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Washington, Thursday, June 25, 1942

The President

EXECUTIVE ORDER 9184

AMENDING EXECUTIVE ORDER NO. 9139 OF APRIL 18, 1942, TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL MEMBERS TO THE WAR MANPOWER COMMISSION

By virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered that Executive Order No. 9139 of April 18, 1942, establishing the War Manpower Commission in the Executive Office of the President, be, and it is hereby, amended to include in the membership of the said Commission a representative of the National Housing Agency and a joint representative of the War Shipping Administration and the Office of Defense Transportation.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
June 22, 1942.

[F. R. Doc. 42-5883; Filed, June 23, 1942; 3:46 p. m.]

EXECUTIVE ORDER 9185

ESTABLISHING THE SUSQUEHANNA NATIONAL WILDLIFE REFUGE

MARYLAND

By virtue of the authority vested in me as President of the United States, it is ordered that all the hereinafter-described lands and waters, including all of Shad Battery, or Edmondsons Island, owned or controlled by the United States and situated at the mouth of the Susquehanna River, in and at the head of Chesapeake Bay, in Harford and Cecil Counties, Maryland, be, and they are hereby, reserved and set apart, subject to valid rights, for the use of the Department of the Interior as a refuge and breeding ground for migratory birds and other wildlife:

Beginning at a point at latitude 39°29'46" N., and longitude 76°05'91" W., in Chesapeake Bay, due north 200 yards from Fishing Battery Light;

Thence from said initial point, by metes and bounds, due east 4,000 yards (2.27 miles, approximate) to a point at latitude 39°29'46" N., and longitude 76°02'28" W., approximate, in Chesapeake Bay;

Thence due south 4,160 yards (2.36 miles, approximate) to a point at latitude 39°27'43" N., and longitude 76°02'28" W., approximate, in Chesapeake Bay;

Thence N. 62°30' W. 2,680 yards (1.52 miles, approximate) to a point at latitude 39°28'21" N., and longitude 76°03'59" W., approximate, in Chesapeake Bay 440 yards distant from the northeast side of Spesutie Island at Locust Point;

Thence northerly and westerly with a line 440 yards distant from the north shore of Spesutie Island to a point at latitude 39°28'48" N., and longitude 76°05'48" W., approximate, opposite the center of Spesutie Narrows;

Thence due north 1,960 yards (1.11 miles, approximate) to a point at latitude 39°29'46" N., and longitude 76°05'48" W., approximate, in Chesapeake Bay;

Thence due east 1,230 yards (0.76 mile, approximate) to the place of beginning.

The area described contains 2,900 acres, more or less.

The reservation herein made of that part of Shad Battery, or Edmondsons Island, under the primary jurisdiction of the Navy Department shall not interfere with its use by the Coast Guard for lighthouse purposes.

This reservation shall be known as the Susquehanna National Wildlife Refuge.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
June 23, 1942.

[F. R. Doc. 42-5924; Filed, June 24, 1942; 11:54 a. m.]

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 35—PAYMENT OF BILLS AND ACCOUNTS

Paragraph (b) of § 35.1¹ is hereby amended to read as follows:

¹ 6 F.R. 5054.

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§ 35.1 Certification, general. * * *

(b) *Vendor's certificate.* (1) The following certificate will be furnished by the vendor:

I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards and all conditions of purchase applicable to the transactions have been complied with; and that State or local sales taxes are not included in the amounts billed.

See MS. Comp. Gen. A-51607, A-49009, August 15, 1941, and MS. Comp. Gen. A-49009, December 12, 1941.

(2) Where a contract for supplies is awarded on the basis of including State and local sales taxes in the purchase price without the deduction of an amount representing such taxes, the general certificate for vouchers and invoices prescribed in subparagraph (1) above may be modified by eliminating therefrom the phrase "and that State or local sales taxes are not included in the amounts billed": *Provided*, That, in all cases where the legal incidence of such taxes is upon

the vendee, appropriate steps are taken to obtain appropriate tax exemption certificates from the dealers. (See MS. Comp. Gen. B-22885, January 30, 1942)

(3) The following procedure is prescribed for the certification of invoices and vouchers of contractors and their subcontractors under contract with the United States on a cost-plus-a-fixed-fee basis:

(i) The general certificate prescribed in subparagraph (1) above, will be used on "cost-plus-a-fixed-fee" contractors' and subcontractors' invoices and vouchers covering material or equipment which is exempt from taxation by the laws of States or ordinances of municipalities in which the material or equipment was procured.

(ii) For "cost-plus-a-fixed-fee" contractors' and subcontractors' invoices or vouchers covering transactions in States or municipalities which do not exempt the United States from taxation, the general certificate prescribed in subparagraph (1) above will be used with the deletion, or noninclusion, of the statement "that State or local sales taxes are not included in the amounts billed." See MS. Comp. Gen. A-51607, A-49009, February 9, 1942. (R.S. 161; 5 U.S.C. 22) [Par. 2e, AR 35-1040, May 13, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-5906; Filed, June 24, 1942; 10:07 a. m.]

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

APPOINTMENT OF WARRANT OFFICERS

Sections 73.306¹ and 73.320² are hereby amended to read as follows:

§ 73.306 *Service requirements.* (a) Permanent appointments in the Regular Army as warrant officers, junior grade, will be tendered only to officers and non-commissioned officers who have completed 3 years' continuous service on active duty in the Army of the United States.

(b) Eligibility requirements for appointment as temporary warrant officers are contained in AR 610-15.³ (Act of Aug. 21, 1941; 55 Stat. 652; 10 U.S.C. Sup. 591a) [Par. 9, AR 610-10, Sept. 13, 1941, as amended by Cir. 191, W.D., June 15, 1942].

§ 73.320 *Procedure and eligibility requirements governing appointments.* The procedure and eligibility requirements governing the temporary appointment of warrant officers, junior grade, and chief warrant officers in general will be similar to those provided for permanent appointments, as modified by War

¹ 7 F.R. 803.

² 7 F.R. 806.

³ Administrative regulations of the War Department relating to temporary appointment of warrant officers in the Army of the United States.

Department instructions to be issued at the time such appointments are made. See AR 610-15. (Act of Aug. 21, 1941; 55 Stat. 652; 10 U.S.C. Sup. 591a) [Par. 69, AR 610-10, Sept. 13, 1941, as amended by Cir. 191, W.D., June 15, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-5907; Filed, June 24, 1942;
10:07 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 84—LOANS AND TRANSFERS OF EQUIPMENT

LOAN OR TRANSFER TO EDUCATIONAL INSTITUTIONS AND MUSEUMS OF OBSOLETE OR UNSERVICEABLE AERONAUTICAL EQUIPMENT¹

Sections 84.18, 84.19, 84.20 and 84.22² are hereby changed to read as follows:

§ 84.18 *Classes of property that may be loaned or transferred.* (a) In conformity with the act of May 26, 1928, (45 Stat. 753; 20 U.S.C. 94), the Commanding General, Army Air Forces, is authorized to approve loans of the following Army Air Forces equipment, when available, as prescribed in § 84.19 (a).

(1) Aircraft or engines that have been declared obsolete or have become impaired to the extent that repair would not be economical.

(2) Aircraft parts or instruments that have been declared obsolete or have become impaired to the extent that repair would not be economical.

(b) Transfers as distinguished from loans, in conformity with the act of May 26, 1928 (45 Stat. 753; 20 U.S.C. 94), will be approved by the Secretary of War in each instance and will, except in cases of special importance, be confined to the class of property indicated in paragraph (a) (2) above. [Par. 4]

§ 84.19 *Procedure; conditions governing loans and transfers.* (a) From time to time the Commanding General, Army Air Forces, will submit to the Secretary of War lists of aircraft, aircraft parts, instruments, or engines that have become obsolete or impaired to the extent that repair would not be economical and the loan or transfer of which is deemed advantageous under the provisions of the law. Upon approval of these lists the property so listed will be held available for loan or transfer as contemplated herein. The Commanding General, Army Air Forces, is authorized to remove from the list at any time such articles as in his opinion should no longer be carried thereon.

