installed sales.* Nothing in this Maximum Price Regulation No. 136, as amended, shall be deemed to establish maximum prices for installation services performed by persons other than the manufacturer or assembler of the machine or part to be installed.

§ 1390.11 *Maximum prices: Sales of second-hand machines and parts.* (a) For the purposes of this section, a second-hand machine or part is any machine or part which has previously been used or purchased for use.

(b) The price for any rebuilt and guaranteed machine or part shall not be more than eighty-five percent of the highest maximum price to any class of purchasers for the nearest equivalent new machine or part established by this Maximum Price Regulation No. 136, as amended. A "rebuilt and guaranteed" machine or part is one in which all worn or missing components which should be replaced or repaired for satisfactory operation have been replaced or repaired, and which carries a binding guaranty of satisfactory operation for a period of not less than sixty days, and which is expressly invoiced as a rebuilt and guaranteed machine or part.

(c) The price for any other second-hand machine or part shall not be more than fifty-five percent of the highest maximum price to any class of purchasers for the nearest equivalent new machine or part established by this Maximum Price Regulation No. 136, as amended.

(d) In quoting, contracting, invoicing or billing any second-hand machine or part for which a maximum price is provided in paragraphs (b) or (c), the seller may add to the maximum price the

amount of any tax upon the sale or delivery of such machine or part, and shall bill any such tax separately from the price of such machine or part. No other charges may be added to the maximum price which were not customarily added by the seller on October 1, 1941, but any charges which were customarily added on that date may be added to the maximum price if billed separately.

(e) If the maximum price provisions of this Maximum Price Regulation No. 136, as amended, for second-hand machines or parts are not adaptable to the pricing of particular machines or parts, or if they permit the charging of prices in excess of prices which could be obtained if sufficient new machines or parts were available, the Price Administrator may by separate regulation or order establish other maximum prices for the sale or delivery of such second-hand machines or parts.

§ 1309.12 *Maximum prices: Leases.*

(a) If for any machine or part the lessor thereof had a published or confidential rental in effect on October 1, 1941, the maximum rental shall be determined as provided in § 1390.5.

(b) If for any machine or part the lessor thereof had no published or confidential rental in effect on October 1, 1941:

(1) *Rental.* The maximum rental on each lease or delivery shall be the rental determined as it would have been on October 1, 1941, and reported pursuant to subparagraph (2): *Provided*, That the Office of Price Administration either approves such rental in writing or fails to disapprove it within thirty days after receipt of the report. Within five days prior to filing such report and during such thirty-day period, such lessor may quote, contract, lease or deliver any such machine or part at the proposed rental, but final settlement shall be made in accordance with the action of the Office of Price Administration on such report, and, if required by the Office of Price Administration, refunds shall be made.

(2) *Report.* The lessor of such machine or part shall file a report with the Office of Price Administration, Washington, D. C., containing the proposed rental, the proposed billing date, and all relevant price-determining data. If such lessor desires such rental to become the maximum rental applicable to all subsequent leases and deliveries of such machine or part, a statement that the report is also filed pursuant to § 1390.13 should be included.

§ 1390.13 *New list prices.* (a) Any person who desires or is required in writing by the Office of Price Administration to establish a list price for any machine or part or machinery service shall file a report pursuant to paragraph (b) hereof, containing a proposed price determined under §§ 1390.7 or 1390.8 (Manufacturer's Sales), 1390.9 (Machinery Services), 1390.10 (Re-seller's Sales), or 1390.12 (Leases), and such price shall thereafter be the maximum price: *Provided*, That the Office of Price Administration either approves such price in

writing or fails to disapprove it within thirty days after receipt of the report. Such price may be disapproved only on the ground that it was not computed in accordance with the applicable provisions of this Maximum Price Regulation No. 136, as amended, or because the Office of Price Administration finds that a computation at a later date may result in a lower maximum price.

(b) Under the circumstances set forth in paragraph (a), a report shall be filed with the Office of Price Administration, Washington, D. C., containing the proposed list price, the proposed effective date, the class or classes of purchasers to whom such price is to be quoted, all relevant data used in determining such price, and evidence that such price was determined in accordance with the applicable provisions of this Maximum Price Regulation No. 136, as amended.

§ 1390.14 *Reports on cost-plus contracts.* Any person who has agreed to sell or deliver any machine or part or to perform any manufacturing service pursuant to a cost-plus-a-fixed-fee or cost-plus-a-percentage-of-cost contract shall on or before August 1, 1942, or within ten days after entering into such contract file a report with the Office of Price Administration, Washington, D. C., containing a copy or a summary of such contract.

§ 1390.15 *Emergency service charges.* Notwithstanding any other provision of this Maximum Price Regulation No. 136, as amended, any manufacturer, seller, lessor, or machinery service supplier may add to the maximum price herein provided an extra charge in the amount of the extra out-of-pocket expense incurred for special services, either where an emergency requires that material be obtained from a source more expensive than the usual source, or where an emergency requires special handling of a machine or part after its manufacture: *Provided*, That such extra charge is stated separately from the purchase price in billing. Nothing in this section shall be construed to permit a manufacturer, seller, lessor, or machinery service supplier to pay more than the applicable maximum price for any material or service.

§ 1390.16 *Federal and state taxes.*

(a) Any tax levied by any statute of the United States or statute or ordinance of any state or subdivision thereof which the seller on October 1, 1941 added to the price paid by the purchaser shall not be included in the maximum price but may be collected by the seller in addition to the maximum price if such tax is stated separately from the purchase price.

(b) Any tax upon the sale or delivery of a machine or part and any compensating use tax upon a machine or part levied by any statute of the United States or statute or ordinance of any state or subdivision thereof and become effective on or after October 1, 1941, may also be collected by the seller making such taxable sale or delivery in addition

to the maximum price if such tax is stated separately from the purchase price, unless the seller had increased his price on or before October 1, 1941, to reflect such new or increased tax.

(c) (1) Any separately stated tax paid by a purchaser for resale upon the purchase of a machine or part may be collected by such purchaser in addition to the maximum price upon the resale of such machine or part unless the purchaser's price in effect on October 1, 1941, reflected the amount of such tax.

(2) Any tax paid by a manufacturer upon the purchase of a part which can be delivered separately from the principal assembly of the complete machine may also be collected by the manufacturer upon the sale of the complete machine, as well as upon the sale of the part separately, if such tax is stated separately from the purchase price, unless the manufacturer's price for the machine or for the part in effect on October 1, 1941, reflected the amount of such tax.

§ 1390.17 *Export sales.* The maximum price at which a person may export a machine or part shall be determined in accordance with the methods provided in the Maximum Export Price Regulation issued by the Office of Price Administration. An "export sale" is any sale between a seller in the Continental United States and a purchaser outside thereof in which the commodity sold is transported from the Continental United States to a point outside thereof and includes any sale of a commodity outside the Continental United States by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the Continental United States.

§ 1390.18 *Contract prices, renegotiations, price-adjustment agreements, and price increases.*—(a) *Existing contracts.* Notwithstanding the provisions of § 1390.3, any person may until September 1, 1942, deliver, perform, or receive, or make or receive payment for, any machine or part or machinery service pursuant to a contract entered into prior to July 22, 1942, at the price provided in such contract: *Provided*, That on or before September 1, 1942, the contract price shall be revised so as not to exceed the maximum price computed as of the date of entering into the contract or as of the date of any changes in the contract price, and that refunds or other allowances in accordance with such recomputation are made as to deliveries made or services performed on or after July 22, 1942.

(b) *Prices for deliveries pursuant to a firm-price contract.* Except as provided in § 1390.7 (c) (4), when the maximum price applicable to a firm price contract for the sale and delivery of any machine or part or for machinery services has been determined in accordance with the provisions of this Maximum Price Regulation No. 136, as amended, the maximum price need not be recomputed for any

*7 F.R. 3096, 3324, 4294, 4541.

subsequent deliveries pursuant to such contract unless the contract price is revised by renegotiation or adjustment in accordance with paragraphs (d) or (e) of this section.

(c) *Specification changes.* If a contract for the sale and delivery of a machine or part or for machinery services for which there was no list price in effect on October 1, 1941, has been or is entered into at a price which does not exceed the maximum price, computed as of the time of entering into such contract, or has been revised in accordance with any of the provisions of this section, changes in the contract price required by changes in specifications may be made without recomputation of the maximum price: *Provided*, That the difference in price as a result of the change in specifications shall be calculated in accordance with the formula provided in § 1390.7.

(d) *Renegotiations.* If a contract for the sale and delivery of machines and parts or for machinery services has been or is entered into at a price which does not exceed the maximum price, computed as of the time of entering into such contract, or has been revised in accordance with any of the provisions of this section, the contract price may be reduced at any time without recomputation of the maximum price, and may be increased by renegotiation if the price, as so increased, does not exceed the maximum price computed as of the time of such renegotiation and if a report is made pursuant to paragraph (g) of this section.

(e) *Price adjustment clauses.* (1) On and after July 22, 1942, no upward adjustment in any contract price for a machine or part or machinery service shall be made other than by renegotiation except that an adjustment may be made pursuant to an "escalator clause" or other formula for price adjustment up to the maximum price in effect at the time of such adjustment, as it may then have been amended or revised by order of the Office of Price Administration: *Provided*, That such price adjustments shall not be used to correct estimating errors, and that a report is filed as required by paragraph (g) of this section.

(2) On and after July 22, 1942, no person shall enter any contract for the sale or delivery of machines or parts or for machinery services which provides for upward adjustment of the contract price without renegotiation, except to the extent permitted in subparagraph (1).

(f) *New contracts.* Whenever a new contract is entered into for the sale and delivery of machines or parts or for machinery services for which there was no published or confidential list price in effect on October 1, 1941, and which has previously been sold or supplied, the applicable maximum price shall be recomputed as of the time of entering into the new contract. For the purposes of this Maximum Price Regulation No. 136, as amended, any extension of an existing contract which provides for the delivery of a greater number of machines or parts, or for a greater number of hours or other units of machinery services,

than were originally contracted for shall be deemed to be a new contract.

(g) *Price increases.* If the price of any machine or part or machinery service computed in accordance with the provisions of § 1390.7 is at any time increased above the price charged on the previous sale or delivery or is increased above the original contract price by renegotiation or by a price adjustment clause, unless the increase is definitely assignable to a change in specifications or a change in conditions of delivery, the seller thereof shall file with the Office of Price Administration, Washington, D. C., within ten days after making any sale or delivery at such increased price, or agreeing upon such increased price, a report containing: (1) a description of the machine or part or machinery service; (2) the price on the sale prior to the price increase, the date of such sale and the name and description of the purchaser; (3) the price charged on October 1, 1941, or on the first sale subsequent thereto, and the date of such sale; (4) the new price; (5) the date of entering into the contract providing the increased price; (6) the name and description of the purchaser; and (7) an explanation of the higher price: *Provided*, That if the price of a machine or part or machinery service has previously been reported pursuant to this paragraph without objection from the Office of Price Administration, the manufacturer shall not be required to report subsequent sales or deliveries at the same or a lower price.

§ 1390.19 *Less than maximum prices.* Lower prices, rentals, or charges than those set forth in this Maximum Price Regulation No. 136, as amended, may be charged, demanded, paid or offered.

§ 1390.20 *Evasion.* (a) It shall be a violation of this Maximum Price Regulation No. 136, as amended, to effect a price increase above the applicable maximum price in connection with any sale, lease or delivery of any machine or part, or with the supplying of any machinery service by changing discounts or customary price differentials among classes of purchasers; by making minor changes in machines or parts or machinery services having published or confidential list prices; by requiring a customer to furnish material for processing not in accordance with previous practice; by entering into a joint venture with any other person subject hereto for cross-selling, cross-purchasing, or cross-servicing; by reducing the period of any guaranty or warranty of performance; by eliminating or reducing any maintenance, repair or installation service; by undervaluing commodities received in trade; by eliminating or reducing rental credits on purchases; or by any other change in terms or conditions of sale, lease, or contract.

(b) The Office of Price Administration may, upon request, grant written permission to any person subject to this Maximum Price Regulation No. 136, as amended, to change a term or condition of sale, lease or contract in effect on October 1, where such change is neces-

sitated by orders issued by the War Production Board, the Board of Governors of the Federal Reserve System or any other agency of the United States, or by other conditions caused by the war.

§ 1390.21 *Developmental contracts and subcontracts.* (a) This Maximum Price Regulation No. 136, as amended, shall not apply to any sale or delivery of a machine or part or to any machinery service performed pursuant to a contract or subcontract certified in writing to the Office of Price Administration by the United States or any agency thereof as being developmental: *Provided*, That a report is filed pursuant to paragraph (b). For the purposes of this section, a contract is deemed to be "developmental" during the period required for the selection of a product by the purchaser or for the accumulation of sufficient production experience by the manufacturer or supplier to permit a fair estimate of the manufacturing costs, or both. After the Office of Price Administration shall have determined after consultation with the appropriate government agency that the period necessary for development has expired, and has in writing so notified such agency and the manufacturer or machinery service supplier, this Maximum Price Regulation No. 136, as amended, shall apply to all subsequent sales and deliveries of such machine or part or to all such machinery services performed thereafter.

(b) Within ten days after entering into any such developmental contract or subcontract the manufacturer or machinery service supplier shall file a report with the Office of Price Administration, Washington, D. C., containing a description of the product or products to be manufactured or the machinery services to be supplied, a summary of the terms of the contract or subcontract including all pricing provisions, a short statement of the production plan of which this contract is a part, and an estimate of the expected duration of such developmental work. For any such contract or subcontract in effect on July 22, 1942 such report shall be filed prior to August 15, 1942.

§ 1390.22 *Secret contracts.* This Maximum Price Regulation No. 136, as amended, shall not apply to any sale or delivery of a machine or part or to the sale of any machinery 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 the United States or any agency 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 United States or the certifying agency that such contract is no longer deemed to be secret, this Maximum Price Regulation No. 136, as amended, shall apply to all subsequent sales and deliveries of such machine or part, or to all such machinery services completed thereafter.

§ 1390.23 *Emergency purchases.* (a) This Maximum Price Regulation No. 136,

as amended, shall not apply to any sale or delivery pursuant to any emergency purchase by the United States or any agency thereof for immediate delivery of any machine or part or immediate performance of any machinery service: *Provided*, That if the total price exceeds \$500, a report is filed pursuant to paragraph (b).

(b) Within ten days after making any such emergency purchase in the amount of more than \$500, at a price which is known or suspected by the purchaser to be in excess of the maximum price, any person making such purchase on behalf of the United States or any agency thereof 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 machine, part, or machinery service immediately and in which it was impossible to secure, or unfair to require, immediate delivery or performance at the applicable maximum price and setting forth (1) the name and address of the seller or supplier; (2) date of purchase; (3) date of delivery or performance; (4) description of the machine or part purchased or machinery service performed; (5) quantity purchased; (6) price at which purchased; and (7) 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.