(b) In general, the property under consideration will be loaned subject to recall. When considered desirable, however, and such action is specifically ap-

proved by the Secretary of War, a transfer of such property may be made.

(c) In the case of all loans, the registrar or corresponding official of the institution concerned will sign for the property (see § 84.20 (d)) and will report annually to the Commanding General, Air Service Command, on December 31, the quantity and condition of property loaned. Any changes in quantity or condition will be reported when such changes occur, with information as to the cause thereof.

(d) Records of all loans and transfers will be maintained by the Commanding General, Air Service Command. See § 84.20.

(e) The cost of packing, handling, transportation, etc., for delivery to and return from institutions and other expenses incidental to the loan or transfer of such property must be borne by the institutions concerned. The expenses necessary for delivery of property to an institution, except transportation, will be paid in advance to the Commanding General, Air Service Command, who will, before issuing shipping instructions, also obtain from the registrar or corresponding official of the institution receiving the property written authorization designating the Army Air Forces shipping officer as the agent for the institution in making the shipment. The shipment will then be forwarded on commercial bills of lading with transportation charges collect.

(f) A statement by the executive or corresponding official of the institution that none of the equipment will be used in actual flying will be required as a condition precedent to the loan or transfer of property. [Par. 5]

§ 84.20 *Accounting for property loaned or transferred.* (a) Accountability for property loaned will continue while it is in the custody of the institution to which loaned. This accountability will be carried on a stock record account maintained by the Commanding General, Air Service Command, and the property will be held on memorandum receipts by the institutions. If property so loaned becomes lost, destroyed, or unfit for further use a report of survey will be initiated by the Commanding General, Air Service Command, with an affidavit from the responsible official of the institution, setting forth all facts relating to the loss, destruction, or unserviceability, as an exhibit thereto. In such cases, if the value of the property or its residue does not warrant the cost of inspection and disposal by the Government, the surveying officer may recommend that the property be abandoned. Upon final approval of the report of survey, the property will be dropped from accountable records.

(b) Accountability for property transferred, as contemplated in paragraph 5b, will terminate when the transfer is effected.

(c) Shipping tickets covering issues of obsolete and unserviceable Army Air Forces equipment under the provisions of these regulations will be conspicuously marked to show whether the articles listed thereon are "transferred" or "loaned."

(d) (1) In the case of loans, seven copies of the shipping tickets will be prepared by the accountable officer shipping the property, and distributed as follows:

(i) Two copies to the institution to which the property is shipped. The shipping officer will place a notation on one of the copies, requesting that it be signed by the proper official of the institution upon receipt of the property and forwarded to the Commanding General, Air Service Command, Wright Field, Dayton, Ohio.

(ii) Two copies to the Commanding General, Air Service Command, Wright Field, Dayton, Ohio.

(iii) Two copies to the Finance Officer, Fifth Corps Area, who will dispose of them as contemplated in AR35-6560.

(iv) One copy filed as a temporary voucher to the stock record account pending return of receipted copy.

(2) In the case of transfers, shipping tickets will be made out in quadruplicate by the accountable officer shipping the property, and distributed as follows:

(i) Two copies to the institution to which the property is shipped. The shipping officer will place a notation on one of the copies, requesting that it be signed by the proper official of the institution upon receipt of the property and returned to the shipping officer.

(ii) One copy to the finance officer of the corps area in which the shipping officer is located, for auditing purposes.

(iii) One copy filed as a temporary voucher to the stock record account pending return of receipted copy. [Par. 6]

Donation to Schools of Machinery, Mechanical Equipment, and Tools no Longer Needed by the Army.

§ 84.22 *Procedure.* Upon receipt of an application from a school for the donation of property for use in courses of vocational training and instruction, the Chief of Ordnance or the Commanding General, Army Air Forces, will ascertain the character of the school, the proposed uses of the property, and the need thereof. If he deems the school worthy, he will endeavor to satisfy its needs from property under his control. [Par. 10]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-5933; Filed, June 24, 1942,
11:57 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 95]

PART 35—FILING OF RATE SCHEDULES

PART 200—FORMS UNDER RULES OF PRACTICE AND REGULATIONS, FEDERAL POWER ACT

RULES OF PRACTICE; FORMS

JUNE 16, 1942.

The Commission, pursuant to authority vested in it by the Federal Power

¹ §§ 84.18, 84.19, 84.20 and 84.22 are issued under 45 Stat. 753; 20 U.S.C. 94.

² The regulations contained in §§ 84.18, 84.19, 84.20 and 84.22 are also contained in AR 35-6610, dated May 29, 1942, the particular paragraphs being shown in brackets at the end of sections.

Act, particularly section 309 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates, and prescribes the following amendments to the "Rules of Practice and Regulations With Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed by Order No. 50, adopted April 19, 1938:

Part 35, § 35.3, paragraph (b) (Newly established rates, charges, etc.) be and it is hereby amended to read as follows:

§ 35.3 *Filing of rate schedules, rates, charges.* * * *

(b) *Newly established rates, charges, etc.* Unless otherwise provided by order of the Commission, every rate or charge for the transmission or sale of electric energy subject to the jurisdiction of the Commission, as well as any classification, practice, or regulation affecting such rate or charge and any contract or agreement which affects or relates to such rate, charge, classification, regulation or service which has not theretofore been in effect, shall be posted and filed with the Commission not less than ten days prior to the date upon which it is proposed to become effective. As to each newly established rate or charge, there shall be submitted to the Commission:

(1) The date on which service thereunder is proposed to be initiated.

(2) An estimate of sales and revenues, by months, for the first 12 months of service under the proposed rate or charge. The estimate should be subdivided to show sales and revenues by classes of service, customers, and delivery points, when more than one is involved. Sales data should include quantities, demands, load-factors, or other determinants that may be involved in the computation of charges under the rate schedule.

(3) A comparison of the proposed rate with other rates of the company for similar service.

Part 35, § 35.3, paragraph (c) (Changes in filed rates, charges, etc.) be and it is hereby amended to read as follows:

(c) *Changes in filed rates, charges, etc.* All rate schedules making a change in any rate, charge, classification, or service on file with the Commission, or in any rule, regulation or contract relating thereto shall be posted and filed with the Commission not less than 30 days prior to the proposed effective date thereof, unless a shorter period of time is authorized by the Commission; and as to each proposed change there shall be submitted to the Commission:

(1) The date on which service thereunder is proposed to be initiated.

(2) A statement of the reasons for the proposed change and, if an increase in rate or charge, a justification thereof. Data submitted in response to subsequent items may be included by reference as a part of the response to this item.

(3) A comparative statement of sales and revenues, by months, under the present and proposed rates, for the twelve months immediately preceding and for

the twelve months immediately succeeding the proposed change in rates. Figures for actual sales and revenues should be used as far as possible, and any estimated figures should be designated as such. The statement should be subdivided to show sales and revenues by classes of service, customers, and delivery points where more than one is involved. Sales data should include quantities, demands, load-factors, or other determinants that may be involved in the computation of charges under the rates.

(4) A comparison of the proposed rate with other rates of the utility for similar service.

(5) If any additional facilities will be required, or if any facilities required for the present service will not be needed if the proposed rate becomes effective:

(i) A brief description of such additional or unused facilities.

(ii) A statement or estimate by main account classifications of the original cost of such additional or unused facilities.

(iii) An estimate of the resulting increase or decrease in annual fixed charges, by major items, such as taxes, depreciation and return.

(iv) An estimate by main account classifications of the resulting increase or decrease in operating expenses.