§ 1390.24 *Privileges accorded to certain foreign governments.* The privileges accorded to the United States or any agency thereof by § 1390.21 (developmental contracts and subcontracts), § 1390.22 (secret contracts) and § 1390.23 (emergency purchases) 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, 1941, entitled "An Act to Promote the Defense of the United States," or to any agency of any such government.

§ 1390.25 *Petitions for amendment or adjustment—(a) Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with the United States or any government referred to in § 1390.24, or any agency thereof, or a subcontract under such contract, who believes that the maximum price impedes or threatens to impede production of a machine or part which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this Maximum Price Regulation No. 136 in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration. Upon or prior to the filing of an application for adjustment, and pending the issuance of an order granting or denying such application, the Office of Price Administration may issue a temporary permit in writing to the effect that during the period of such permit contracts or subcontracts may be entered into, or proposed to be entered into, and deliv-

eries may be made at the price requested in such application, but final settlement shall be made in accordance with the order and, if required by the Office of Price Administration, refunds shall be made. Notwithstanding the provisions of Procedural Regulation No. 6, the proposed price may not be charged pending the issuance of an order unless such a temporary permit is obtained.

(b) *Adjustments.* (1) Any person who on October 1, 1941, sold or offered for sale any machine or part at a list price on a delivered price basis in a given area and whose outbound freight cost has increased since that date may file a petition for adjustment of the maximum price for such machine or part pursuant to Procedural Regulation No. 1² issued by the Office of Price Administration.

(c) *Amendments.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 136 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1² issued by the Office of Price Administration.

§ 1390.26 *Records and additional or substituted reports—(a) Records.* Persons subject to this Maximum Price Regulation No. 136, as amended, shall keep available for inspection by representatives of the Office of Price Administration records of the following:

(1) *By the manufacturer.* Records of (i) each sale, lease or delivery of a machine or part after the effective date of this Maximum Price Regulation No. 136, as amended, showing the name of the person buying, leasing or receiving such machine or part, the date of the transaction, an identification of the machine or part providing a reference to a price list or to production records, and the net price or rental; (ii) price-determining methods, labor rates, material prices, overhead rates and machine hour rates in effect on October 1, 1941, and (iii) detailed cost-estimate sheets and other data showing the calculations of prices and rentals on transactions covered by this Maximum Price Regulation No. 136, as amended, for which there was no list price or rental in effect on October 1, 1941, or for which no list price or rental is hereafter established.

(2) *By the machinery service supplier.* Records of all machinery services performed after the effective date of this Maximum Price Regulation No. 136, as amended, showing the name of the person for whom such services were performed, the date of the transaction, identification of the services providing a reference to a price list or to production records, and the net charge therefor, and, in addition, records showing as precisely as possible the basis upon which maximum charges for machinery services have been and are determined.

(3) *By a lessor other than the manufacturer.* Records of each lease or delivery of a machine or part after the effective date of this Maximum Price Regulation No. 136, as amended, showing

the name of the person leasing or receiving such machine or part, the date of the transaction, the net rental and, in addition, records showing as precisely as possible the basis upon which maximum rentals for machines and parts have been and are determined.

(4) *By a seller other than the manufacturer.* Records of the kind such seller has customarily kept, relating to the prices of machines and parts sold after the effective date of this Maximum Price Regulation No. 136, as amended, and, in addition, records showing as precisely as possible the basis upon which maximum prices for machines and parts have been and are determined.

(b) *Additional or substituted records and reports.* Every person subject to this Maximum Price Regulation No. 136, as amended, shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for records and reports herein required.

§ 1390.27 *Sales slips and receipts.* Any person subject to this Maximum Price Regulation No. 136, as amended, who has regularly furnished customers with invoices, sales slips, receipts or similar documents shall continue to do so. Every person subject to this Maximum Price Regulation No. 136, as amended, shall, in any case, upon request of the customer, give such customer a signed receipt showing the date of the transaction, an identification of the machine or part sold or leased or of the machinery service performed, and the price, rental or charge therefor.

§ 1390.28 *Transfer of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after October 1, 1941, and the transferee carries on the business, or continues to deal in the same type of machines or parts or to perform the same type of machinery services, in the same competitive area and in an establishment separate from any establishment which he may previously have owned or operated, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this Maximum Price Regulation No. 136, as amended, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor in such cases 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 provisions of this Maximum Price Regulation No. 136, as amended.

§ 1390.29 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 136, as amended, are subject to the criminal penalties, civil enforcement actions, and suits for treble damages or suspension of licenses provided for by the Emergency Price Control Act of 1942.

² *Supra*, note 2.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 136, as amended, 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.

§ 1390.30 *Definitions.* (a) When used in this Maximum Price Regulation No. 136, as amended, 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 any of the foregoing.

(2) "Manufacturer" means any person engaged in one or more operations in the fabrication, processing or assembly of a machine or part, and includes subcontractors as well as prime contractors.

(3) "Machinery service supplier" means any person engaged in the performance of a machinery service, and includes subcontractors as well as prime contractors.

(4) "Price" means any consideration in connection with a sale, lease, exchange or other transfer of a machine or part or of a machinery service, and includes prices, rentals, rates, and charges.

(5) "Parts and subassemblies" includes all metallic and nonmetallic component parts, adjuncts, and accessories of products set forth in § 1390.32, Appendix A, or in § 1390.33, Appendix B, which have been machined or fabricated. The term does not include castings as sold by the foundry, mill steel, raw, unfinished, or scrap materials, or any other materials in such form as to permit their use in the manufacture of products other than those set forth in § 1390.32, Appendix A, or § 1390.33, Appendix B.

(6) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

(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. 136, as amended.

§ 1390.31 *Effective date.* This Maximum Price Regulation No. 136, as amended (§§ 1390.1 to 1390.34, inclusive), shall become effective July 22, 1942.

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

(a) *Prime movers:*

Diesel engines, except aircraft diesel engines.

Gas engines and gas generators.
Gasoline and kerosene engines for marine, tractor, railway, and stationary use.

Hydraulic turbines and hydraulic turbine governors.

Steam engines and steam turbines.

(b) *Industrial and marine power apparatus:*

Boilers, industrial and marine.
Oil burners, industrial and marine (burning not less than no. 6 oil).

Soot blowers and cleaners, industrial and marine.

Stokers, industrial and marine (1,200 lbs. per hour or more).

(c) *Processing machinery and equipment:*

Ceramics machinery.

Chemical processing machinery.

Cotton-ginning machinery.

Die-casting machinery.

Food and beverage machinery, including baking, canning, bottling, confectionery, brewing, grain-milling, meat-packing, edible oil, sugar and dairy machinery and equipment (except dairy farm equipment).

Foundry machinery.

Glass-making machinery.

Hat-making machinery.

Laundry, dry-cleaning, and clothes pressing machinery (except domestic).

Leather-working machinery.

Packaging, wrapping, filling and labeling machinery.

Paint-making machinery.

Petroleum-refining machinery.

Pharmaceutical machinery.

Plastics molding and fabricating machinery.

Printing machinery.

Pulp, paper and paper products machinery.

Rod and wire-working machinery.

Rolling mill machinery.

Rubber and allied products machinery.

Rubber tire and tube machinery.

Sewing machines, industrial.

Shoe manufacturing and repairing machinery.

Spring-winding and forming machinery.

Textile preparatory and finishing machinery and equipment (including accessories designed exclusively for use with such machinery).

Tobacco-working machinery.

Woodworking machinery.

(d) *Construction and mining machinery:*

Asphalt mixing plants.

Concrete mixing, placing and finishing equipment.

Cranes (overhead, crawler, and locomotive); hoists and derricks.

Crawler and nonagricultural tractors.

Core drilling machinery.

Excavating and earth-moving machinery (including power shovels, ditchers, draglines and power scrapers).

Dredging machinery.

Heaters, stone, sand or bitumen.

Mining machinery (including mine cars and trucks).

Oil well equipment.

Ore-crushing and concentrating machinery.

Portable power driven tools.

Road building and maintenance machinery (including graders, pavers, rollers, etc.).

Rock crushers.

Snow plows.

Spreaders.

Well-drilling equipment.

(e) *Electrical equipment:*

Airways lighting.

Arc and resistance welding equipment, electrodes and supplies.

Capacitors.

Carbon, graphite and metal graphite products for electrical uses.

Circuit breakers.

Commercial lighting equipment.

Communication equipment including telephone, telegraph, signalling apparatus and public address systems.

Conduit fittings.

Electric motors, generators, and renewal parts (except automotive).

Electric motor-generator sets.

Electric storage batteries.

Electrical control equipment (including magnets and renewal parts), except control devices used for domestic installations.

Electrical industrial heating units and devices.

Electrical power conversion and rectifying equipment of any type or size.

Electrical wire, cable, and cable accessories (except when subject to Revised Price Schedule No. 82 as amended⁴).

Feeder voltage regulators.

Flood lighting equipment.

Fuses for the protection of electrical equipment.

Industrial and marine electrical lighting equipment.

Instruments for measuring electrical quantities (except automotive).

Knife and enclosed switches.

Lightning arresters.

Magnetos.

Metallic outlets and switchboxes.

Metallic and non-metallic ducts.

Outdoor and indoor substations.

Panel and distribution boards, except asbestos and cement boards.

Searchlight equipment, except completely assembled military searchlight equipment.

Special electrical metals and alloys (except steel with less than 6% alloy content) in any fabricated form used for electrical resistance, magnetic or glass sealing purposes, including special contact alloys and special filament coated iron wire.

Street and highway lighting equipment.

Switchgear and switchgear accessories.

Synchronous condensers.

Transformers, including specialty transformers.

Trolley line material.

Turbine generator sets.

Wiring devices.

X-ray and electro-therapeutic apparatus.

(f) *Railroad equipment* (for steam and electric railroads and surface, elevated and underground railways):

Freight cars.

Passenger cars.

⁴ *Supra*, note 4.

Locomotives and tenders (including mining and industrial).

Car and locomotive parts and specialties, including:

Bearings, truck side.

Boilers, fireboxes, front ends, and cabs, and fittings, fixtures, devices or appliances mounted thereon.

Brakes and brake gear.

Coupler devices or attachments.

Devices and appliances mounted on locomotives for treatment, distribution and control of water, fuel, steam, sand, and electricity.

Doors and fixtures (except those subject to Revised Price Schedule No. 40—*Builders' Hardware and Insect Screen Cloth*¹⁰).

Draft gears, buffers and attachments.

Driving, foundation and running gear.

Heating, lighting, ventilating and air conditioning equipment.

Journal boxes, assembled.

Lubricating devices.

Miscellaneous fittings, fixtures, specialties, devices or appliances designed specifically for use on cars or locomotives (not including artillery or other exclusively military or naval equipment designed for mounting on cars or locomotives).

Safety appliances and warning devices. Sides, roofs, ends, running boards, brake steps.

Spring rigging, snubbers, shock absorbers.

Steel tires.

Train control apparatus.

Trucks, complete.

Underframes.

Wheels, cast iron and spun steel.

Machines, tools, devices and appliances designed specifically for the installation, operation, maintenance and protection of tracks, yards, signals, rolling stock and motive power.

Signal equipment, including highway crossing signals.

Stationary plants for handling fuel, sand, water and cinders.

(g) *Auxiliary equipment:*

Air-conditioning equipment (25 tons capacity or over).

Dust collecting equipment, industrial.

Furnaces and ovens, industrial.

Heat exchange equipment and pressure vessels, industrial.

Lubricating systems and devices, industrial.

Metal marking and numbering machines.

Material handling equipment, industrial (cars, trucks, racks, etc.).

Refrigerating equipment (25 H. P. or over).

Water softening and purifying equipment, industrial.

(h) *Miscellaneous:*

Elevators and conveyors.

Fans and blowers (including domestic hot air furnace fans), except pedestal, portable and ceiling household and office fans.

Gas welding and cutting equipment. Gyroscopes.

Mechanical instruments, for measuring, testing, recording, or indicating, including aircraft, marine, scientific,

laboratory, and precision instruments, (not including carpenter's tools, or surgical, optical, and dental instruments).

Portable heating, melting, burning and thawing equipment.

Pumps and compressors, except automotive, hand operated and farm pumps.

Surveying and drafting instruments (not including school, art and office supplies).

Weighing scales, industrial and platform.

Valves, automatic.

(i) *Miscellaneous parts and subassemblies:*

Anti-friction bearings.

Bi-metallic thermal strips, fabricated.

Chains, sprocket, and roller and silent.

Ferrous forgings, all types, as sold by the forger (whether machined or rough).

Galvanometer and pyrometer movements.

Gears, pinions, sprockets, and speed reducers (except when subject to Revised Price Schedule No. 105, as amended¹¹).

Industrial clockwork systems used in connection with mechanical instruments.

Industrial power transmission equipment (belt tighteners and shifters, clutches, couplings and collars, hangers and brackets, motor bases, pillow blocks and bearing housings, pulleys and sheaves, universal joints, variable speed drives).

Springs for mechanical instruments.

(j) *Parts and subassemblies of any item set forth in this Appendix A when manufactured by the manufacturer of the complete item.*

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942 date is applicable.* (a) Any part or subassembly of any item mentioned in § 1390.32, Appendix A, when manufactured by a person other than the manufacturer of the complete item. This does not include any part or subassembly which is itself covered in Appendix A or which is mentioned in § 1390.34, Appendix C.

(b) Any part or subassembly of any industrial machinery or equipment not mentioned in § 1390.32 Appendix A, unless such part or subassembly is itself covered in Appendix A or is mentioned in § 1390.34, Appendix C. "Industrial machinery" means any machinery or equipment used in the extraction, production, or processing of commodities for any use, but does not include mobile or field units, motor vehicles or trailers, farm equipment as defined in § 1361.9 (a) (3) of Maximum Price Regulations No. 133—*Retail Prices for Farm Equipment* (7 F.R. 3185), or any product mentioned in Appendix C.

(c) *Miscellaneous.*

Brushes, industrial power-driven.

Chucks, mandrels, collets, and machine tool attachments.

Dies, molds and patterns (when sold separately and delivered).

Gaskets and packing.

Governors.

Ground steel stock for punches, dies, jigs, fixtures, etc.

¹⁰ *Supra*, note 4.

Jigs and fixtures.

Machine knives, machine shear blades, and power driven saw blades.

Military searchlights, completely assembled.

Neon indicator attachments.

Perishable (expendable) tools.

Porcelain and steatite insulators.

Radio transmitting and receiving apparatus, including electronic devices for sound recording, sound and direction detection, communication, controlling, and measuring, electronic Tubes, vacuum and gas filled, and similar Light-Sensitive Devices, for applications other than sun lamps, light sources, and domestic radio receivers (See Revised Price Schedules No. 83—*Radio Receivers and Phonographs*¹² and No. 84—*Radio Receiver and Phonograph Parts*¹³).

Screw machine products (except those covered by Maximum Price Regulation No. 147—*Bolts, Nuts, Screws, and Rivets*¹⁴).

Sharpening and filing equipment.