(6) If the proposed rate will result in any change in the cost of service apart from a change in facilities covered by subparagraph (5):

(i) An estimate of the resulting increase or decrease in annual fixed charges, by major items, such as taxes, depreciation and return.

(ii) An estimate by main account classifications of the resulting increase or decrease in operating expenses.

(7) If the proposed change is an increase in rates, then 60 days prior to the proposed effective date of the change the additional information listed below shall be submitted:

(i) A brief description of all facilities which have been used for the sale and transportation of electric energy under the rate or charge which has been effective. The description should list separately:

(a) Those facilities used solely in rendering service under the present rate.

(b) Those facilities used jointly for rendering service under the present rate and for other purposes.

(ii) A statement or estimate of the original cost, both undepreciated and depreciation, by major account classifications as of most recent date available of:

(a) Those facilities used solely in rendering service under the present rate.

(b) The portion of joint facilities allocable for service under the present rate, and the basis of all allocations.

(c) The total cost of facilities, subdivision (a) plus subdivision (b), used in rendering service under the present rate.

If the original cost figures are not available and a reasonable estimate thereof cannot be prepared at the time, book amounts for the required property classifications may be submitted.

(iii) An estimate of the annual fixed charges, by major items, such as taxes, depreciation, and return, on the cost of the facilities included in (ii) (c) above.

(iv) A statement or estimate by main account classifications of the operating expenses showing:

(a) Those expenses incurred solely for rendering service under the present rate.

(b) The portion of joint expenses allocable for rendering service under the present rate, and the basis of all allocations.

(c) The total expenses incurred for rendering service under the present rate.

If all or any portion of the foregoing information has already been submitted to the Commission, then specific reference thereto may be made in lieu of re-filing in response to the requirements of this rule.

Part 35, § 35.3, paragraph (d) (changes in rate schedules to be indicated) be and it is hereby amended to read as follows:

(d) *Rates, charges, etc., made effective by order of the Commission.* For good cause shown, the Commission may by order provide that any rate schedule, charge, classification or service, or rule, regulation, practice, or contract relating thereto, shall be effective as of a date prior to the date of filing or prior to the date the filing would become effective in accordance with these rules.

Part 35, § 35.3, paragraph (e) (Rates, charges, etc., made effective prior to date of filing upon order of the Commission) be and it is hereby rescinded.

Part 35, § 35.10 (Number of copies of rate schedules to be supplied) be and it is hereby amended to read as follows:

§ 35.10 *Number of copies of rate schedules to be supplied.* Two copies of every rate schedule, certificate of concurrence, notice of succession in ownership or operation, and notice of cancellation submitted for filing must be supplied to the Commission. Both copies are to be included in one package, together with a letter of transmittal listing all rate schedules included, and addressed to the Federal Power Commission, Washington, D. C. The Commission reserves the right to request such additional copies of any of the above mentioned instruments as it may find necessary or appropriate to carry out the provisions of the Federal Power Act.

Part 200, § 200.51 (Notice of succession in ownership or operation) be and it is hereby amended by striking out the statements contained therein reading as follows: [An original and five conformed copies to be submitted] and substituting therefor the following: [An original and one conformed copy to be submitted].

Part 200, § 200.52 (Certificate of concurrence) be and it is hereby amended by striking out the statement contained

therein reading as follows: [An original and five conformed copies to be submitted] and substituting therefor the following: [An original and one conformed copy to be submitted].

Part 200, § 200.53 (Notice of cancellation) be and it is hereby amended by striking out the statement contained therein reading as follows: [An original and five conformed copies to be submitted] and substituting therefor the following: [An original and one conformed copy to be submitted].

The Commission's order, dated July 29, 1938, an order adopting and prescribing FPC Form No. 88 and directing that public utilities report semiannually on said form regarding the transmission and sale of electric energy in interstate commerce, which has been hitherto discontinued by circular letter, dated January 20, 1942, be and it is hereby rescinded.

The amendments to the "Rules of Practice and Regulations With Approved Forms, Effective June 1, 1938" (under the Federal Power Act) adopted, promulgated, and prescribed by this order shall become effective on July 15, 1942; and the Secretary of the Commission shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-5881; Filed, June 23, 1942;
11:51 a. m.]

[Order No. 94]

PART 54—FILING OF RATE SCHEDULES

PART 250—NATURAL GAS ACT

PROVISIONAL RULES OF PROCEDURE; FORMS

JUNE 16, 1942.

The Commission, pursuant to authority vested in it by the Natural Gas Act, particularly section 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates, and prescribes the following amendments to the "Provisional Rules of Practice and Regulations Under the Natural Gas Act, effective July 11, 1938":

Part 54, § 54.3, paragraph (b) (Newly established rates, charges, etc.) be and it is hereby amended to read as follows:

§ 54.3 *Filing of rate schedules, rates, charges etc.* * * *

(b) *Newly established rates, charges, etc.* Unless otherwise provided by order of the Commission, every rate or charge for the transportation or sale of natural gas subject to the jurisdiction of the Commission, as well as any classification, practice, regulation or operation affecting such rate or charge and any contract or agreement which affects or relates to such rate, charge, classification, regulation or service which has not theretofore been in effect, shall be posted and filed with the Commission not less than ten days prior to the date upon which it

is to become effective. As to each newly established rate or charge, there shall be submitted to the Commission:

(1) The date on which service thereunder is proposed to be initiated.

(2) An estimate of sales and revenues, by months, for the first 12 months of service under the proposed rate or charge. The estimate should be subdivided to show sales and revenues by classes of service, customers, and delivery points, when more than one is involved. Sales data should include quantities, demands, load-factors, or other determinants that may be involved in the computation of charges under the rate schedule.

(3) A comparison of the proposed rate with other rates of the company for similar service.

Part 54, § 54.3, paragraph (b) (Changes in rate schedules to be indicated) be and it is hereby rescinded.

Part 54, § 54.3, paragraph (e) (Rates, charges, etc., made effective prior to date of filing upon order of the Commission) and paragraph (f) (Acceptance for filing not approval) be and are hereby amended by continuing them in effect by designating them as paragraph (d) (Rates, charges, etc., made effective prior to date of filing upon order of the Commission) and paragraph (e) (Acceptance for filing not approval) respectively.

Part 54, § 54.10 (Number of copies of rate schedules to be supplied) be and it is hereby amended to read as follows:

§ 54.10 *Number of copies of rate schedules to be supplied.* Two copies of every rate schedule, certificate of concurrence, notice of succession in ownership or operation submitted for filing must be supplied to the Commission. Both copies are to be included in one package, together with a letter of transmittal listing all rate schedules included and addressed to the Federal Power Commission, Washington, D. C. The Commission reserves the right to request such additional copies of any of the above mentioned instruments as it may find necessary or appropriate to carry out the provisions of the Natural Gas Act.

Part 250, § 250.2 (Certificate of concurrence) be and it is hereby amended by striking out the statement contained therein reading as follows: (An original and three conformed copies to be submitted) and substituting therefor the following: (An original and one conformed copy to be submitted).

Part 250, § 250.3 (Notice of cancellation) be and it is hereby amended by striking out the statement contained therein reading as follows: (An original and four conformed copies to be submitted) and substituting therefor the following: (An original and one conformed copy to be submitted).

Part 250, § 250.4 (Notice of succession in ownership or operation) be and it is hereby amended by striking out the statement contained therein reading as follows: (An original and three conformed copies to be submitted) and substituting therefor the following: (An original and one conformed copy to be submitted).

Order No. 65, dated October 17, 1939,¹ an order adopting and prescribing FPC Form No. 141 and directing that natural gas companies report semiannually on said form regarding the transportation and sale of natural gas in interstate commerce, be and it is hereby rescinded as of the effective date of this order.

The amendments to the "Provisional Rules of Practice and Regulations Under the Natural Gas Act, effective July 11, 1938" adopted, promulgated, and prescribed by this order shall become effective on July 15, 1942; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-5880; Filed, June 23, 1942;
11:51 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 3695]

PART 5—ADMINISTRATION OF THE FOREIGN AGENTS REGISTRATION ACT

Pursuant to the authority vested in me by the Foreign Agents Registration Act of 1938, as amended (Public Law 532, 77th Congress, 2d Session) all rules, regulations and forms heretofore prescribed by the Secretary of State under the authority of the Act approved June 8, 1938 (52 Stat. 631) as amended (53 Stat. 1244) are rescinded, revoked and repealed as of June 28, 1942, and the following rules, regulations and forms are hereby made and prescribed to carry out the provisions of the Foreign Agents Registration Act of 1938, as amended.

GENERAL REGULATIONS

Sec.

- 5.1 Administration of Act assigned to Special War Policies Unit.
- 5.2 Inquiries concerning application of Act to be accompanied by statement of facts.
- 5.3 Act and rules and regulations to be considered together.
- 5.4 Prior registration with Secretary of State.
- 5.5 Computation of time.
- 5.6 Discontinuance of activities as agent.
- 5.7 Effect of compliance with Act—other Acts.

SPECIAL CLASSES OF PERSONS SUBJECT TO ACT

- 5.50 Persons outside the United States.
- 5.51 Officers and members of armed forces and officers and employees of foreign governments or foreign political parties.

DEFINITIONS OF TERMS

- 5.100 Definitions of terms used in the rules and regulations.
- 5.101 Definitions of terms used in the Act.

REQUIREMENTS AS TO REGISTRATION

- 5.200 Filing of registration statement.
- 5.201 Separate registration by each person required to register.

¹ 4 F.R. 4523.

- Sec.
5.202 Forms.
5.203 Time within which registration statement must be filed.
5.204 Six-months supplements under section 2 (b).
5.205 Language of registration statements, etc.
5.206 Oath; type; ink; etc.
5.207 Incorporation by reference; inserts.

AMENDMENTS

- 5.250 Formal requirements for amendments.
5.251 Notice of changes in information under clauses (3), (4), (6), and (9) of section 2 (a).

EXEMPTIONS

- 5.300 Burden of establishing availability of exemptions.
5.301 Exemption under section 3 (a).
5.302 Exemptions under sections 3 (b) and (c).
5.303 Exemptions under sections 3 (d) and (e).
5.304 Disclosure of identity under clause (2) of section 3 (f).
5.305 Exemption under clause (3) of section 3 (f).

FILING AND LABELING OF POLITICAL PROPAGANDA

- 5.400 Statement concerning distribution and labeling of political propaganda.

MAINTENANCE OF BOOKS AND RECORDS

- 5.500 Maintenance of books and records.

PUBLIC EXAMINATION OF OFFICIAL RECORDS

- 5.600 Public examination of records.
5.601 Sale of copies of records.

AUTHORITY: §§ 5.1 to 5.601, inclusive, issued under the authority contained in Pub. Law 532, 77th Cong.

GENERAL REGULATIONS

§ 5.1 *Administration of Act assigned to Special War Policies Unit.* The administration of the Act is assigned to the Special War Policies Unit, under the general supervision of the Director of the War Division, Department of Justice. All communications with respect thereto shall be addressed to the Foreign Agents Registration Section, Special War Policies Unit, Department of Justice, Washington, D. C.

Copies of the Act, the rules and regulations and forms may be obtained, upon application, without charge.

§ 5.2 *Inquiries concerning application of Act to be accompanied by statement of facts.* Inquiries concerning the application of the Act must be accompanied by a detailed statement of all facts necessary for a determination of the question submitted, including the identity of the agent, the nature of his activities on behalf of each foreign principal, any activities on his own behalf, and on behalf of some other person, by reason of which registration may be required, the identity of each foreign principal, and an outline of any agreement or agreements under which the agent is acting.

§ 5.3 *Act and rules and regulations to be considered together.* In determining any question concerning the application of the Act to any person, the rules and regulations shall be considered together with the provisions of the Act.

The rules and regulations shall not be construed to limit the Act, or to define its full scope or application.

§ 5.4 *Prior registration with Secretary of State.* The filing of a registration statement with the Secretary of State prior to June 28, 1942 by a person required to register under the Act shall not be deemed compliance with the requirements of section 2 (a).

§ 5.5 *Computation of time.* Sundays and holidays shall be counted in computing any period of time provided for in the Act or in the rules and regulations.

§ 5.6 *Discontinuance of activities as agent.* Every registrant and every person with respect to whom a statement has been furnished to the Secretary of State pursuant to section 3 (f) and § 5.305 (a) (1) of this Part shall, within thirty days after the termination of any agency or the cessation of the activities which necessitated his registration or the furnishing of a statement as aforesaid, submit a notice under oath to the Foreign Agents Registration Section of the fact of termination or cessation, the date on which it occurred and the reasons therefor.

§ 5.7 *Effect of compliance with Act—other Acts.* (a) Compliance with the requirements of the Act or of the rules and regulations shall not remove the necessity for (1) filing a notification with the Secretary of State as required by the Act of June 15, 1917 (40 Stat. 228, 22 U.S.C. 1940 ed. Sec. 601) or (2) filing Statements with the Attorney General as required by the Act of October 17, 1940 (54 Stat. 1201; 18 U.S.C. 1940 ed. Secs. 14-17), or (3) complying with any other federal or state law.

(b) Compliance with any other law shall not remove the necessity for fulfilling the requirements of this Act.

SPECIAL CLASSES OF PERSONS SUBJECT TO ACT

§ 5.50 *Persons outside the United States.* (a) Any person not within the United States who uses any means or instrumentality of interstate or foreign commerce within the United States, or the United States mails, to circulate or disseminate any political propaganda in the form of prints or in any other form reasonably adapted to being, or which he believes will be, or which he intends to be, circulated or disseminated to two or more persons, shall be regarded as acting within the United States, and as subject to the provisions of the Act, including the requirements of sections 2 and 4.

(b) Any person not within the United States and eligible for an exemption under section 3 (f) shall comply with the provisions of §§ 5.304 and 5.305, if such person uses any means or instrumentality of interstate or foreign commerce within the United States, or the United States mails, to circulate or disseminate any communication or expression in the form of prints or in any other form reasonably adapted to being, or which he believes will be, or which he intends to be, circulated or disseminated to two or more persons.

(c) This § 5.50 shall have no application to "foreign transit prints."

§ 5.51 *Officers and members of armed forces and officers and employees of*

foreign governments or foreign political parties—(a) Conditions under which registration is required. Every person who, under the provisions of section 1 (c) (4), is an agent of a foreign principal solely by reason of the fact that he is an officer or member of the active or reserve military, naval, or other armed forces of a foreign government or foreign political party, or that he is an officer or employee of a foreign government or foreign political party, who is not exempt under section 3, and who, after June 28, 1942, directly or indirectly, engages in any political activity as defined in § 5.100, on his own behalf, or in the interests of any foreign principal, is required to register whether or not such person acts on behalf of, or at the direction of, a foreign principal.

(b) *Persons regarded as officers or members of armed forces.* For the purposes of § 5.51, a person shall be regarded as an officer or member of the active or reserve military, naval, or other armed forces of a foreign government or foreign political party, if:

(1) He has received a commission as such from any foreign government or foreign political party, and has not *bona fide* resigned such commission and *bona fide* renounced his allegiance to such foreign country or foreign political party;

(2) He has received military training in, or rendered service to, any such military, naval, or other armed forces and by reason thereof, or for any other reason, is considered by the law or regulations governing such forces to be an officer or member, and has not *bona fide* renounced his allegiance to such foreign country or foreign political party.