§ 1390.34 *Appendix C: Illustrative list of products not covered by Maximum Price Regulation No. 136.*

(Note: Maximum prices for the following products are established by the General Maximum Price Regulation or by other price schedules, regulations, or orders issued by the Office of Price Administration.)

Abrasive wheels.

Aircraft gasoline and diesel engines.

Automotive electric motors and generators.

Automotive gasoline engines.

Automotive parts and subassemblies (except batteries) manufactured prior to 1942 or authorized by the War Production Board to be manufactured in 1942, when such parts and subassemblies are sold for use in private or commercial motor vehicles of 1942 or earlier models.

Automotive pumps.

Bolts, nuts, screws, and rivets (as defined in Maximum Price Regulation No. 147¹⁵).

Carpenter's tools.

Castings, ferrous and non-ferrous, as sold by the foundry, whether rough or machined.

Christmas tree lighting sets.

Dairy farm equipment.

Domestic electrical appliances (except fans and blowers).

Domestic furnaces.

Domestic laundry, dry-cleaning, and clothes pressing machinery.

Domestic radios and phonographs.

Domestic stokers.

Drill pipe, casing and tubing.

Dry batteries.

Electrical control devices used for domestic installations.

Farm pumps.

Flashlights.

Frames, bolsters, couplers, and yokes (as defined in Revised Price Schedule No. 41—*Steel castings*¹⁶).

¹⁰ *Supra*, note 7.

¹¹ 7 F.R. 1369, 1836, 2000, 2132, 2302, 3125, 3829.

¹² 7 F.R. 1362, 1836, 2000, 2132, 2163, 2303, 2512, 2743, 3821.

¹³ 7 F.R. 1231, 1836, 2001, 2132, 4667.

¹⁴ 7 F.R. 1280, 1836, 2132.

Hand hoist chains.
 Hand tools.
 Hand-operated pumps.
 Household machines.
 Incandescent and fluorescent bulbs and tubes.
 Iron and steel products (as defined in Revised Price Schedule No. 6¹⁷).
 Manual valves.
 Mechanical rubber goods (as defined in Maximum Price Regulation No. 149¹⁸).
 Nonferrous forgings.
 Office machines.
 Photographic equipment.
 Porcelain bushings.
 Portable, pedestal, and ceiling household and office fans.
 Portable lamps.
 Radio receiving set and phonograph parts not primarily designed for commercial, police, or military use, or for use in the Navy or Merchant Marine (See Revised Price Schedule No. 84—*Radio and Phonograph Parts*¹⁹).
 Reducing bushings.
 Round link and coil chains.
 Rubber belts and belting.
 Surgical, optical and dental instruments.
 Washers.
 Watches and clocks (except industrial clockwork systems used in connection with mechanical instruments).

Issued this 30th day of June 1942.
 LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-6186; Filed, June 30, 1942;
 5:16 p. m.]

PART 1335—CHEMICALS

[Amendment 2 to Revised Price Schedule 79²¹]

CARBON TETRACHLORIDE DEPOSITS FOR CONTAINERS

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.

Section 1335.609 (f) is amended to read as set forth below:

§ 1335.609 *Appendix A: Maximum prices.* * * *

(f) *Containers.* No charges for containers may be added to the maximum prices established above, except that a reasonable deposit for the return of the drum used in shipping may be added by the seller to the maximum prices set forth in § 1335.609 (b) (i) and (c) (i) above: *Provided*, That the maximum prices set forth in § 1335.609 (b) (i) and (c) (i) above shall be reduced by \$1.25, and if delivery is completed in Washington, Oregon, or California such maximum prices shall be reduced by \$1.65, for each drum on which deposit is required. Such deposit shall be immediately refunded by

the seller upon the return of the drum in good condition, and the transportation charges with respect to such return shall be paid by the owner thereof.

§ 1335.608a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1335.609 (f)) to Revised Price Schedule No. 79 shall become effective July 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of July 1942.

LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-6234; Filed, July 1, 1942;
 5:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supplementary Regulation 4—to General Maximum Price Regulation²]

EXCEPTIONS²

SALES TO U. S. AGENCIES

A statement of the considerations involved in the issuance of this Supplementary Regulation, as amended, issued simultaneously herewith, has been filed with the Division of the Federal Register. Section 1499.29 is amended to read as follows:

§ 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, sales and deliveries.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

(1) Sales or deliveries to the United States or any agency thereof, or 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, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government, of: (i) aircraft, ammunition, armored trains, artillery, balloon barrage equipment, bombs, bomb sights, caissons, fire control equipment, gas masks, grenades, gun sights, military bridges, mines, mortars, projectiles, pyrotechnics, small arms, ships and boats and torpedoes; and (ii) amphibians, armored vehicles, automobiles, tanks, trailers and trucks, for military purposes.

(2) Component parts and subassemblies of any product set forth in subparagraph (1) above, regardless of the person to whom sold or delivered. The term "component parts and subassemblies" includes all metallic and non-metallic component parts, adjuncts, and accessories which have been machined or fabricated. The term does not include raw or unfinished materials or any other materials which are in such form as to permit their use in the manufacture of

¹⁷ F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659 and 4738.

²⁷ F.R. 3724, 3942, 4410, 4488, 4543, 4660 and 4740.

products other than those set forth in subparagraph (1) above.

(3) Any manufacturing service performed by a person other than the manufacturer in the production of any product set forth in subparagraph (1) or (2) above, if all or part of the material on which such service is performed is supplied by the manufacturer.

(4) Military propellants and explosives.

(5) Sales or deliveries of any commodity manufactured, or service supplied, pursuant to a contract or subcontract certified in writing to the Office of Price Administration, Washington, D. C., by the United States or any agency thereof, or by 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, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government, as being a developmental contract or subcontract: *Provided*, That within ten days after entering into any such contract or subcontract the manufacturer of the commodity, or supplier of the service, files a report with the Office of Price Administration, Washington, D. C., containing a description of the product to be manufactured or service to be supplied, a summary of the terms of the contract or subcontract including all pricing provisions, a statement of the production plan of which this is a part and an estimate of the expected duration of such developmental work. For any contract or subcontract in effect on July 1, 1942, such report shall be filed prior to July 15, 1942. For the purposes of this subparagraph (5), a contract or subcontract is deemed to be "developmental" if the manufacturer or supplier under such contract or subcontract requires a period of time for the accumulation of sufficient production experience to permit him to make a fair estimate of his manufacturing costs, or if the purchaser under such contract or subcontract requires a period of time to select a product, or both. If the Office of Price Administration determines, after consultation with the certifying Government agency, that the period necessary for development has expired and in writing so notifies such agency and the manufacturer of the commodity, or supplier of the service, this exception shall not apply to all sales or deliveries of the commodity or service made after such notification.

(6) Sales or deliveries of any commodity manufactured, or service supplied, pursuant to a contract or subcontract which is deemed to be a "secret" contract or subcontract and is certified as such to the Office of Price Administration by the United States or any agency thereof, or by 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, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government. Such certification shall set forth the date of the secret

¹⁷ F.R. 1354, 1836, 2132, 2792.

⁸ *Supra*, note 8.

¹² *Supra*, note 12.

¹⁷ F.R. 1215, 1836, 2132, 2153, 2299, 2997-3115, 3941.

contract and its number or other designation. After the Office of Price Administration shall have received notice from the certifying Government agency that such contract or subcontract is no longer deemed to be secret, this exception shall not apply to all subsequent sales or deliveries of the commodity or service.

(7) Emergency purchases by the United States or any agency thereof, or by 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, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government, of any commodity for immediate delivery: *Provided*, That the person making such emergency purchases on behalf of the United States or any such Government files a report with the Office of Price Administration, Washington, D. C., within five days after such a purchase is made, certifying that it was made in a situation in which it was imperative to secure the commodity immediately and in which it was impossible to secure, or unfair to require, immediate delivery at the applicable maximum price, and setting forth (i) the name and address of the seller (ii) date of purchase (iii) date of delivery (iv) description of commodity purchased (v) quantity purchased (vi) price at which purchased, and (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.

(8) Prior to January 1, 1943, to sales or deliveries to the United States or any agency thereof, or 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, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government, of the following commodities:

(i) The following Ski Troop equipment: carabineers, ice axes, pitons, ski bindings, ski poles, ski wax, mountain and ski goggles;

(ii) Mountain and ski stoves (gasoline, one burner);

(iii) Field ranges, model-1937 (Quartermaster Corps); spare parts therefor, Class A; accessories therefor, parts 222, 223, 224, 225, 226, 227, 228, 229, 230, as listed in Instructions for Operation and Care of Gasoline Field Range, model 1937 (Quartermaster Corps);

(iv) Canteens, canteen cups, and meat cans, model M-1942 (Quartermaster Corps);

(v) Helmet liners, model M-1 (Quartermaster Corps);

(vi) Wire cutters, model M-1938 (Quartermaster Corps);

(vii) Identification tags, model M-1940 (Quartermaster Corps);

(viii) Metal insignia, cap and collar (for enlisted men);

(ix) Paratroop knives;

(x) United States Army field rations C, D and K.

(9) Sales or deliveries to the United States or any agency thereof of Brazilian

rock quartz crystals suitable for piezoelectrical purposes.

(10) Sales or deliveries of metallic copper, lead, or zinc, or of ores or concentrates containing copper, lead or zinc, to the Metals Reserve Company, or its duly authorized agent or agents, pursuant to the premium price plan announced by the Federal Loan Agency, the War Production Board, and the Office of Price Administration.

(11) Sales or deliveries of aluminum scrap to the Metals Reserve Company, or its duly authorized agent or agents, pursuant to the program with respect to idle or excessive inventories of aluminum materials adopted and announced on February 24, 1942, by the War Production Board, Division of Industry Operations.

(12) Sales or deliveries of nickel-bearing scrap materials to the Metals Reserve Company, or its duly authorized agent or agents, pursuant to the program with respect to frozen stocks of metallic nickel adopted and announced on April 15, 1942, by the War Production Board Division of Industry Operations.

(13) Sales or deliveries after May 17, 1942, of any imported commodity to the United States or any agency thereof, or 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, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government, or to any person who will use the imported commodity purchased by him to fulfill a contract with the United States or any agency thereof, or with any such Government or any agency of any such Government, or a subcontract under any such contract: *Provided*, That this exception shall not apply to any lumber and shingles produced in and imported from Canada or to any commodity imported prior to April 1, 1942. For the purposes of this subparagraph (13), the term "imported commodity" means any commodity brought into the continental United States from outside the continental United States or brought into any territory of possession of the United States from outside such territory or possession.

(14) (i) Sales or deliveries to the Agricultural Marketing Administration for Lend-Lease purposes exclusively, of solid pack pie apricots in No. 10 cans.

(ii) Sales or deliveries to the United States or any agency thereof, or 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, 1941, entitled "An Act to promote the defense of the United States" or any agency thereof, of canned dried eggs.

(15) Sales or deliveries of any commodity by the War Department or the Department of the Navy of the United States through such Departments' sales stores, including commissaries and ships' stores ashore and by stores operated as army canteens, post exchanges or ships' service activities.

(b) Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with 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, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government, or a subcontract under any such contract, who believes that a maximum price established by the General Maximum Price Regulation impedes or threatens to impede production of a commodity, or supply of a service, which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of such maximum price in accordance with Procedural Regulation No. 6. Upon the filing of an application for adjustment and pending the issuance of an order granting or denying such application, contracts or subcontracts may be entered into, or offered to be entered into, and deliveries may be made, at the price requested in such application. If, however, the order issued denies the application in whole or in part, the contract price shall be revised downward to the maximum price ordered, and if any payment has been made at the requested price, the applicant may be required to refund the excess.

(c) *Definitions.* 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.

This Supplementary Regulation No. 4 (§ 1499.29) shall become effective July 1, 1942. (Pub. Law No. 421, 77th Cong.)

Issued this 1st day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6236; Filed, July 1, 1942; 5:16 p.m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 3 to Supplementary Regulation 11* to General Maximum Price Regulation]

EXCEPTED SERVICES

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

Paragraph (a) in § 1499.46 is amended to read as set forth below:

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

(1) Transportation services of carriers, other than common carriers within the exemption conferred by § 302 (c) of the Emergency Price Control Act of 1942.

(2) Commercial storage and warehousing and services incident thereto.

(3) Services of stevedoring companies.

(4) Services of car loading and car unloading companies.

(5) Services of transportation equipment rental companies.

(6) Services of freight forwarders, consolidators, or distributors, not offering such services to the general public as common carriers within the exemption conferred by section 302 (c) of said Act.

(7) Terminal services.

(8) Services of transportation brokers.

(9) Services of custom brokers.

(10) Services of transportation agents (other than employees of transportation companies).

(11) Packing, crating, marking and labelling of shipments.

(12) Pre-cooling, icing, ventilating, and heating of shipments and of transportation equipment.

* * * *

(d) * * *
(4) Amendment No. 3 (§ 1499.46 (a)) to Supplementary Regulation No. 11 shall become effective July 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6232; Filed, July 1, 1942;
5:11 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 1 to Supplementary Regulation 13¹ to General Maximum Price Regulation²]

TERRITORIES AND POSSESSIONS

ALASKA

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 § 1499.204 is added to read as set forth below:

§ 1499.204 *Sales and deliveries of certain commodities in the territory of Alaska.* (a) The provisions of the General Maximum Price Regulation shall be applicable to the territory of Alaska, except that in all sales and deliveries to a buyer in the territory of Alaska of all commodities not actually produced or manufactured in the territory of Alaska, the maximum price shall be:

(1) The direct cost to the seller of the commodity sold.

(2) Plus the amount of mark-up over the direct cost to the seller of the commodity sold during the period from November 7, 1941 to December 6, 1941, inclusive, which the seller added in his highest selling price for the same or similar commodity sold during such period, or if no sale was made during such period, the amount of such mark-up added by the seller in his highest selling price of such commodity during the last thirty days prior to November 7, 1941, in which a sale was made.

¹ 7 FR. 4798.

² 7 FR. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659.

Provided: That the price determined in accordance with this section, if such price is not in line with the maximum prices of other similar sellers, may be adjusted by the Administrator of the Ninth Region of the Office of Price Administration, subject to review as provided in Procedural Regulation No. 7.³

(b) Where, a seller offers for sale or delivery to a buyer in the territory of Alaska any commodity not actually produced or manufactured in the territory of Alaska, and the maximum price of such commodity cannot be determined under the provisions of paragraph (a) hereof, the maximum price of such commodity shall be specifically authorized by the Administrator of the Ninth Region. The seller of such a commodity shall file a petition in accordance with the provisions of Procedural Regulation No. 7.³ Such petition shall contain:

(1) A description of the commodity.

(2) A statement of the facts which prevent determination of the maximum price under paragraph (a).

(3) The price charged by sellers of the same competitive class for the same or similar commodity.

(4) A statement of the direct cost of the commodity to the seller.

(5) The price at which the seller intends to offer the commodity for sale.

(6) Such other facts which the seller deems relevant in the determination of a price for such commodity.

The Administrator of the Ninth Region shall authorize a price which is in line with the maximum prices of other similar sellers of the same or similar commodity, subject to review as provided in Procedural Regulation No. 7.³

(c) *Records and Reports.* (1) Every person within the territory of Alaska, offering to sell or deliver to a buyer in the territory of Alaska those cost-of-living commodities, included in § 1499.25, Appendix B of the General Maximum Price Regulation, which are not actually produced or manufactured in the territory of Alaska, shall file with the Territorial Office of the Office of Price Administration, not later than August 1, 1942, a report, setting forth:

(i) A list of all such commodities offered for sale by such person, and the selling price thereof.

(ii) The maximum price which the seller is permitted to charge for each such commodity under the provisions of this section.

(iii) The direct cost, as defined herein, of every such commodity listed.

(iv) The amount of mark-up of every such commodity listed.

(v) The highest price at which the seller sold a commodity, the same as or similar to such listed commodity during the period from November 7, 1941 to December 6, 1941, inclusive, or if the commodity was not sold during such period, then the highest selling price of such commodity during the last thirty

³ 7 FR. 4779.

days prior to November 7, 1941, in which a sale was made.

(vi) The amount of mark-up which the seller added in the price submitted under subdivision (v) above.

(2) Supplementary reports shall be filed by the seller whenever his price for a commodity is lower or higher than the price previously submitted under subparagraph (1) (ii).

(3) All reports shall be signed under oath.

(4) Every person offering to sell or deliver to a buyer in the territory of Alaska commodities, not included among the cost-of-living items set forth in § 1499.25, Appendix B, of the General Maximum Price Regulation, and which are not actually produced or manufactured in the territory of Alaska, shall prepare, not later than August 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement of the information required under subparagraph (1).

(5) Persons affected by Supplementary Regulation No. 13 shall submit such other reports to the Office of Price Administration, as it may from time to time require.

(6) The statements provided for under §§ 1499.11 (b) and 1499.13 (b) of the General Maximum Price Regulation shall not be required of sellers hereunder.

(d) The requirements in § 1499.13 (a) of the General Maximum Price Regulation for marking or posting cost-of-living commodities shall be applicable to the maximum prices established in §§ 1499.2 and 1499.3 of the General Maximum Price Regulation and paragraph (a) of this section, except that such maximum prices shall be marked or posted on and after August 1, 1942, instead of on and after the date prescribed in § 1499.13 (a) of the General Maximum Price Regulation.

(e) *Definitions.* As used in this section, the term:

(1) "*Direct cost to the seller*" means the price which the seller paid for the commodity, less discounts allowed to the seller, plus all cost-of-shipment actually incurred by the seller.

(2) "*Amount of mark-up*" means the amount in dollars and cents which added to the amount of direct cost constituted the seller's price. It does not mean the percentage of mark-up.

(3) "*Selling price*" means the price for which a commodity is sold, offered for sale, or listed for sale.

(4) "*Sales and deliveries to a buyer in the territory of Alaska*" does not include sales from a seller outside the territory of Alaska to a purchaser in the territory of Alaska. Export sales, from a seller in the Continental United States to a purchaser in Alaska shall be governed by the maximum prices established for export sales by the Maximum Export Price Regulation.⁴

⁴ 7 FR. 3096, 3824, 4204, 4641.

(5) 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.

§ 1499.203 *Effective dates.* * * *

(b) Amendment No. 1 (§ 1499.204) to Supplementary Regulation No. 13 to the General Maximum Price Regulation shall become effective July 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6237; Filed, July 1, 1942; 5:15 p. m.]

PART 1340—FUEL

[Amendment 8 to Maximum Price Regulation 120¹]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT
RIVER TRANSPORTATION

A statement of considerations involved in the issuance of this Amendment has been filed with the Division of the Federal Register.

A new subdivision (i) is added to § 1340.210 (a) (4) as set forth below:

§ 1340.210 *Maximum price instructions.* * * *

(a) * * *

(4) * * *: *Provided* (i) That where deliveries are made in river transportation facilities owned or subject to the control of the producer or distributor, or a subsidiary or affiliate of the producer or distributor, via the Kanawha and Ohio Rivers and from mines or preparation plants located in District No. 8, there may be added to the applicable maximum price established herein, a sum not in excess of the average charge made by the producer or distributor concerned, or by his subsidiary or affiliate during October 1941 for the same transportation service, or, in the case of a service which was not supplied in October 1941, the offering price therefor in October 1941, but in no event to exceed the lowest common carrier rate for the same service.

§ 1340.211a *Effective dates of amendments* * * *

(i) Amendment No. 8 (§ 1340.210 (a) (4)) to Maximum Price Regulation No. 120 shall become effective July 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6254; Filed, July 2, 1942; 12:00 m.]

¹ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540.

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

[Amendment 2 to Maximum Price Regulation 114¹]

WOODPULP

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

Section 1347.232(d) is amended to read as follows:

§ 1347.232 *Appendix A: Maximum prices for woodpulp.* * * *

(d) (1) Producers of sulphite woodpulp of special chemical, high alpha, or glassine grades, producers of sulphate woodpulp of special chemical or condenser grades, and producers of woodpulp produced in whole or in part from rags, paper stock or any fibre material other than wood shall, before making any sale of woodpulp of any such grade, submit to the Administrator a sworn statement setting forth all the relevant facts, including:

(i) Grade and grade name of woodpulp proposed to be sold;

(ii) Special characteristics which bring the grade or grades involved within the provisions of this paragraph (d);

(iii) Proposed sales prices per air dry ton, and terms of sale (i. e. delivered, delivered with freight allowed, f.o.b. mill, ex dock Atlantic seaboard, or other);

(iv) Names and addresses of customers to whom such woodpulp have been sold in the fourth quarter of the year 1941, and thereafter;

(v) Prices per air dry ton at which these woodpulp have been sold to all such customers in the fourth quarter of 1941, and thereafter, and the terms of all such sales;

(vi) An itemized statement of the costs of production of such woodpulp per air dry ton.

(2) After the sworn statement referred to in subparagraph (1) has been received by the Office of Price Administration, the petitioner may sell and deliver any grade of woodpulp at its proposed price, if, but only if, it expressly agrees with each customer to adjust the price, if necessary, to conform with any order or ruling issued by the Administrator with respect thereto. If at the expiration of twenty-one days from the date of receipt of the said sworn statement, the Administrator does not issue an order establishing a maximum price lower than the petitioner's proposed price for the grade and fails to rule that the grade does not fall within the provisions of paragraph (d) of this section, the petitioner may complete any transactions made by him in the twenty-one day period aforesaid at his proposed price and may thereafter continue to

¹ 7 F.R. 2843.

sell such grade at prices not in excess of his proposed price unless and until the Administrator by order establishes a lower maximum price.

§ 1347.231a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1347.232 (d)) shall become effective July 4, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6253; Filed, July 2, 1942; 12:00 m.]

PART 1375—EXPORT PRICES

REVISED MAXIMUM EXPORT PRICE REGULATION¹

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

Sections 1375.1 to 1375.9 inclusive are renumbered and revised to read as set forth below.

AUTHORITY: §§ 1375.1 to 1375.11 inclusive issued under Pub. Law 421, 77th Cong.

§ 1375.1 *Maximum export price.* On and after July 2, 1942, regardless of the terms of any contract of sale or purchase, or of any export license thereafter issued by the Board of Economic Warfare or other governmental agency, no exporter shall sell, offer to sell, transport, ship, or participate in the transportation or shipment of, any commodity at a price in excess of the following maximum export prices:

(a) In the case of an exporter other than the manufacturer or producer of the commodity the maximum export price shall be either:

(1) The price at which the commodity was acquired for export or the maximum domestic price which would be applicable to a current sale of the commodity to the exporter by the supplier thereof, plus the additions thereto authorized by paragraphs (a) and (b) of § 1375.2 and less the deductions provided by § 1375.3 (a); or

(2) The maximum domestic price, at the point from which the commodity is to be shipped for export, which would be applicable to a sale of the commodity by the exporter to a domestic purchaser similar to the purchaser outside the Continental United States, plus the additions thereto authorized by § 1375.2 (b) less the deductions provided by § 1375.3 (a). In the event that a maximum domestic price for such a sale of the commodity by the exporter is not determinable, a price in line with the maximum undelivered price which would be applicable to such a sale by the domestic jobber or wholesaler

¹ 7 F.R. 3036.

located nearest the point from which the commodity is to be shipped for export may be substituted as the basic price and the additions authorized by § 1375.2 (b) and the deductions provided by § 1375.3 (a) made thereto.

(b) In the case of an exporter who is the manufacturer or producer of the commodity to be exported, the maximum export price shall be his maximum domestic price for the commodity to a domestic purchaser similar to the purchaser outside the Continental United States or, in case there is no such price, shall be his maximum domestic price to such a similar purchaser for the most nearly similar commodity of equal or lower quality or grade or, in the absence of both of the foregoing, the highest price at which the commodity to be exported was sold to such a similar purchaser in the domestic market on the date the contract of export sale was entered into, plus the additions thereto authorized by paragraphs (a) and (b) of § 1375.2 and less the deductions provided by § 1375.3 (b).

(c) In the case of an exporter who is the manufacturer or producer of a commodity which is not sold domestically by any seller and for which there is no comparable domestic product, the maximum export price shall be the highest price charged in the export market by the manufacturer or producer to the same purchaser, or to a similar purchaser outside the Continental United States during the period March 1–April 15, 1942. No such price shall be charged until twenty days after an affidavit has been filed with the Office of Export Price Control, Office of Price Administration, Washington, D. C., stating that no comparable product sold in the domestic market exists, showing the maximum export price proposed to be charged on export sales of the commodity, and indicating the transaction or transactions in the March 1–April 15, 1942, period upon which the proposed price is based, unless approval of such price is given prior to the expiration of such twenty days. The Price Administrator may disapprove the prices proposed or deny the right to use this section of this Maximum Export Price Regulation on the ground that a comparable domestically sold product does exist.

(d) In the case of solid fuels exported to the Territories of Alaska and Hawaii, the Dominion of Canada and Newfoundland, the maximum export price shall be that established by Maximum Price Regulations Nos. 120, 121, and 122 to the extent that such regulations are applicable.

§ 1375.2 *Additions to cost or domestic price.* (a) An amount (stated either as a percentage or as a flat amount, depending upon the customary practice in the trade) not in excess of the average premium charged in the export trade for the particular services or functions performed during either the period July 1–December 31, 1940, or March 1–April 15, 1942, whichever average premium is the lower, may be added by the exporter to his cost of acquisition, maximum domes-

tic price or other basic price, as provided in § 1375.1 of this Maximum Export Price Regulation. In determining the applicable premium, due recognition shall be given to existing differentials in the export premiums charged by different types of exporters, differences in premium resulting from variations in the size or value of exports or from variations in the volume of business done by various exporters, as well as to differentials in premium between exports to the Territories and possessions of the United States, Canada, and the various foreign nations: *Provided*, That no premium may be added to a maximum export price computed under § 1375.1 (a) (2) or § 1375.1 (c): *Provided further*, That the applicable average export premium shall not be increased by reason of the fact that more than one exporter participates in the process of exportation.

(b) An amount, in addition to the foregoing premium, may be added by the exporter to his cost of acquisition, maximum domestic price or other basic price as provided in § 1375.1 of this Maximum Export Price Regulation, to compensate for expenses, such as war risk insurance, consular fees, export packing charges, demurrage charges, and shipping charges, incident to the export and absorbed or to be absorbed by the exporter. When the price on a particular commodity or on particular types of export has been customarily computed by the individual exporter on a delivered f. a. s. or c. i. f. basis, inland or other shipping charges may be added as export expenses to the extent that the actual transportation and shipping charges exceed the charges customarily incurred and absorbed on export sales during the period July 1–December 31, 1941.

§ 1375.3 *Deductions from maximum export price.* (a) An exporter other than the manufacturer or producer shall deduct from the maximum export price the amount of any drawback of import duties, excise taxes, or export subsidy to which the exporter is entitled and lays claim, with allowance for the expenses incurred in obtaining such drawback.

(b) An exporter who is the manufacturer or producer shall deduct from the maximum export price the amount of any drawback of import duties, excise taxes, or export subsidy by which his cost of manufacture of the commodity being exported is reduced below the cost of manufacture of the same or a similar article sold domestically.

§ 1375.4 *Promulgation of specific maximum export premiums.* The Office of Price Administration may, from time to time, promulgate figures which shall reflect the average premium charged in the export trade for particular services or functions performed during either the period July 1–December 31, 1940 or March 1–April 15, 1942, whichever average premium is lower. Where the periods July 1–December 31, 1940 or March 1–April 15, 1942 are determined by the Price Administrator to be inappropriate base periods, or where the trade or industry finds great difficulty in discovering an appropriate premium in the base periods,

the Office of Price Administration may publish a specific export premium for the trade or industry. In case of such promulgation, and pursuant to and subject to the terms of the promulgation, the premium therein stated shall become the maximum premium to be charged in the export trade. Such promulgation or promulgations, shall be in the form of amendments to this Maximum Export Price Regulation, and shall be inserted as subparagraphs of § 1375.5.

§ 1375.5 *Specific maximum export premiums.* (a) The maximum export premium to be charged on an export sale of any finished piece goods, as defined in Maximum Price Regulation No. 127^a (whether covered by that regulation or not), shall be

(1) For finished piece goods covered by Maximum Price Regulation No. 127:

(i) If sold by the manufacturer or converter thereof, an amount not in excess of 6% of the domestic maximum price applicable to a sale by such person to a Class I domestic purchaser.

(ii) If sold by a person other than the manufacturer or converter thereof, an amount not in excess of 6% of the domestic maximum price applicable to a sale by such person to a Class I domestic purchaser.

(2) For finished piece goods other than those covered by Maximum Price Regulation No. 127:

(i) If sold by the manufacturer or converter thereof, an amount not in excess of 6% of the domestic maximum price applicable to a sale by such person to a domestic purchaser similar to the purchaser located outside the Continental United States.

(ii) If sold by a person other than the manufacturer or converter thereof:

(a) If the goods to be exported were acquired directly from the converter or manufacturer thereof, an amount not in excess of 13½% of the cost of acquisition;

(b) If the goods to be exported were acquired from a person other than the converter or manufacturer thereof, an amount not in excess of 8½% of the cost of acquisition.

§ 1375.6 *Exceptions.* (a) The provisions of this Maximum Export Price Regulation shall not be applicable to any export made pursuant to a contract of sale entered into prior to April 30, 1942 for which an export license is not required or which is made under a validly outstanding export license issued by the Board of Economic Warfare or the Department of State prior to April 30, 1942: *Provided*, That the exception here granted shall apply to exports for which an export license is not required or which are made under general or unlimited licenses issued by the Board of Economic Warfare only if the commodity is actually transported outside of the Continental United States prior to October 1, 1942.

^a 7 F.R. 3119, 3242, 4180.