No person shall be regarded as having *bona fide* resigned any such commission, or *bona fide* renounced such allegiance, if since having last so resigned or renounced he has, directly or indirectly, affiliated himself with such forces, or has, directly or indirectly, recognized an obligation to serve in such armed forces, or has engaged in any political activity referred to in paragraph (a) of § 5.51, on behalf of, or in the interests of, any government or political party referred to in paragraph (a) of § 5.51.

(c) *Persons regarded as officers or employees of a foreign government or foreign political party.* For the purposes of § 5.51, a person shall be regarded as an officer or employee of a foreign government or foreign political party, whether or not he receives any form of remuneration or reimbursement, if he holds any office or employment in such a government or political party, or performs any duties on behalf of such a government or political party, and has not *bona fide* resigned such position, or *bona fide* terminated the performance of such duties.

No person shall be regarded as having *bona fide* resigned such position or *bona fide* terminated such duties, if since last having purportedly resigned such position, or purportedly terminated such duties, he has, directly or indirectly, performed any of the functions of, or acted

as, an officer or employee of such foreign government or foreign political party.

DEFINITIONS OF TERMS

§ 5.100 *Definitions of terms used in the rules and regulations.* (a) As used in the rules and regulations unless the context otherwise requires:

(1) The term "Attorney General" means the Attorney General of the United States.

(2) The term "Secretary of State" means the Secretary of State of the United States.

(3) The term "Foreign Agents Registration Section" refers to the Foreign Agents Registration Section of the Special War Policies Unit, War Division, Department of Justice, Washington, D. C.

(4) The term "Act" means the Foreign Agents Registration Act of 1938, as amended. (Public No. 532, 77th Cong., 2d Sess., Approved April 29, 1942.)

(5) The term "section" refers to a section of the Act.

(6) The term "rules and regulations" refers to all rules, regulations, forms and instructions to forms made and prescribed by the Attorney General pursuant to the Act.

(7) The term "registrant" means the person for whom a registration statement is filed.

(8) The term "political activity" includes, but shall not be limited to, any of the following:

(i) Circulating or disseminating any political propaganda within the meaning of paragraph (b) of this § 5.100;

(ii) Furnishing information or advice to, or in any way representing, a foreign principal with respect to any matter pertaining to political or public interests, policies or relations of any foreign government or foreign political party or the political interests of such foreign principal, or engaging in other activities in furtherance of such political or public interests, policies or relations;

(iii) Directly or indirectly, furnishing, publishing, or disseminating, whether or not pursuant to contractual relationship or authorization, any matter described in section 1 (h) or 1 (i) of the Act, which is reasonably adapted to being, and which the person so furnishing, publishing, or disseminating, has reason to believe will be, or intends to be, used in furtherance of the interests of any government of a foreign country or any foreign political party, or as a basis for, or in the dissemination or circulation of, political propaganda;

(iv) Engaging on behalf of, or in the interests of, a foreign government or foreign political party, in activities or duties as, or performing the functions of, a security or an intelligence officer of a foreign government or foreign political party;

(v) Engaging in any military activity on behalf of, or in the interests of, any foreign government or foreign political party;

(vi) Engaging in any activity to influence the enactment or repeal of any legislation affecting the political or public interests, policies or relations of a for-

foreign government, a foreign political party, or a foreign principal, or affecting the foreign policies or relations of the United States;

(vii) Engaging in any activity devoted, in whole or in part, to the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof; or

(viii) Directly or indirectly, reporting or transmitting to any foreign principal any information the publication, dissemination, or transmission of which is forbidden or restricted in the interests of the national defense by the regulations or codes of practice in effect from time to time by the Office of Censorship, without the authority of an appropriate agency of the Government of the United States.

(b) The term "political propaganda" as used in § 5.100 shall include only "political propaganda" as defined in section 1 (j), which is in the form of prints, speeches, broadcasts, or in any other form reasonably adapted to being, and which there is reason to believe will be, or is intended to be, circulated or disseminated among two or more persons.

(c) The terms used in the rules and regulations shall have the meanings defined in the Act.

§ 5.101 *Definitions of terms used in Act—(a) Control and controlled.* As used in sections 1 (b) (2), 1 (d), 2 (a) (2) and 2 (a) (3), the terms "control" and "controlled" include the exercise or the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(b) *Other definitions.* For definitions of terms as applied in particular instances, see §§ 5.51 (b) and (c) and 5.303 (d).

REQUIREMENTS AS TO REGISTRATION

§ 5.200 *Filing of registration statement.* Registration statements shall be filed in duplicate with the Foreign Agents Registration Section, Special War Policies Unit, Department of Justice, Washington, D. C. Filing may be made in person or by mail, and shall be deemed to have taken place upon the receipt thereof.

§ 5.201 *Separate registration by each person required to register.* (a) Except as hereinafter provided, the filing of a registration statement by a partnership, corporation, association, organization, or other combination of individuals, shall not remove the necessity of filing a registration statement by individual members, employees, associates and affiliates of such registrant, who are required to register under the Act.

(b) Upon application in writing by the partners, officers or persons acting for such combination of individuals, the Chief of the Special War Policies Unit may, in the interests of the national defense, internal security, and foreign re-

lations of the United States, and subject to such terms and conditions as those interests may require, consider the registration statement filed by such combination of individuals as the registration statement of each member, employee, associate and affiliate of such registrant. The Chief of the Special War Policies Unit shall set forth in a written statement the terms and conditions upon which any such single registration statement is to be considered as the statement required of the individual members, employees, associates and affiliates. Copies of any such applications filed with the Chief of the Special War Policies Unit, and copies of any such written statements by the Chief of the Special War Policies Unit shall be public records and open to public examination in accordance with the provisions of §§ 5.600 and 5.601.

§ 5.202 *Forms.* (a) Every person required to register shall file a registration statement on Form FA-1 or FA-2. Form FA-1 shall be used by agents who are individuals. Form FA-2 shall be used by partnerships, corporations, organizations, associations or other combinations of individuals. Each of these forms requires the filing of certain exhibits among which is Exhibit "C", which requires the disclosure of information with respect to foreign principals and the activities of agents on behalf of such principals. A printed form is prescribed for Exhibit "C" and the necessary copies will be provided upon request. If an agent represents more than one foreign principal or performs any "political activity" as defined in § 5.100 on behalf of persons other than foreign principals, a separate Exhibit "C" shall be filed for each such foreign principal or other person.

(b) If any of the forms described in § 5.202 are not appropriate, the Chief of the Special War Policies Unit may designate a form to be used.

§ 5.203 *Time within which registration statements must be filed.* (a) Except as hereinafter provided, every person subject to the registration requirements of the Act on its effective date, June 28, 1942, shall file a registration statement pursuant to section 2 (a) and the rules and regulations before 6:00 p. m., Eastern War Time, July 8, 1942.

(b) Except as hereinafter provided, every person who becomes subject to the registration requirements of the Act after June 28, 1942, shall file such registration statement on or before the tenth day following the day on which such person becomes subject to the registration requirements. The day on which such person becomes subject to such requirements shall not be included in computing the ten-day period.

(c) Upon the filing of an application, in writing, by letter, telegram or cable, setting forth that a registration statement cannot be filed within the times set out in paragraphs (a) or (b) above, or that the requirements of those paragraphs would impose undue hardship, the Chief of the Special War Policies Unit may extend the times within which a registration statement shall be filed

for such period as will reasonably permit compliance with the registration requirements of the Act and Regulations. Applications filed pursuant to this paragraph shall set forth the reasons why the filing of a registration statement within the times specified cannot be complied with, or why it would create undue hardship.

§ 5.204 *Six-months supplements under section 2 (b)*. Every registrant shall file a six-months supplement to his original registration pursuant to section 2 (b). Supplements to Form FA-1 shall be filed on Form FA-1-6M and supplements to Form FA-2 on Form FA-2-6M. All supplemental statements shall be filed in duplicate.