(b) The Administrator, subject to such terms and conditions as he shall determine to be necessary or desirable, may grant an exception to the provisions of this Maximum Export Price Regulation in any case in which a certificate is received by the Administrator from the Board of Economic Warfare certifying that such exception is necessary for considerations of political or military necessity or because of the requirements of economic warfare.

(c) The provisions of this Maximum Export Price Regulation shall not be applicable to any export under a contract of sale entered into prior to April 30, 1942, the price for which was determined under the export provisions of a specific price schedule or regulation issued by the Office of Price Administration prior to April 25, 1942.

§ 1375.7 *Records.* (a) Each exporter, in connection with any export for which a specific export license is required, either in the space provided under question 17 of the duplicate and triplicate copies of the export license application to be filed with the Office of Export Control, Board of Economic Warfare, or in the space provided in any form of export license application hereafter promulgated, shall state the following information:

(1) In the case of an exporter other than the manufacturer, the cost of acquiring the commodity or other basic price (exclusive of any expenses incident to export), or in the case of the manufacturer, the maximum domestic price or other basic price to which the additions authorized by paragraphs (a) and (b) of § 1375.2 are to be made, and

(2) The amount of the premium to be added pursuant to § 1375.2 (a).

(b) In addition, each exporter shall, for a period of not less than two years from the date of export, retain a record of each export transaction which shall contain all the facts pertinent thereto, including:

(1) (i) In the case of an export by a person other than the manufacturer, the cost of acquisition and name and address of the person from whom the commodity was acquired, or other basic price authorized by § 1375.1 (a).

(ii) In the case of an export by a manufacturer or producer the maximum domestic price or other basic price authorized by paragraphs (b) and (c) of § 1375.1.

(2) The name and address of the importer to whom the export sale was made, and

(3) The aggregate price charged, the amount of the premium added pursuant to § 1375.2 (a) and the amount of each additional item of expense added pursuant to § 1375.2 (b) together with a copy of the invoice, bill of lading or other statement rendered to the importer in connection with the export sale.

(c) Such records shall be available for inspection by duly authorized representatives of the Office of Price Administration and the Administrator may require their

submission for periodical inspection if he deems such inspection necessary or desirable.

§ 1375.8 *Definitions.* (a) When used in this Maximum Export Price Regulation the term:

(1) "Export" or "export sale" means any sale of a commodity located within the Continental United States by a seller in the Continental United States to a purchaser outside thereof in which the commodity sold is transported from the Continental United States to a point outside thereof and includes any sale of the exported commodity by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the Continental United States: *Provided*, That it shall not include such a sale if the agent or subsidiary has processed, fabricated or otherwise substantially changed the form of the commodity exported, or if the sale by the agent or subsidiary is through a regularly established retail outlet owned or operated by the agent or subsidiary.

(2) "Exporter" means any individual, partnership, association or corporation, including a manufacturer, export agent, export merchant, or commission merchant, engaging or participating, as principal or agent, in an export sale.

(3) "Continental United States" means only the forty-eight States and the District of Columbia.

(4) "Maximum domestic price" means the highest price at which the particular seller may, under any applicable price schedule, regulation or order issued by the Office of Price Administration, sell, offer to sell, deliver or transfer a particular commodity to a given class of purchaser within the Continental United States.

(5) "Exporter who is the manufacturer or producer" shall include wholly owned subsidiaries, related companies all of whose stock is owned by a common parent, and persons to whose specifications and under whose supervision products are manufactured by another, as well as the actual manufacturer or producer.

(6) The term "domestic purchaser similar to the purchaser outside the Continental United States" means a domestic purchaser of the same general class as the purchaser outside the Continental United States, e. g., manufacturer, wholesaler, jobber, exclusive distributor, retailer, government agency, public institution, individual consumer, or other class of purchaser for which the seller has an established price.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1375.9 *Enforcement.* (a) Any person violating either directly or indirectly the provisions of this Maximum Export Price Regulation shall be subject to the civil and criminal penalties, civil enforcement actions, suits for treble dam-

ages or other enforcement procedures authorized by the Emergency Price Control Act of 1942.

(b) Any person having evidence of any violation of this Maximum Export Price Regulation or any maximum price schedule, regulation or order issued by the Office of Price Administration is urged to communicate with the nearest regional or field office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1375.10 *Existing maximum price schedules, regulations or orders.* No provision of any maximum price schedule, regulation or order heretofore promulgated by the Office of Price Administration shall be deemed to authorize any action inconsistent with the provisions of this Maximum Export Price Regulation and, to the extent that the provisions of any existing schedule, regulation or order are inconsistent or in conflict with the provisions of the Maximum Export Price Regulation, such provisions are hereby revoked and superseded.

§ 1375.11 *Effective date.* The Maximum Export Price Regulation (§§ 1375.1 to 1375.11, inclusive), shall become effective July 2, 1942.

Issued this 2d day of July, 1942.

LEON HERDERSON,
Administrator.

[F. R. Doc. 42-6260; Filed, July 2, 1942;
12:02 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Maximum Price Regulation 174]

FREIGHT CAR MATERIALS SOLD BY CAR BUILDERS

In the judgment of the Price Administrator the application of the General Maximum Price Regulation¹ and other specific regulations and orders heretofore issued to sales of freight car materials by car builders would tend to hinder the interchange between car builders of surplus scarce materials in accordance with Supplementary General Limitation Order No. L-97-3-1, as amended, issued by the War Production Board.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Therefore under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1² issued by the Office of Price Administration, Maximum Price Regulation No. 174 is hereby issued.

AUTHORITY: §§ 1390.51 to 1390.53, inclusive, issued under Pub. Law 421, 77th Cong.

¹7 F.R. 3133, 3153.

²7 F.R. 871.

§ 1390.51 *Prohibition against selling freight car materials above maximum prices.* Notwithstanding the provisions of the General Maximum Price Regulation, of any other regulation or order heretofore issued by the Office of Price Administration, or of any contract, agreement or other obligation, on and after May 26, 1942, no car builder shall sell to another car builder or to a railroad, pursuant to Supplementary General Limitation Order No. L-97-a-1, as amended, issued by the War Production Board, any freight car material, and no car builder or railroad shall buy from a car builder any such freight car material, at a price higher than the maximum price permitted by § 1390.52. The price at which any sale, delivery or offer to sell was made between May 26, 1942, and July 2, 1942, shall be adjusted so as not to exceed the maximum price herein permitted.

§ 1390.52 *Maximum prices for freight car materials sold by car builders.* (a) The maximum price for any freight car material or any sale by one car builder to another car builder or by a car builder to a railroad shall not exceed the total of the following:

(1) The selling car builder's net invoiced cost of such freight car material, or the maximum price otherwise established by the Office of Price Administration for the purchase of such material by the selling car builder, at the time of sale pursuant to such Supplementary General Limitation Order No. L-97-a-1, as amended, whichever is lower;

(2) Inbound freight paid by the seller on such freight car material, if any;

(3) Direct labor costs, if any, incurred by the selling car builder in partly or wholly fabricating or finishing such freight car material, determined on the basis of labor rates in effect on October 1, 1941; and

(4) Any State sales or retailer's occupational tax levied on such sale.

§ 1390.53 *Less than maximum prices.* Lower prices than those set forth in § 1390.52 may be charged, demanded, paid or offered.

§ 1390.54 *Records, and reports.* (a) Every car builder who sells any freight car material to another car builder or to a railroad, shall file a report with the Office of Price Administration, Washington, D. C., on or before the fifteenth day of each month, covering all sales made in the preceding calendar month. The first such report shall be filed on or before August 15, 1942 and shall cover all sales made between May 26, 1942 and August 1, 1942. Such report shall set forth (1) description of each item of freight car material sold; (2) quantity sold; (3) unit in which sold; (4) unit purchase price; (5) unit inbound freight, if any; (6) total unit cost (item 4 plus item 5); (7) direct labor cost of fabrication per unit, if any at October 1, 1941 rates; (8) unit selling price f. o. b. seller's plant (item 6 plus item 7); (9) unit state sales tax, if any; and (10) name of purchaser and destination.

(b) Every such car builder shall keep records of each sale containing the data

used in preparing the reports required in paragraph (a) hereof.

(c) Every car builder shall keep such other records and file such other reports as the Office of Price Administration may at any time require in writing, either in addition to or in substitution for records and reports herein required.

§ 1390.55 *Petitions for amendment.* Any car builder seeking a modification of any provision of this Maximum Price Regulation No. 174 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1390.56 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 174 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. 174 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.

§ 1390.57 *Definitions.* (a) When used in this Maximum Price Regulation No. 174, the term:

(1) "Car builder" means any person engaged in the building of railroad freight cars either for his own use or for sale to others;

(2) "Freight car material" means any material which will ultimately be incorporated into the structure of a railroad freight car and which is sold by a car builder pursuant to Supplementary General Limitation Order No. L-97-a-1, as amended, issued by the War Production Board.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1390.58 *Effective date and termination date.* This Maximum Price Regulation No. 174 (§§ 1390.51 to 1390.58, inclusive) shall become effective July 2, 1942 and shall terminate on December 31, 1942.

Issued this 2d day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6255; Filed, July 2, 1942;
11:59 a. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[Revised Ration Order 7¹]

NEW ADULT BICYCLE RATION REGULATIONS

Pursuant to the authority vested in me by Executive Order No. 9125, issued

*7 F.R. 3666.

by the President on April 7, 1942; War Production Board Directive No. 1, issued January 24, 1942, and Supplementary Directive No. 1G, issued May 13, 1942.

Sections 1391.1 to 1391.12 are renumbered and amended to read as set forth below:

Sec.	
1391.1	Definitions.
	ADMINISTRATION AND PERSONNEL
1391.2	Personnel.
1391.3	Jurisdiction of Board.
	RESTRICTION ON TRANSFERS
1391.4	Restriction on transfers.
1391.5	Transfers not restricted.
	TRANSFERS FOR USE OR SALVAGE
1391.6	Transfers for use or salvage.
1391.7	Eligibility for certificates.
1391.8	Application to Board.
1391.9	Action by Board.
1391.10	Applications to Office of Price Administration.
1391.11	Certificates.
1391.12	Use of certificates.
1391.13	Surrender of certificates.
1391.14	Use of WPB orders.
	NEW ADULT BICYCLE QUOTAS
1391.15	Establishment of quotas.
1391.16	Allotment of State and Board quotas.
1391.17	Board action subject to quota.
1391.18	Application by Board for quota adjustment.
1391.19	Application by State Director for quota adjustment.
	APPEALS
1391.20	Grounds for appeal to State Director.
1391.21	Filing of appeals.
1391.22	Action on appeals.
1391.23	Review by Office of Price Administration.
	TRANSFERS FOR RESALE
1391.24	Transfers for resale.
1391.25	Authorization for initial or increased inventory.
1391.26	Use by dealers and distributors of authorizations, and Parts B of certificates, authorizations and WPB orders.
1391.27	Records to be kept by dealers and distributors.
1391.28	Transmittal of authorizations and WPB orders issued prior to July 9, 1942.
	MANUFACTURERS
1391.29	Report of transfers by manufacturers.
	RIGHTS OF PARTIES UNDER CONTRACTS
Sec.	
1391.30	Rights of parties under contracts when delivery is prohibited.
	ENFORCEMENT
1391.31	Violations heretofore committed.
1391.32	Unlawful use or possession.
1391.33	Criminal prosecutions.
1391.34	Denial of materials.
1391.35	Complaints of violations.
	EFFECTIVE DATE
1391.36	Effective date.
	AUTHORITY: §§ 1391.1 to 1391.36, inclusive, issued under Pub. Law 671, Seventy-sixth Congress, as amended by Pub. Law 69, Seventy-seventh Congress, and by Pub. Law 607, Seventy-seventh Congress, Pub. Law 421, Seventy-seventh Congress, W. P. B. Directive No. 1, Supplementary Directive No. 1G, 7 F.R. 562, 3546.

Definitions

§ 1391.1 *Definitions.* (a) When used in this Revised Ration Order No. 7:

(1) "Adult bicycle" means any pedal-propelled, non-motor two-wheeled vehicle, with a frame measurement from the center of the crank to the top of the seat post mast of more than 17 inches.

(2) Authorization refers to an authorization issued by the Office of Price Administration permitting the acquisition of new adult bicycles.

(3) "Board" means a War Price and Rationing Board.

(4) Certificate refers to a certificate issued pursuant to § 1391.7 authorizing the acquisition of a new adult bicycle.

(5) Certification refers to a letter of certification issued by the Office of Price Administration prior to July 9, 1942, authorizing the transfer to a dealer of new adult bicycles.

(6) "Consumer" means any person acquiring a bicycle for personal use, or for the use of his officer, agent, employee or volunteer worker, or for any industrial or business purpose other than sale or rental of such bicycle.

(7) "Dealer" means any person regularly engaged in the business of selling new adult bicycles at retail and includes a person purchasing a new adult bicycle for sale to his officer, agent, employee or volunteer worker.

(8) "Distributor" means any person, other than a manufacturer, regularly engaged in the business of offering new adult bicycles for sale to dealers and includes, but is not limited to, jobbers and wholesalers.

(9) "Government agency" means and includes any department, board, bureau, commission, office or other Government unit, whether Federal, State, local or foreign, and any corporation wholly owned by any such Government or Government unit.

(10) "Manufacturer" means any person engaged in the business of manufacturing or assembling new adult bicycles.

(11) "New adult bicycle" means an adult bicycle which has not been sold to and used by a consumer, and includes any such bicycle which has been stolen from a dealer or distributor and returned to him, regardless whether it was sold or used between the date it was stolen and the date of its return, but does not include a rental bicycle.

(12) OPA Inventory Unit refers to the Inventory Unit of the Office of Price Administration located in the Empire State Building, New York, N. Y.

(13) "Person" means any individual, partnership, corporation, association, business trust, Government or Government agency, or any organized group of persons.

(14) "Rental bicycle" means any bicycle which was segregated and used for rental purposes prior to April 2, 1942, and which was held for such purposes on that date.

(15) "Transfer" means sale, lease, trade, loan, gift, delivery, shipment, change of ownership or title or physical possession, conversion to use of a new

adult bicycle held for sale whether or not a change of ownership or possession is involved, or construction from a new adult bicycle held for sale of any type of vehicle, including, but not limited to, a three-wheeled or a motor vehicle.

(16) WPB order refers to an order of the Director of Industry Operations of the War Production Board authorizing the acquisition of a new adult bicycle.

(b) Where the context so requires, words in the singular shall include the plural, and the masculine gender shall denote the feminine and neuter.

Administration and Personnel

§ 1391.2 *Personnel.* (a) Revised Ration Order No. 7 shall be administered by the Office of Price Administration through its War Price and Rationing Boards, and such other administrative personnel as it may designate.

(b) No person participating in the administration of Revised Ration Order No. 7 shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood or marriage.

§ 1391.3 *Jurisdiction of Board.* For purposes of Revised Ration Order No. 7 each Board shall have jurisdiction over every person who resides, or owns or operates a business, in the area which the Board is designated to serve, except as otherwise provided in § 1391.10, with respect to Federal agencies and the American Red Cross.

Restriction on Transfers

§ 1391.4 *Restriction on transfers.* Notwithstanding the terms of any contract, agreement, commitment, or other obligation, regardless of when made, no person shall make or accept a transfer of a new adult bicycle except in accordance with the provisions of Revised Ration Order No. 7.

§ 1391.5 *Transfers not restricted.* The following transfers of new adult bicycles are not restricted:

(a) Transfers for purposes of sale to any of the following persons:

- (1) Manufacturers;
- (2) Transferees of the entire assets of the business of a dealer, distributor or manufacturer;

(3) Persons who in good faith have lent money on the security of, or have financed the sale of, the new adult bicycle being acquired;

(4) Persons acquiring such a bicycle through distraint, levying by execution, attachment or similar forms of judicial process, or repossession on default;

(5) Persons duly authorized by law to engage in the insurance business, or their agents, who acquire such a bicycle by exercising the right of subrogation, or in consequence of the payment of a claim.

Provided, however, That within 5 days after a transfer under this paragraph (a), the transferee shall report to the OPA Inventory Unit, in writing, the name and address of the transferor and the transferee, the number of new adult bicycles transferred and their make, model

and serial numbers: *And provided further,* That a transferee under subparagraph (2) of this paragraph (a) shall also report the number of certificates, or WPB orders, authorizations, or Parts B thereof, transferred with the assets of the business, and also their serial numbers;

(b) Transfers to, or for the account of, the Army, Navy, or Marine Corps of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, or any person who acquires a new adult bicycle for export to and consumption or use in any foreign country, of the number of new adult bicycles specified in a WPB order, upon surrender to the transferor of the WPB order signed by such transferee;

(c) Physical delivery of such a bicycle by a person who acquired it pursuant to a Certificate issued under paragraph (b) of § 1391.7, or pursuant to an authorization issued prior to July 9, 1942, or by his agent, to his officer, agent, employee or volunteer worker for whose use he was authorized to acquire the bicycle;

(d) Delivery to a carrier for shipment or delivery by a carrier to a consignee: *Provided, however,* That the transfer thus effected between the consignor and the consignee shall not be deemed to be permitted by this paragraph but shall be and remain subject to the provisions of Revised Ration Order No. 7;

(e) Technical transfer of title for security purposes;

(f) Placing such a bicycle in a garage, repair shop, warehouse or other place for storage, or returning it to the person who placed it there;

(g) Transfers to consumers, or to dealers for sale, pursuant to a WPB order, or an authorization or a certification, issued prior to July 9, 1942: *Provided, however,* That no transfer shall be made to a dealer under this paragraph (g) unless the Office of Price Administration has certified to the transferor that the dealer has filed OPA Form R-701 with the OPA Inventory Unit.

Transfers for Use or Salvage

§ 1391.6 *Transfers for use or salvage.* A transfer of a new adult bicycle for use or salvage may be made to, and accepted by, a person to whom a Certificate authorizing acquisition for such purpose has been issued under § 1391.7.

§ 1391.7 *Eligibility for Certificates.* Subject to the quota provisions of Revised Ration Order No. 7, any of the following persons may obtain a certificate:

(a) A person who establishes the following:

(1) That he is engaged:

- (i) In a gainful occupation; or
- (ii) In work which contributes to the war effort or to the public welfare.

(2) That he needs a bicycle at least three days a week, to travel to and from,

or in the performance of, the work or occupation mentioned above.

Unless other circumstances require a contrary conclusion, an applicant shall be deemed to have established his need for a bicycle if he shows any of the following in connection with such work or occupation:

(i) He must travel quickly or frequently in delivering merchandise or messages, or in performing any other work or occupation mentioned above, and he would be better able to do so by bicycle than by walking or by using public transportation facilities; or

(ii) Without a bicycle and using the most convenient public transportation facilities, he would have to walk a total of at least 3 miles in going to and coming from his work or occupation; or

(iii) He would have to spend a total of at least 1½ hours, including necessary walking and waiting time, in going to and coming from his work or occupation by the use of public transportation facilities, which time could be reduced by at least 30 minutes through the use of a bicycle; or

(iv) The available public transportation facilities are overcrowded; or

(v) A bicycle is clearly needed because of other circumstances.

(3) That he does not already have the use of a bicycle which is adequate for his needs.

(4) That, since April 2, 1942, he has not sold or otherwise disposed of a bicycle which was adequate for the purpose for which a new adult bicycle is sought, unless at the time of such disposition he was not engaged in work or an occupation mentioned above or he did not need the bicycle.

(b) Any person may obtain a certificate authorizing the acquisition of new adult bicycles for the use of such person's officers, agents, employees or volunteer workers who, individually or collectively, satisfy the requirements of paragraph (a) of this section: *Provided, however,* That no person may obtain a certificate hereunder who has, since April 2, 1942, sold or otherwise disposed of a bicycle which was adequate for the purpose for which a new adult bicycle is sought unless at the time of such disposition he was not engaged in work or an occupation mentioned above or he did not need the bicycle.

(c) Any person regularly engaged in the insurance, junk or salvage business who desires to acquire a new adult bicycle which has been destroyed by fire or other accident, for the purpose of using it for scrap or for salvaging its parts.

§ 1391.8 *Application to Board.* A person, other than a Federal agency or the American Red Cross, who desires to obtain a Certificate shall file an application on OPA Form R-703 with his Board.

§ 1391.9 *Action by Board.* (a) Subject to the quota provisions of Revised Ration Order No. 7, the Board may grant or deny applications which are properly filed with it.

(b) The Board may issue a certificate to an applicant who meets the requirements of Revised Ration Order No. 7, if such applicant has properly executed and filed his application, and if the Board believes the facts stated in the application to be true.

(c) The Board may, in its discretion, request the applicant to appear in person at a designated time at the office to supply additional pertinent information.

(d) The action of the Board upon an application, the reasons therefor when denied, and the serial number of any certificate issued, shall be noted upon the application which shall then be filed by the Board among its records.

(e) The Board shall notify applicants of the action taken on their applications.

(f) The Board shall indicate whether a certificate authorizes acquisition of a new adult bicycle for use or for salvage, and shall enter on Parts A, B, and C of the certificate the number of bicycles which may be acquired pursuant thereto.

(g) The Board shall require the applicant to sign, in the presence of the clerk, executive secretary or a member of the Board, Parts A and C of the certificate issued to him. Two members of the Board shall sign the certificate.

(h) At intervals of not more than one week, a list of all certificates issued and of the names of the recipients shall be posted at the office of the Board and shall be made available for public inspection at such times and under such circumstances as will not interfere with the conduct of the official business of the Board, except that, the names of intelligence officers of the armed forces of the United States, or members of law enforcement agencies of the United States, or of any State or political subdivision thereof, whose work requires secrecy shall not be included in any such list.

§ 1391.10 *Applications to Office of Price Administration.* All Federal agencies and the American Red Cross shall, if they desire to obtain a certificate, file an application on OPA Form R-703 in the manner provided in paragraph (a) or (b) below:

(a) Any such applicant which hereafter authorizes the Procurement Division of the Treasury Department to acquire a new adult bicycle on its behalf shall file its application with the Procurement Division, for transmittal to the Office of Price Administration, Washington, D. C. Certificates issued pursuant to such applications will be delivered to the Procurement Division of the Treasury Department.

(b) All other such applicants shall file their applications directly with the Office of Price Administration, Washington, D. C.

§ 1391.11 *Certificates.* (a) If an application is granted, a serially numbered certificate in three parts, each bearing the same serial number, shall be issued on OPA Form R-704.

(b) A certificate which has not been used by the person to whom it was issued for the acquisition of a new adult bicycle within 30 days from date of issuance shall be null and void.

(c) A certificate or Part B of a certificate may be exchanged by the issuing Board or by the Office of Price Administration, Washington, D. C., if issued by it, for two or more certificates or Parts B of certificates, in the aggregate authorizing the transfer of not more than the number of bicycles specified in the document so exchanged. Such document shall thereafter be void. It shall be so marked and forwarded to the OPA Inventory Unit.

§ 1391.12 *Use of certificates.* (a) The person to whom a certificate has been issued may acquire the number of new adult bicycles specified therein from a transferor, if he signs Part A of the certificate in the presence of such transferor, and surrenders the certificate to him before accepting delivery of such new adult bicycles, *except that,* in purchases by mail from a mail order house, such signature need not be made in the presence of the transferor.

(b) If the signatures before the Board and the transferor, on Part A of the certificate, do not appear to have been executed by the same person, the dealer or other transferor shall refuse to sell or deliver a new adult bicycle to the person presenting the certificate and shall report these facts to the issuing Board.

(c) If the signatures before the Board and the transferor, on Part A of the certificate, appear to have been executed by the same person, the dealer or other transferor may deliver a new adult bicycle to such person pursuant thereto: *Provided, however,* That a mail order house may ship a new adult bicycle only to the person in whose name the certificate was issued and to his address appearing on the certificate.

(d) Upon delivery of a new adult bicycle, the transferor shall complete and return Part C of the certificate to the transferee to evidence that he acquired the bicycle in accordance with Revised Ration Order No. 7. The transferor shall complete, sign, and forward Part A of the certificate to the OPA Inventory Unit, within 3 days after delivery of such bicycle.

§ 1391.13 *Surrender of certificates.* (a) A certificate which has not been used by a consumer within 30 days after issuance shall be surrendered to the Board which issued it or to the Office of Price Administration, if issued by it.

(b) A person, other than a dealer, distributor or manufacturer, to whom a certificate has been given in exchange for a new adult bicycle shall forward Part B along with Part A thereof to the OPA Inventory Unit, within 3 days after delivery of such bicycle.

§ 1391.14 *Use of WPB orders.* Upon delivery of a new adult bicycle pursuant to a WPB Order issued on or after July 9, 1942, the transferor shall complete, sign, and forward Part A thereof to the OPA Inventory Unit, within 3 days after delivery of such bicycle.

New Adult Bicycle Quotas

§ 1391.15 *Establishment of quotas.* The Office of Price Administration will from time to time set quotas and reserve

quotas stating the maximum number of new adult bicycles for the transfer of which Certificates may be issued under § 1391.7. Such quotas may be altered or revoked as the occasion may demand.

§ 1391.16 *Allotment of State and Board quotas.* The Office of Price Administration will forward to each State Director the quota allotted to his State. The State Director shall then forward to each Board its quota, if any.

§ 1391.17 *Board action subject to quota.* (a) No Board shall issue a certificate in excess of its quota.

(b) During any quota period in which the total number of applications, filed and anticipated, of applicants otherwise entitled to Certificates, exceeds a Board's quota, the Board shall determine which of them are to be granted by weighing the relative needs of the applicants, and the relative importance to the war program, public safety, health and morale of the operation of a bicycle by each applicant.

§ 1391.18 *Application by Board for quota adjustment.* Where a Board believes that the public interest requires an increase in its quota, the Board shall file an application for an additional quota allotment with the State Director setting forth in full the facts warranting such an increase. The State Director may draw upon his state reserve, if any, to augment the quota for such Board.

§ 1391.19 *Application by State Director for quota adjustment.* A State Director may apply to the Office of Price Administration for an allotment from the national reserve to replenish his state reserve. Such application shall be accompanied by a statement setting forth in full the facts on which such application is founded. The Office of Price Administration may draw upon the national reserve to replenish a state reserve.

Appeals

§ 1391.20 *Grounds for appeal to State Director.* Any applicant for a new adult bicycle whose application has been denied by a Board and who believes that such action is in conflict with Revised Ration Order No. 7 may file an appeal from such action with the State Director.

§ 1391.21 *Filing of appeals.* (a) An appeal from an action taken by a Board may be filed only within 30 days after such action has been taken.

(b) The applicant shall file a statement in writing and under oath setting forth the specific section of Revised Ration Order No. 7 which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.

§ 1391.22 *Action on appeals.* The State Director may require the Board or the appellant to furnish pertinent information, in addition to that furnished before the Board, with respect to any appeal pending before him. The State Director may affirm the decision of the Board, or may reverse or modify such decision and remand the matter to the Board for consistent action. The State Director's ruling shall be in writing and shall be communicated to the appellant

and to the Board. If he reverses or modifies the decision, he shall send a copy of his ruling to the Office of Price Administration. He shall act on the appeal within 30 days after its filing.

§ 1391.23 *Review by Office of Price Administration.* If an appellant feels aggrieved by the ruling of the State Director, he may, within 30 days thereafter, file a written petition for review with the Office of Price Administration, Washington, D. C. If the Office of Price Administration, in its discretion, elects to review the matter, it may require the furnishing of additional pertinent information. The Office of Price Administration may affirm the ruling of the State Director, or may reverse or modify such ruling and remand the matter to the Board for consistent action. The ruling of the Office of Price Administration shall be in writing and shall be communicated to the appellant, to the Board, and to the State Director.

Transfers for Resale

§ 1391.24 *Transfers for resale.* A transfer of a new adult bicycle for purposes of sale may be made to, and accepted by, a dealer or distributor upon surrender to the transferor of an authorization or of Part B of a certificate, authorization, or WPB order, issued on or after July 9, 1942.

§ 1391.25 *Authorization for initial or increased inventory.* (a) A person desiring to establish a business for the sale of new adult bicycles, or a dealer or distributor whose business requires an increased stock of new adult bicycles or replacement for new adult bicycles which have been stolen, may apply in writing to the appropriate Regional Office of the Office of Price Administration for an authorization permitting acquisition of such new adult bicycles for purposes of sale. An application for an authorization should contain a complete statement of the facts on which the application is based.

(b) An applicant for an authorization for increased stock to replace a stolen bicycle should state in his application that, in the event such bicycle is returned to him he will transfer it as a new adult bicycle and will surrender to the OPA Inventory Unit the certificate, authorization, or WPB order, or Part B thereof, pursuant to which such bicycle is transferred. Upon written application to the appropriate Regional Office of the Office of Price Administration, after any such bicycle has been returned to the applicant, the Office of Price Administration may, if the facts warrant it, waive the requirement that such bicycle be sold as a new adult bicycle.

(c) The Office of Price Administration may deny an application for an authorization, or may grant it, in whole or in part, if it believes that the facts stated in the application are true and that the action will serve the convenience and advantage of the community and of the Nation.

(d) Authorizations issued on or after July 9, 1942, shall be serially numbered and in two parts, each part bearing the same serial number.

(e) Upon written application to a Regional Office of the Office of Price Administration, an authorization issued on or after July 9, 1942, or Part B of such an authorization, may be exchanged by the Office of Price Administration for two or more authorizations or Parts B of authorizations, in the aggregate authorizing the transfer of not more than the number of bicycles specified in the document so exchanged. Such document shall thereafter be void. It shall be so marked and forwarded to the OPA Inventory Unit.