§ 5.205 *Language of registration statements, etc.* (a) All forms, statements, notices, supplements, amendments and other documents filed shall be in English whenever possible. If in a foreign language, they shall be accompanied by an English translation certified under oath by the translator before a notary public or other person authorized by law to administer oaths for general purposes, as a true and accurate translation.

(b) All answers to items on the forms shall be so worded as to be complete and intelligible without the necessity of referring to the instructions accompanying the particular form or to the rules and regulations.

(c) Except as specifically provided otherwise, if any item on any form is inapplicable, or the answer is "None", an express statement to such effect shall be made.

§ 5.206 *Oath; type; ink; etc.* (a) Every form, statement, notice, supplement and amendment, and every duplicate thereof, shall be executed under oath, in the manner set forth in section 2 (c).

(b) Every form, statement, notice, supplement, and amendment shall be typewritten, where practicable, but will be regarded as complying with the Act and the rules and regulations if written legibly in black ink.

(c) If duplicates of any of the foregoing are required, such duplicates shall be of the same size as the original, shall be clear and easily read, and may be made by any one or more duplicating processes including photocopying.

(d) All inserts and documents submitted as a part of any form or statement and all amendments, shall be on good quality unglazed white paper, 8½ by 13 inches in size. Tables and financial data, however, may be on larger paper, if folded to such size.

§ 5.207 *Incorporation by reference; inserts.* (a) Matter contained in any part of a registration statement or statement filed pursuant to section 3 (f) and § 5.305, may be incorporated by reference as answer, or partial answer, to any item in the registration statement. In each case of incorporation by reference, the matter incorporated shall be clearly identified in the reference. An express statement shall be made to the effect that the specified matter is incorporated

in the registration statement at the particular place where the information is required. Notwithstanding the foregoing, the Chief of the Special War Policies Unit may refuse to permit such incorporation in any case in which in his judgment such incorporation would render the registration statement incomplete or confusing.

(b) Riders shall not be used. If the space provided on any form for the answer to any given item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and item shall be restated and the complete answer given.

AMENDMENTS

§ 5.250 *Formal requirements for amendments.* (a) Amendments shall conform in all respects to § 5.206, may be submitted in person or by mail, and need be submitted in duplicate only when the original statements to which the amendments relate are required to be submitted in duplicate.

(b) Amendments shall in every case make appropriate reference by number or otherwise to the items to which they relate.

(c) Amendments and supplements to registration statements shall be deemed to have been filed upon the receipt thereof.

§ 5.251 *Notice of changes in information under clauses (3), (4), (6) and (9) of section 2 (a)*. Notices pursuant to section 2 (b) of changes in information furnished in a registration statement in accordance with clauses (3), (4), (6) and (9) of section 2 (a) shall be by amendment, and shall be filed with the Foreign Agents Registration Section within ten days after such changes occur.

EXEMPTIONS

§ 5.300 *Burden of establishing availability of exemptions.* In all matters pertaining to exemptions, the burden of establishing the availability of the exemption shall rest with the person for whose benefit the exemption is claimed.

§ 5.301 *Exemption under section 3 (a)*. The exemption provided by section 3 (a) shall apply to diplomatic officers duly accredited to the Government of the United States, and to consular officers who, after appointment by their governments, have received formal recognition as such from the Secretary of State, whether such recognition is provisional or by exequatur. The exemption is available, however, only while such diplomatic or consular officers are engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officers.

§ 5.302 *Exemptions under sections 3 (b) and (c)*. (a) The exemption provided by section 3 (b) shall apply only to officials of foreign governments which are recognized by the United States, who have filed a fully executed Foreign Official Status Notification with the Secretary of State.

(b) The exemption provided by section 3 (c) shall apply only to members of the

staff of, and persons employed by, duly accredited diplomatic or consular officers of foreign governments who are so recognized by the Department of State, who have filed a fully executed Foreign Official Status Notification with the Secretary of State.

(c) The exemption provided by sections 3 (b) and (c) shall not be regarded as available to any person described in paragraphs (a) and (b) of § 5.302 if:

(1) He engages in any activities which are not recognized by the Department of State as being within the scope of such person's functions;

(2) He, directly or indirectly, circulates or disseminates any political propaganda as defined in section 1 (j), which is in the form of prints, speeches, broadcasts, or in any other form reasonably adapted to being, and which he has reason to believe will be, or which he intends to be, circulated or disseminated to two or more persons within the United States, or any other American republic;

(3) He acts, or has agreed to act, as a security or an intelligence officer, or acts, or has agreed to act, in a related or similar capacity;

(4) He is employed, directly or indirectly, in furnishing information or advice pertaining to political or public interests, policies or relations (including information or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any foreign country, the government of any foreign country, or any foreign political party), to any person other than officials of his government, the Government of the United States, or any other government which is not at war with the United States, and which is not aiding, or dominated by, any government at war with the United States or any of her Allies;

(5) Directly or indirectly, reporting or transmitting to any foreign principal any information the publication, dissemination, or transmission of which is forbidden or restricted in the interests of the national defense by the regulations or codes of practice in effect from time to time by the Office of Censorship, without the authority of an appropriate agency of the Government of the United States;

(d) *Provided*, That in no event shall the exemption provided by section 3 (b) be available to any citizen of the United States.

§ 5.303 *Exemption Under sections 3 (d) and (e)*. (a) Except as provided hereafter in paragraph (b) of § 5.303, no person shall be regarded as being engaged, or as having agreed to engage, only:

(1) In private, nonpolitical, financial, mercantile, or other activities in furtherance of the bona fide trade or commerce of a foreign principal (as provided in section 3 (d)), or

(2) In the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing, to relieve human suffering, if

such solicitation or collection of funds and contributions is in accordance with, and subject to, the provisions of the Act of November 4, 1939, as amended (54 Stat. 48), and such rules and regulations as may be prescribed thereunder (as provided in section 3 (d)), or

(3) In activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits, or the fine arts (as provided in section 3 (e)),

if he engages in any political activity as defined in § 5.100 on behalf of a foreign principal, on his own behalf, or on behalf of any other person, or engages in any other nonexempt activity.

(b) Any person who is an agent of a news service, radio news service, photo news service, or press service or association, organized under the laws of any foreign country or other place subject to the jurisdiction of any foreign country, or any newspaper, magazine, periodical or other publication published by a foreign principal shall be regarded as exempt under the provisions of section 3 (d) with respect to his activities as or for any such service, association or publication only if, and so long as, such activities are bona fide. Such activities shall be regarded as bona fide if the "political activity," as defined in § 5.100, engaged in by such person is confined to:

(1) The gathering and reporting of information which is reasonably adapted to being, and which he intends to be, used by any such service, association or publication, purely for news purposes, and not for the purpose of disseminating political propaganda;

(2) Broadcasting or writing for publication within the United States, concerning which the Foreign Agents Registration Section has previously been notified in writing, or the making of extemporaneous oral communications, which broadcasts, writings, or communications are not intended for the purpose of disseminating political propaganda;

Provided, however, Such activities shall not be regarded as bona fide if:

(i) Any such service, association or publication is owned, in whole or in part, or subsidized, by any foreign government or any foreign political party;

(ii) Any of the activities of such person, service, association or publication are directed by any foreign government or any foreign political party;

(iii) Any such person acts, agrees, assumes, or purports, to act, for, or on behalf of, or in the interests of, any such service or association organized under the laws of, or having its principal place of business in, or any such publication printed in, any foreign country with which the United States is at war, or any foreign country allied with, or occupied or dominated by, any such country;

(iv) Any such person transmits information by code or cipher or in any form in which the information transmitted is not reasonably intelligible; or

(v) Any such person engages in any activity set out in paragraph (a) (8) (viii) of § 5.100.