(f) Persons other than dealers, distributors or manufacturers, to whom an authorization has been surrendered in exchange for a new adult bicycle shall forward Parts A and B thereof to the OPA Inventory Unit, within 3 days after delivery of such bicycle.

§ 1391.26 *Use by dealers and distributors of authorizations, and Parts B of certificates, authorizations, and WPB orders.* (a) A dealer or distributor who has transferred a new adult bicycle to a consumer pursuant to a certificate or a WPB order, issued on or after July 9, 1942, or to another dealer or distributor pursuant to an authorization issued on or after July 9, 1942, and who has completed and forwarded Part A of such certificate, authorization, or WPB order, as required, may acquire, from a transferor, a new adult bicycle for purposes of sale, upon completion of Part B of such certificate, authorization, or order, and surrender thereof to such transferor.

(b) A dealer or distributor who has transferred a new adult bicycle to another dealer or distributor pursuant to Part B of a certificate, authorization, or WPB order, issued on or after July 9, 1942, may acquire, from a transferor, a new adult bicycle for purposes of sale, upon certifying on such document the name of the person from whom he received it and the number of new adult bicycles delivered by him pursuant thereto, and upon surrender thereof to such transferor. The dealer or distributor shall also note on such Part B the date on which he surrenders it to the transferor.

(c) New adult bicycles may be transferred under this section only in the number specified in the certificate, WPB order, or authorization, or Parts B thereof, pursuant to which such bicycles are transferred.

(d) A transferee of the entire assets of the business of a dealer or distributor who has filed with the O.P.A. Inventory Unit the report of such transfer specified in paragraph (a) § 1391.5, and who continues such business, may use any certificate, authorization, or W.P.B. order, or Parts B thereof transferred with the business, in accordance with the provisions of the Revised Ration Order No. 7 applicable to dealers and distributors.

(e) Within 3 days after the discontinuance of a business by a dealer or distributor, he shall forward to the O.P.A. Inventory Unit all certificates, authorizations, or W.P.B. orders, or Parts B thereof held by him.

§ 1391.27 *Records to be kept by dealers and distributors.* A dealer or dis-

tributor making or accepting a transfer of any new adult bicycle shall keep, and preserve for two years, in a serially numbered or original bound book, a record of such transfer which shall include the name and address of the transferor and transferee, the number of new adult bicycles transferred and their make, model and serial numbers, the date of the transfer and the serial numbers of the certificates, authorizations, or W.P.B. orders pursuant to which the transfer is made.

§ 1391.28 *Transmittal of authorizations and W.P.B. orders issued prior to July 9, 1942.* Within 5 days after the surrender to a distributor of an authorization or W.P.B. order issued prior to July 9, 1942, the distributor shall report on such authorization or W.P.B. order the number of new adult bicycles which he transferred pursuant thereto, sign such report, and forward such authorization or order to the O.P.A. Inventory Unit.

Manufacturers

§ 1391.29 *Report of transfers by manufacturers.* Each week, manufacturers shall complete OPA Form R-702 in duplicate and forward the original to the OPA Inventory Unit, together with certificates, authorizations, WPB orders, or Parts B of such certificates, authorizations, or WPB orders, pursuant to which shipments were made by them during the week covered by the report. The report shall be forwarded not later than Tuesday after the week covered by the report. The duplicate of the report shall be kept by the manufacturer for not less than two years.

Rights of Parties Under Contracts

§ 1391.30 *Rights of parties under contracts when delivery is prohibited.* No person who agreed to sell and deliver a new adult bicycle shall be liable for failure to perform such an agreement if performance is prevented by Supplementary Limitation Order L-52-a² of the War Production Board, as amended, or by Ration Order No. 7,³ or amendments thereto, except that, if a deposit or consideration has been paid to him on account of the purchase of the new adult bicycle, he shall be liable upon demand for the return of the consideration paid, or, in the event that the consideration has been materially altered in condition or cannot be returned, then its fair net value.

Enforcement

§ 1391.31 *Violations heretofore committed.* Persons who violated the provisions of Ration Order No. 7³ prior to July 9, 1942, shall be and remain subject to the punishment and penalties prescribed therefor.

§ 1391.32 *Unlawful use or possession.* It shall be unlawful for any person who has accepted a transfer of a new adult bicycle in violation of Revised Ration Order No. 7 or amendments thereto, to use or have in his possession or under his control such new adult bicycle.

² 7 F.R. 2596, 2679; 3547.

³ F.R. 3666.

§ 1391.33 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, authorization, certificate, or any record included within the terms of Revised Ration Order No. 7 or amendments thereto, or who otherwise knowingly furnishes false information to a Board, or to any other agent, employee, or officer of the Office of Price Administration, or who conspires with another person to perform any of the foregoing acts, may upon conviction be fined not more than \$10,000 or imprisoned for not more than 10 years, or both, and shall be subject to the penalties therefor under any and all applicable laws.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Revised Ration Order No. 7 or amendments thereto, may upon conviction be fined not more than \$10,000 or imprisoned for not more than 1 year, or both, and shall be subject to the penalties therefor under any and all applicable laws.

§ 1391.34 *Denial of materials.* Any person who violates Revised Ration Order No. 7 or amendments thereto, may be restricted in his right to receive or to transfer any new adult bicycles and any other materials which are now, or in the future may be, under allocation by the Office of Price Administration or by the War Production Board.

§ 1391.35 *Complaints of violations.* Any person may report a violation of Revised Ration Order No. 7 or amendments thereto, to a War Price and Rationing Board; State Director or Regional, State, or District Office of the Office of Price Administration or to the Office of Price Administration, Washington, D. C. An official or employee of the office to which the report is made shall fill out a complaint, secure the signature of the complainant, if possible, and transmit the complaint for investigation and action in accordance with the instructions of the Office of Price Administration.

Effective Date

§ 1391.36 *Effective date.* Revised Ration Order No. 7 (§§ 1391.1 to 1391.36, inclusive) shall become effective July 9, 1942.

Issued this 1st day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6259; Filed, July 2, 1942;
12:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 10 to Supplementary Regulation 1¹ to General Maximum Price Regulation²]

EXCEPTION FOR MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this Amendment

¹ 7 F.R. 3158, 3488, 3567, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738.

has been issued simultaneously herewith and filed with the Division of the Federal Register.

Paragraphs (a) (3) and (b) (1) of § 1499.26 are amended as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries.* (a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(3) Any machine or part as defined in Maximum Price Regulation No. 136, as amended, except that any sale or delivery at retail of a machine or part sold or delivered by a person other than the manufacturer thereof shall be subject to the provisions of the General Maximum Price Regulation. For the purposes of this subparagraph, "sale at retail" means any sale to an ultimate user other than an industrial, commercial or governmental user, or any sale made at a store or shop where such sales are customarily made.

(b) The provisions of the General Maximum Price Regulation shall not apply to any sale or supply of the following services:

(1) Any machinery service as defined in Maximum Price Regulation No. 136, as amended.

(e) *Effective dates.* * * *

(11) Amendment No. 10 (§ 1499.26 (a) (3) and (b) (1) to Supplementary Regulation No. 1 shall become effective July 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6256; Filed, July 2, 1942;
11:58 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order O. D. T. 13]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART I—ESTABLISHMENT OF JOINT INFORMATION OFFICES

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and by Executive Order No. 9156, dated May 2, 1942, and in order to enable common, contract and private carriers by motor vehicle to comply with the requirements of General Orders O.D.T. Nos. 3,¹ 4,² and 5³ as amended or revised and other future orders to be

¹ 7 F.R. 3004, 4118, 4185.

² 7 F.R. 3005, 4119, 4185.

³ 7 F.R. 3007, 4119, 4184, 4185.

issued by the Office of Defense Transportation:

It is hereby ordered, That

Sec.

501.56 Definitions.

501.57 Establishment of joint information offices.

AUTHORITY: §§ 501.56 to 501.57, inclusive, issued under E.O. 8989, 6 F.R. 6725, and E.O. 9156, 7 F.R. 3349.

§ 501.56 *Definitions.* As used in this subpart:

The term "carrier" means any common carrier as defined in § 501.4 (c) of General Order O.D.T. No. 3, contract carrier as defined in § 501.16 (c) of General Order O.D.T. No. 4 and private carrier as defined in § 501.24 (c) of General Order O.D.T. No. 5.

§ 501.57 *Establishment of joint information offices.* On and after the effective date specified in this subpart any two or more carriers or any carrier association or group of associations may establish joint information offices, at such points and places throughout the United States as may be authorized by the Office of Defense Transportation, under the following conditions:

(a) Each joint information office shall be governed by a committee or board, selected by the carriers or members of the carrier association or associations establishing it. In selecting the governing committee or board representation shall be allowed to the various types of carriers establishing or utilizing the services of the office.

(b) The Office of Defense Transportation shall be advised forthwith as to the name and address of each person selected as a member of the governing committee or board or as manager of a joint information office and shall be furnished accurate information with respect to the character, experience and past and present occupation and employment of such persons and, on the basis thereof, shall have the right to disapprove such selections. Each person so selected may be removed at any time from such office of position by direction of the Office of Defense Transportation. No person employed as a manager or as an employee of a joint information office shall, during his employment, be employed by a carrier nor shall he be a member of the governing committee or board.

(c) The function of the joint information office shall be to assist carriers in complying with the requirements of General Orders O.D.T. Nos. 3, 4, and 5, as amended or revised, by obtaining and receiving information as to the availability of equipment and of traffic originated or controlled by or in the possession of or on order to carriers and by furnishing such information to any and all carriers who apply therefor, in the order of the receipt of their respective applications and without discrimination, preference, or partiality. The authority of such joint information office shall include all things reasonably necessary to carry out the functions above described, but shall not include the right to fix the

compensation for the interchange of traffic or for the transportation of traffic interchanged, or the rental price of vehicles leased, or to designate any particular carriers to receive any given traffic or to lease, rent or exchange any given vehicle.

(d) A clearance statement shall be issued by each joint information office to each carrier with respect to a designated motor truck when such carrier representing that the movement of such motor truck to the point of destination specified is not prohibited by any order of the Office of Defense Transportation, has requested from such office information of the type designated in paragraph (c) of this section in order to permit compliance with any such order, and when:

(1) The designated motor truck is moving with less than capacity load and there is no information on file with respect to property available for transportation to, intermediate to, or beyond the point of destination of such motor truck; or

(2) When the carrier has accepted for transportation and loaded in such motor truck all property available for transportation to, intermediate to, or beyond the point of destination of such motor truck; or

(3) The designated motor truck is moving empty and there is no information on file with respect to other carriers desiring to utilize such carrier's motor truck to or toward the destination of such truck. Such clearance statement shall describe the motor truck or trucks involved and shall state the point of destination and the date and hour of the issuance of the statement. A copy of each such clearance statement shall be retained in the files of the joint information office and the original shall be given to and retained by the carrier. Such statements shall not be conclusive evidence of the facts concerning the availability of such traffic or the possibility of lease of such motor truck or trucks by other carriers.

(e) Except as may be otherwise provided by agreement between the interested carriers or prescribed by the Interstate Commerce Commission or by the appropriate State regulatory body, the divisions of revenues between carriers for traffic interchanged between them and the compensation to be paid and received for rental of equipment shall be as determined by the Office of Defense Transportation upon appropriate application.

(f) Disputes between carriers and the manager of a joint information office or the governing committee or board may be appealed to the Director of Motor Transport, Office of Defense Transportation, and his decision on any such appeal shall supersede the decision of the manager or the governing committee or board. In cases of disputes, the manager of the joint information office shall notify all parties thereto of their right to have the matter acted upon by such an appeal to the Director of Motor Transport.

(g) The manager of the joint information office shall maintain a record of all information filed with such office and

shall keep such further records and make such reports as may be required by the Office of Defense Transportation. Each carrier shall advise the manager of the joint information office as to each transaction completed with another carrier resulting from information obtained at such office. The manager shall maintain a record of all such transactions between carriers for the exclusive information of the Office of Defense Transportation and its duly accredited representatives, and shall not divulge such information to any other person, including the members of the governing committee or board. All records, files and correspondence shall be available for examination by accredited representatives of the Office of Defense Transportation at all times.

(h) No membership fee shall be charged any carrier desiring to utilize the services of a joint information office as a condition precedent to the use of such services, but the cost of establishing and maintaining any such office may be apportioned, on an equitable basis, among the carriers participating in its establishment or utilizing its services, which basis of apportionment may be changed by direction of the Office of Defense Transportation. Non-discriminatory charges, in such amount as may be fixed by the governing committee or board, may be made to carriers for services rendered to them by a joint information office. The amount of such charges may be changed by direction of the Office of Defense Transportation. A statement of such charges currently in effect shall be conspicuously posted in each office at all times.

(i) No joint information office shall be established, or if heretofore established, shall be continued to be maintained, except in compliance with this order.

This subpart shall become effective July 2d, 1942, and shall remain in full force and effect until further order of this office.

Issued at Washington, D. C. this 2d day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-6257; Filed, July 2, 1942; 12:07 p. m.]

Notices

WAR DEPARTMENT.

COMMERCIAL MOTOR VEHICLES

LIBERALIZATION OF STATE LIMITATIONS ON SIZES AND WEIGHTS

1. The War Department has been advised by the Council of State Governments that for the duration of the war all forty-eight States have agreed to accept any of the following standards which are less restrictive than those presently prescribed by State law:

a. *Permissible width.* Ninety-six inches.

b. *Permissible height.* Twelve and one-half feet.

c. *Permissible length.* (1) A single vehicle, 35 feet.

(2) A combination, 45 feet.

d. *Permissible weight.* (1) Per inch width of tire, 600 pounds.

(2) On single axle, 18,000 pounds.

(3) On two axles, 30,000 pounds.

(4) On three axles, 40,000 pounds.

(5) Of semi-trailers, 40,000 pounds.

(6) Of other combinations, 40,000 pounds.

Present legal standards more liberal than the foregoing will remain in effect unchanged.

2. As it is highly important to the war effort that all available motor transportation be utilized to the utmost extent, all commercial motor carriers employed in the transportation of personnel or supplies for the War Department or in which the War Department is interested will be advised of the foregoing action and urged to take full advantage thereof. In giving such advice, carriers should be cautioned that a partial check-up has indicated that to date there has been something less than the reported full acceptance of the proposed standards in the following States and that exact information should be obtained from the State highway authorities before movements contrary to the following are attempted:

a. *Kentucky.* Liberalization has been granted only when the entire cargo being transported is owned and shipped by the Federal Government or an agency thereof and the driver has in his possession a waybill including a statement duly signed by the shipping agency showing that the entire cargo being shipped is Government-owned and constitutes a shipment in the defense of the United States. Even then the shipment is apparently still subject to a maximum axle load of 16,000 pounds and a maximum vehicle length of 40 feet, and the consent of the Highway Department to the shipment must be obtained.

b. *Louisiana.* Change in such of the old limits as are below the new uniform standards is dependent upon legislative action.

c. *Mississippi.* (1) Forty thousand pounds gross load on three or more axles not less than 10 feet apart is authorized for movement at not more than 35 miles per hour over all U. S. highways in the State and those sections of State highways designated in a State Highway Commission Order of May 12, 1942, as shown in (2) below. Otherwise old standards apparently remain in effect.

(2) 6 Clarksdale to Pontotoc; 8 Grenada to Houston; 12 Tchula to Lexington and Durant to Ackerman; 16 Canton to Philadelphia; 24 Woodville to Hattiesburg; 13 Mendenhall to Columbia; 13-W Columbia to the Louisiana State line; 15 from the Tennessee State line to the Alabama State line; 17 Lexington to Pickens; 35 and 35-W Forest to Mt. Olive; 35-E Taylorsville to intersection with U. S. 84; 20 Mize to Taylorsville; 45-W

Brooksville to Shannon; and an unnumbered route from Poplarville to Bogalusa.

d. *Missouri.* Any operation in excess of old standards is dependent upon the issuance of a special permit authorizing the movement. The procedure for obtaining such permits is apparently being simplified.

e. *Nebraska.* A proclamation of the Governor of May 15, 1942 which brought the State limitations up to the proposed standards in all other respects, failed to increase the previous limits of 42 feet on the length of tractor-semi-trailers.

f. *New Jersey.* Change in the only limit which does not already meet the proposed standards (the 28-foot length limit for 2-axle vehicles) is dependent upon legislative action.

g. *Oklahoma.* The previous 24,000-pound limit for 2-axle vehicles still applies.

h. *Texas.* Special permits must be obtained for movements in excess of 38,000 pounds gross load.

i. *West Virginia.* There has been no change in the old limits which already comply with the exception of a 16,000-pound limit on axle loads in agricultural areas.

3. Motor carriers encountering difficulties in operating under the standards set forth in paragraph 1 (except as noted in paragraph 2) should communicate directly with the State highway authorities or the State Governors in the first instance, and then, if necessary, with the Highway Transportation Division, Transportation Service, War Department, Washington, D. C. (Republic 6700, extension 6176) if the matter cannot be satisfactorily adjusted locally. Written reports giving full details should be sent to the Highway Transportation Division, Transportation Service, in all cases, whether or not settled locally. Such reports should give the name of the carrier involved, the nature of the load being carried, the place and cause of the stoppage of the movement, whether State or local officials were responsible therefor, the manner in which the situation was handled, the final outcome, and any other pertinent facts necessary to permit appropriate action to be taken with a view to preventing recurrences of the situation in the future in the event the stoppage was unjustified. (R.S. 161; 5 U.S.C. 22) [Section I, Cir. 190, W.D., June 15, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-6241; Filed, July 2, 1942;
10:01 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[No. 39]

APPLICATIONS FOR REGISTRATIONS

An application for registration as a distributor has been filed by each of the

following and is under consideration by the Acting Director:

Name and address	Date application filed
James Betthausen, Betthausen Elevator, Norwalk, Wis.	June 22, 1942
Jacques Wood & Coal Co. (V. J. Jacques) 3201 Maple Ave., Los Angeles, Calif.	June 17, 1942
Robert A. Hays, 496 McDonough Blvd., Atlanta, Ga.	June 24, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before August 3, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: June 30, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6240; Filed, July 2, 1942;
11:03 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

CONECUH COUNTY, ALABAMA

LOCALITIES DESIGNATED FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION V—ALABAMA

Conecuh County: Locality I—Consisting of precinct 1, \$1,185. Locality II—Consisting of precincts 2, 3, 8, 9, 10, 14, 15, and 16, \$1,782. Locality III—Consisting of precincts 4, 11, 12, and 13, \$2,048. Locality IV—Consisting of precincts 5, 6, and 7, \$1,448.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved June 29, 1942.

[SEAL]

C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-6252; Filed, July 2, 1942;
11:45 a. m.]

PIKE COUNTY, ARKANSAS

LOCALITIES DESIGNATED FOR LOANS

Designation of localities in county in which loans, pursuant to title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VI—ARKANSAS

Pike County. Locality I—Consisting of the townships of Brewer, Missouri, Muddy Fork, Saline, Thompson, and Wolf Creek, \$2,017.

Locality II—Consisting of the township of Clark, \$1,412.

Locality III—Consisting of the townships of Caney Fork, Eagle, Mountain, Antoine, Pike City, Self Creek, and White, \$1,121.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved June 29, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-6253; Filed, July 2, 1942;
11:45 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

CONTRACTS FOR CANNED FRUITS AND
VEGETABLESOPPORTUNITY TO SHOW CAUSE REGARDING
EXEMPTION AS SEASONAL INDUSTRY

In the matter of an exemption from the provisions of the Walsh-Healey Public Contracts Act of Contracts for certain canned fruits and vegetables.

The Secretary of War having made written findings that the inclusion in contracts awarded on or before December 31, 1942, for canned fruits and vegetables of the varieties hereinafter named of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) will seriously impair the conduct of Government business,

Notice is hereby given to all interested parties that they have until July 8, 1942, in which to show cause, if any they have, why the Secretary of Labor should not grant an exemption from the provisions of Section 1 of the Walsh-Healey Public Contracts Act to permit the award of contracts during such period for the following varieties of canned fruits and vegetables without the inclusion of the representations and stipulations of that section:

Apple butter, canned.
Berries (all varieties), canned.

Cabbage, canned.
Cucumbers, canned.
Fruit juices (all varieties), canned.
Kraut, canned.
Onions, canned.
Tomato paste, canned.
Sweet potatoes, canned.

Briefs or telegraphic communications may be filed with me on or before the date indicated above. No form of brief is prescribed, but an original and four copies must be submitted.

Dated: June 30, 1942.

Wm. R. McComb,
Assistant Administrator.

[F. R. Doc. 42-6250; Filed, July 2, 1942;
11:28 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 319]

AMERICAN EXPORT AIRLINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of American Export Airlines, Inc., for approval under Section 408 of the Civil Aeronautics Act of 1938, as amended, of the acquisition of control of American Export Lines, Inc., a common carrier.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held on July 7, 1942, at 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated Washington, D. C., July 1, 1942.
By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-6262; Filed, July 2, 1942;
12:04 p. m.]

FEDERAL COMMUNICATIONS COM-
MISSION.

[Docket No. 6336]

NORTHWESTERN BELL TELEPHONE COMPANY
INCREASED CHARGES FOR INTERSTATE TELE-
PHONE EXCHANGE SERVICE IN IOWA

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of June, 1942;

It appearing that on May 29, 1942 Northwestern Bell Telephone Company for the first time filed with this Commission tariffs containing schedules stating its rates, charges, classifications, regulations, practices and services for and in connection with interstate telephone exchange service rendered by it in certain Iowa communities and in adjacent localities in other states; such tariffs to become effective on July 1, 1942, and which are designated as Northwestern Bell Telephone Company, Tariff F.C.C. No. 20;

It further appearing that certain of the charges stated in said tariff schedules are higher than the charges for and in connection with such interstate telephone exchange service in effect on September 1, 1934, when such schedules should have been filed under the Commission's Telephone Division Order No. 1 and under section 203 of the Communications Act of 1934; that such schedules have not been filed with any regulatory agency, and the justness and reasonableness of such increases have not been reviewed by any regulatory agency; that the rights and interests of the public may be injuriously affected by such increases; and it being the opinion of the Commission that the operation of such increased charges should be suspended pending hearing and decision as to their lawfulness;

It is ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of Northwestern Bell Telephone Company for and in connection with interstate telephone exchange service rendered by it in Iowa, and in adjacent localities in other states;

It is further ordered, That the Commission, on its own motion, enter upon a hearing concerning the lawfulness of the charges contained in Northwestern Bell Telephone Company Tariff F.C.C. No. 20, Original Pages 14, 15, 22, 23, 26, 27, 29, 87, and 88, and that the operation of the charges contained in said tariff schedules be suspended, and the use of the charges therein stated be deferred until October 1, 1942, unless otherwise ordered by the Commission, and during said period of suspension, no change shall be made in such charges, unless otherwise ordered by special permission of the Commission; and that pending hearing and decision as to the lawfulness of such charges, or until October 1, 1942, Northwestern Bell Telephone Company may render interstate telephone exchange service in Akron, Burlington, Estherville, Hawarden, Lake Park, Muscatine, and Northwood, Iowa and in adjacent localities in other states, and may make service connections in all localities in Iowa where interstate telephone exchange service is rendered, at the lowest charges made for such service and service connections on and after December 31, 1939, upon the filing with this Commission of appropriate tariff schedules setting forth such charges: *Provided, however,* That the suspension and deferment of charges herein ordered shall not apply to any charges which have been decreased since December 31, 1939, and to charges applicable to any service classification initiated since December 31, 1939, if the latter charges have not been increased since said date;

It is further ordered, That in the event that a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period, and said charges shall go into effect, Northwestern Bell Telephone Company, and all other carriers participating in the interstate telephone exchange service provided under the tariff schedules

suspended herein, shall, until further order of the Commission, each keep accurate account of all amounts received by each of them by reason of any charges made in excess of the charges in effect on December 31, 1939 for and in connection with such service; and each such carrier shall specify by whom and in whose behalf such amounts are paid.

It is further ordered, That Northwestern Bell Telephone Company and each such participating carrier shall file with this Commission a report, under oath, on or before the tenth day of each calendar month, commencing November 10, 1942, showing the amounts so received and accounted for as aforesaid during the previous calendar month;

It is further ordered, That Northwestern Bell Telephone Company be, and it is hereby, made respondent to this proceeding, and such respondent shall show cause, under oath, why the charges for interstate telephone exchange service rendered by respondent in Akron, Burlington, Estherville, Hawarden, Lake Park, Muscatine, and Northwood, Iowa, and in adjacent localities in other states, and the charges for service connections for and in connection with interstate telephone exchange service in Iowa, in excess of the charges made on December 31, 1939, for such service and service connections, should not be ordered rescinded and cancelled;

It is further ordered, That an investigation be, and the same is hereby, instituted to determine whether Northwestern Bell Telephone Company, or any of its officers and directors, have violated the Communications Act of 1934 in connection with the failure of Northwestern Bell Telephone Company to file with this Commission schedules showing the rates, charges, classifications, regulations, practices and services for Northwestern Bell Telephone Company and its connecting carriers for and in connection with interstate telephone exchange service rendered in Iowa and in adjacent localities in other states, in accordance with the requirements of section 203 (a) of the Communications Act of 1934 and of the Commission's Telephone Order No. 1, dated July 20, 1934;

It is further ordered, That a copy of this order shall be filed with the tariff schedules suspended in this proceeding in the office of the Federal Communications Commission; that copies hereof be served upon the Governor of the State of Iowa, and upon the Northwestern Bell Telephone Company and all other carriers participating in interstate telephone exchange service rendered by Northwestern Bell Telephone Company in Iowa; and in adjacent localities in other states; and that said participating carriers be, and they are hereby, each made a party respondent to this proceeding; and

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at 10:00 a. m., beginning on the 20th day of July, 1942, in Davenport, Iowa; and that on or before ten days from the date of service of this order each of the respondents and each

of the officers and directors of Northwestern Bell Telephone Company shall file with the Commission its and their respective verified answers to this order. By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 42-6242; Filed, July 2, 1942;
10:43 a. m.]

OFFICE OF PRICE ADMINISTRATION.

BLOHM'S SERVICE, INC.

SUSPENSION ORDER EXPIRATION DATE
ADVANCED

Order on petition for reconsideration of Suspension Order No. 8 under Ration Order No. 5—Emergency Gasoline Rationing Regulations.

On June 18, 1942, in accordance with the provisions of Temporary Procedural Regulation No. 4 (7 F.R. 4296), Blohm's Service, Inc., Atlantic and 3d Avenues, Brooklyn, New York, filed a petition for reconsideration of Suspension Order No. 8, issued against the petitioner on June 15, 1942. This petition for reconsideration was accompanied by affidavits setting forth certain facts which the petitioner had not presented at the hearing on the charges against petitioner held in New York, New York on June 11, 1942. This written evidence having been duly considered by the Administrator,

It is hereby ordered:

Suspension Order No. 8, which became effective on Wednesday, June 17, 1942 shall expire at 12:01 A. M., July 2, 1942, rather than on the original expiration date, July 17, 1942. [Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 and Supplementary Directive No. 1H (7 F.R. 562, 3478, 3877).]

Issued this 22d day of June, 1942.

LEON HENDERSON,
Administrator.[F. R. Doc. 42-6233; Filed, July 1, 1942;
5:13 p. m.]

[Administrative Order No. 15]

MERLE FAINSOD

DELEGATION OF AUTHORITY TO ACT FOR THE
ADMINISTRATOR

Pursuant to the authority conferred upon the Administrator by the Emergency Price Control Act of 1942, the following order is prescribed:

(a) Merle Fainsod, is authorized and directed to exercise the functions, duties, powers, authority and discretion conferred upon the Administrator, for the purpose of issuing orders under §§ 1499-114 and 1499.115 of Maximum Price Regulation No. 165—Consumer Service and Temporary Procedural Regulation No. 5.

(b) Any order issued by said Merle Fainsod pursuant to this delegation of

authority shall have the same force and effect as if issued by the Administrator.

Issued and effective this 30th day of June 1942.

LEON HENDERSON,
Administrator.[F. R. Doc. 42-6235; Filed, July 1, 1942;
5:16 p. m.]

[Docket No. 3119-1]

PENNSYLVANIA RUBBER COMPANY

PETITION DENIED

Order 1 under Maximum Price Regulation 119¹—Original Equipment Tires and Tubes.

On June 2, 1942 Pennsylvania Rubber Company, Jeannette, Pennsylvania, filed a petition for an exception pursuant to § 1315.1458 (a) of Maximum Price Regulation No. 119. Due consideration has been given to the petition, 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 Regulation No. 1,² issued by the Office of Price Administration, it is hereby ordered that said petition be, and it hereby is, denied.

This Order No. 1 shall become effective July 2, 1942.

Issued this 2d day of July 1942.

LEON HENDERSON,
Administrator.[F. R. Doc. 42-6261; Filed, July 2, 1942;
12:01 p. m.]

WAR-PRODUCTION BOARD.

SYNTHETIC NITRATION GRADE TOLUENE

The ATTORNEY GENERAL:

Reference is made to the letter of John Lord O'Brian, General Counsel, to you dated June 19, 1942, submitting for your consideration a proposed plan for the exchange by all manufacturers of synthetic nitration grade toluene of technical information respecting such manufacture. After consultation with you regarding that plan, I am requesting each of the manufacturers concerned to place that plan in operation as a measure requisite to the prosecution of the war; and pursuant to Section 12 of Public Law No. 603, 77th Congress, I hereby find, and so certify to you, that the doing of any act or thing, or the omission to do any act or thing, by such persons in compliance with such request is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JUNE 24, 1942.

[F. R. Doc. 42-6238; Filed, July 1, 1942;
5:18 p. m.]¹ 7 F.R. 3059.² 7 F.R. 971.