(c) This § 5.303 shall not be construed as fully defining the several activities which, if engaged in, make the exemption under section 3 (d) unavailable.

(d) As used in § 5.303, the term "trade or commerce" shall include the exchange, transfer, purchase, or sale of commodities, services, or property of any kind.

§ 5.304 *Disclosure of identity under clause (2) of section 3 (f)*. (a) Disclosure of the identity of a person as an agent of a foreign principal in accordance with clause (2) of section 3 (f) shall be made at the beginning of each communication or expression referred to in said clause, and shall be by some means reasonably adapted to convey to the recipient:

(1) The name of the person engaged in the publication, dissemination or circulation of such matter;

(2) The fact that such person represents a government or is acting in the interests of a government, and the identity of the government or governments represented by such person in the publication, dissemination or circulation of such matter.

§ 5.305 *Exemption under clause (3) of section 3 (f)*—(a) *General requirements*. Except as hereinafter provided, the exemption provided by section 3 (f) shall be available to a person whose foreign principal is a government of a foreign country the defense of which the President deems vital to the defense of the United States only if there has been furnished to the Secretary of State for transmittal to the Foreign Agents Registration Section or, with the consent of the Secretary of State, to the Foreign Agents Registration Section, the following:

(1) *Statement required*. Within the period specified in paragraph (d) of § 5.305, a statement concerning the identity and activities of such person;

(2) *Copies of communications transmitted*. Within ten days after the first day of each calendar month, two summaries of any oral, and two copies of any visual, graphic, written, pictorial, or other communication or expression by any such person, which he has, or which he has reason to believe has been, circulated or disseminated to or among twenty or more members of the public within the United States during the previous calendar month, together with a statement setting forth with respect to each such communication, or summary, or copy thereof, (i) the approximate number of persons to, or among whom, such communication was circulated or disseminated by him, if known, (ii) the means by which such communication was circulated or disseminated, and (iii) the names and addresses of persons designated by him to receive twenty or more copies of such communication. If any such communication is circulated or disseminated during any subsequent month,

it shall not be necessary to furnish copies of such communications for each additional month, and it shall be sufficient if there is furnished in the detail described above a statement concerning the further circulation or dissemination of each such communications;

(3) *Additional information*. Such other statements, information, or documents pertinent to the purposes of the Act as the Chief of the Special War Policies Unit of the Department of Justice may from time to time require with respect to the identity and activities of such person, or any group or organization of such persons referred to in paragraph (c) of § 5.305.

(b) *Waiver of requirements*. The Chief of the Special War Policies Unit may, upon application in writing, in the interests of the national defense, internal security, and foreign relations of the United States, and subject to such terms and conditions as those interests may dictate, waive, in writing, any or all of the requirements of paragraph (a) of § 5.305, with respect to any person, group or organization. Such waiver shall set forth the terms and conditions upon which it is granted. The filing of any such application for waiver will be deemed to be a compliance with the requirements of § 5.305 pending notification by the Chief of the Special War Policies Unit of his decision with respect to such application.

(c) *Form*. The statement referred to in paragraph (a) (1) of § 5.305 shall be furnished, in duplicate, to the Secretary of State on Form FA-3F. A separate statement shall be furnished on such Form with respect to each person referred to in paragraph (a) of § 5.305, except where two or more of such persons and employees are associated as an established group or organization engaged in activities as a unit. In such case, a statement with respect to such group or organization shall be furnished on Form FA-3F, and a separate statement need not be furnished with respect to any individual or person within the group or organization, unless such person engages independently of the group or organization in activities on behalf of his government for which no exemption is available except under section 3 (f).

(d) *Time within which form must be furnished*. Form FA-3F shall be furnished within the following specified periods:

(1) If the person is an agent on June 28, 1942, within thirty (30) days thereafter; or

(2) If not an agent on June 28, 1942, within thirty (30) days after he first becomes an agent; or

(3) Within such extended period as the Chief of the Special War Policies Unit, for good cause shown, may designate.

(e) *Procedure when person is agent for more than one government*. If any person referred to in paragraph (a) (1) of § 5.305 is an agent of more than one such government, separate statements pur-

suant to paragraph (a) (1) of § 5.305, shall be furnished with respect to his activities on behalf of each such government.

(f) *Amendments and supplements to statements furnished*—(1) *Notice of change in statement under paragraph (a) (1)*. Within ten (10) days after any material changes occur in the information contained in a statement furnished pursuant to paragraph (a) (1) of § 5.305 relating to:

- (i) The activities of the agent,
- (ii) The agreements, charters, by-laws, or other documents under which he operates, or
- (iii) Officers, directors, or persons performing similar functions,

a statement setting forth such changes shall be furnished to the Secretary of State for transmittal to the Foreign Agents Registration Section, or, with the consent of the Secretary of State, to the Foreign Agents Registration Section.

(2) *Six-months supplements*. Within thirty (30) days after the expiration of each period of six months succeeding the date upon which a statement is furnished to the Secretary of State pursuant to paragraph (a) (1) of § 5.305, a statement shall be furnished to the Secretary of State for transmittal to the Foreign Agents Registration Section, or, with the consent of the Secretary of State, to the Foreign Agents Registration Section, setting forth current information with respect to each item set out in the original statement furnished. Six-months supplements shall be filed on Form FA-3F-6M.

(g) *Receipt of statements and amendments*. All statements, supplements and amendments submitted in accordance with § 5.305 will be deemed to have been furnished upon receipt thereof by the Secretary of State, or, if furnished directly to the Foreign Agents Registration Section, upon receipt by that Section.

(h) *By whom forms are to be executed*. Forms FA-3F, FA-3F-6M, and the statements to be furnished pursuant to paragraph (a) (2) of § 5.305 shall be executed by the individual agent or a majority of the partners, officers, or directors of the agent, or persons performing similar functions for the agent. In addition, Forms FA-3F and FA-3F-6M shall bear a certification that the agent on whose behalf the Form is filed is an agent of a particular government. Such certification shall be made by the person who, within the United States, is the head of the diplomatic mission of the government for which such person or employee is an agent, or by any responsible official of such government designated by the head of such diplomatic mission.

(i) *Effect of exemption under section 3 (a) through (e) inclusive*. Any person exempt under sections 3 (a), (b), (c), (d), or (e) shall not be required to comply with the provisions of § 5.305 of this Part.

(j) *Nonexempt activities; effect of compliance with rule*. The fact that the requirements of § 5.305 have been complied with with respect to a person shall not operate to relieve such person from

filing a registration statement pursuant to section 2 (a) or from complying with the provisions of section 4 or the Rules and Regulations, with respect to any nonexempt activity on behalf of any other foreign principal.

(k) *Employees*. The provisions of § 5.305 shall apply to any employee of any person described in paragraph (a) hereof.

(l) *Requirements of rule in addition to conditions of 3 (f)*. The requirements of § 5.305 shall be in addition to and not in substitution of the conditions set forth in clauses (1) and (2) of section 3 (f).

FILING AND LABELING OF PROPAGANDA

§ 5.400 *Statement concerning distribution and labeling of political propaganda*.

(a) Every person who, pursuant to section 4, is required to file a copy of any political propaganda with the Attorney General shall transmit or deliver such copy to the Foreign Agents Registration Section, and shall attach to each such copy a statement, in duplicate, setting forth the following:

(1) A concise account of the nature of the matter filed.

(2) The medium by which such matter has been transmitted, all addresses from which, and the date or dates on which, transmitted.

(3) The approximate number of copies transmitted, and the states, territories and other places subject to the jurisdiction of the United States and any other American republics, to which transmitted.

(4) The approximate number of persons designated by the foreign agent to receive less than one hundred and more than ten copies, and the number of persons designated to receive more than one hundred copies.

(5) The approximate number of libraries, educational institutions, press services or associations, newspapers or other publications, and public officials, designated to receive copies.

(6) The nationality groups to which such matter is transmitted.

(7) The names and addresses of all publications printed in any language other than English which are designated to receive copies.

(8) If such matter is in the form of radio script, any part of which has been written or edited by, or at the direction of, the foreign agent, set forth the radio station from which the broadcast is made and the name of the broadcasting chain used, if any, and the date or dates when broadcast.

(9) Such additional information with respect to the places, times and extent of such transmittal, as the Chief of the Special War Policies Unit, having due regard for the national security and public interest, may require in any particular case.

(b) Any statement filed pursuant to paragraph (a) of § 5.400 may incorporate by reference any information set forth in a similar statement previously filed by the same person pursuant to paragraph (a). In such case, however, the statement previously filed shall be spe-

cifically identified wherever matter therein is incorporated in a subsequent statement.

(c) Filing may be made in person or by mail and, except where made in person, shall be deemed to have taken place upon the deposit thereof in the mails properly addressed to the Foreign Agents Registration Section.

(d) In any case where an item of propaganda has been filed with the Foreign Agents Registration Section, together with the statement referred to in paragraph (a) of § 5.400, it shall not be necessary, upon subsequent circulation or dissemination to the public of the same item, to forward additional copies to the Foreign Agents Registration Section or the Librarian of Congress. In such case, it shall be sufficient if there is furnished to the Foreign Agents Registration Section, in the detail set out in paragraph (a) of § 5.400, a statement concerning the additional circulation or dissemination of any such items. Such statement may be rendered monthly and may cover one or more of such items as have been circulated or disseminated subsequent to the filing of the statements required in paragraph (a). If such statement is rendered monthly, it shall be transmitted to the Foreign Agents Registration Section within ten days after the close of the calendar month for which such statement is made.

(e) Except as provided in paragraph (f) below; all political propaganda required to be filed pursuant to section 4 (a) shall contain or bear a statement conspicuously marked at the beginning in the language or languages used in such propaganda, setting forth the following:

(1) The name and address of the agent transmitting or causing the material to be transmitted, and that such person is registered with the Foreign Agents Registration Section, Department of Justice, Washington, D. C., where his registration statement is available for public inspection.

(2) That the distribution being made is on behalf of, or in the interests of, a specified principal or principals, and that copies of the material distributed have been (or are being) filed with the Foreign Agents Registration Section.

(3) That the filing of a registration statement with such Section should not be considered as any indication that the United States Government has approved the material being transmitted.

(f) All political propaganda which is orally transmitted by use of a means or instrumentality of interstate or foreign commerce shall be introduced by a statement, in the language or languages used in such oral transmission, which is reasonably adapted to convey to the recipient or recipients thereof all of the facts set forth in paragraph (e) above.

MAINTENANCE OF BOOKS AND RECORDS

§ 5.500 *Maintenance of books and records*. (a) Every person who is subject to the registration requirements of the Act on June 28, 1942 and every person who at a later date becomes subject

to such requirements, shall preserve all books and records in his possession, relating to any activities which necessitate registration. Thereafter all such persons shall make and keep current the following books and records:

(1) All correspondence, memoranda, cables, telegrams, teletype messages and other written communications to and from all foreign principals and all other persons, relating to registrant's activities on behalf of, or in the interests of, foreign principals.

(2) All correspondence, memoranda, cables, telegrams, teletype messages and other written communications to and from all persons, other than foreign principals, relating to registrant's "political activity" as defined in § 5.100, or relating to such activity on the part of any of registrant's principals.

(3) Cryptographic paraphernalia, code books, cipher descriptions and key books or other things used in the preparation of coded or enciphered messages or the translation of such messages.

(4) Records containing the names and addresses of persons designated to receive any "political propaganda" as defined in section 1 (j), which is in the form of prints, or in any other form reasonably adapted to being, or which registrant believes will be, or which he intends to be, circulated or disseminated to two or more persons.

(5) All bookkeeping and other financial records relating to registrant's activities on behalf of all foreign principals, including cancelled checks, bank statements and records of income and disbursements, showing names and addresses of all persons who have paid monies to the registrant or who have received monies from the registrant, the specific amounts so paid or received, and the date on which each item was paid or received.

(6) If a corporation, association, or other combination of individuals, all minute books.

(7) Such books or records as will disclose the names and addresses of all employees and agents of registrant, including persons no longer acting as employees.

(8) Such other books, records and documents as are necessary properly to reflect the activities by reason of which registration is required.

(b) Pursuant to section 5 of the Act, the books and records described in paragraph (a) of § 5.500 shall be preserved for a period of three years following the submittal to the Foreign Agents Registration Section of a notice, in accordance with § 5.6, of the termination of the agency or cessation of the activities which required registration.

PUBLIC EXAMINATION OF OFFICIAL RECORDS

§ 5.600 *Public examination of records.* Registration statements and statements concerning the distribution of political propaganda filed in accordance with section 4 (a) are available for public examination at the Office of the Director of Public Relations of the Department of Justice, Washington, D. C., from 10:00

a. m. to 4:00 p. m. on each business day except Saturday, and from 10:00 a. m. to 1:00 p. m. on Saturdays.

§ 5.601 *Sale of copies of records.* (a) Photocopies of registration statements and statements concerning the distribution of political propaganda filed in accordance with section 4 will be sold to the public at the rate of ten cents per photocopy of each page whether several copies of a single original page or one or more copies of several original pages are ordered.

(b) Estimates as to prices for copies and the time required for their preparation will be furnished upon request addressed to the Foreign Agents Registration Section.

(c) Payment shall accompany the order and shall be made in cash, or by United States postal money order, or certified bank check payable to the Treasurer of the United States. Postage stamps will not be accepted.

FRANCIS BIDDLE,
Attorney General.

JUNE 23, 1942.

[F. R. Doc. 42-5882; Filed, June 23, 1942; 2:23 p. m.]

TITLE 29—LABOR

Chapter IV—Children's Bureau, Department of Labor

[Regulation No. 1-L]

PART 401—CERTIFICATES OF AGE

JUNE 24, 1942.

EXTENSION OF REGULATION TEMPORARY CERTIFICATES OF AGE

Authority for regulation. By virtue of and pursuant to the authority conferred by section 3 (b) and section 11 (b) of the Fair Labor Standards Act of 1938¹ the following regulation is hereby issued for the purpose of extending the effective period of Child Labor Regulation No. 1-A, entitled "Temporary Certificates of Age," as amended by Child Labor Regulations Nos. 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, 1-H, 1-I, 1-J, and 1-K.

Regulation. Child Labor Regulation No. 1-A, entitled "Temporary Certificates of Age," issued October 14, 1938,² as amended by Child Labor Regulations Nos. 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, 1-H, 1-I, 1-J, and 1-K,³ is hereby amended by extending the effective period for the acceptance of temporary certificates of age, as provided in Child Labor Regulation No. 1-A, for an additional period from July 1, 1942, to June 30, 1943, inclusive.

[SEAL] KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 42-5926; Filed, June 24, 1942; 11:50 a. m.]

¹Act of June 25, 1938, c. 676, 52 Stat. 1060, 29 U.S.C., sec. 201.

²3 F.R. 2531.

³4 F.R. 402, 1620, 3328, 4262; 5 F.R. 159, 1365, 2597, 5148; 6 F.R. 3148; 7 F.R. 807.

[Regulation No. 24]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES

JUNE 24, 1942.

§ 402.1 *Designation of States.* Pursuant to the provisions of § 401.5,¹ I hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, c. 676, 52 Stat. 1060, 29 U.S.C., sec. 201:

Alabama.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Illinois.	Pennsylvania.
Indiana.	Puerto Rico.
Iowa.	Rhode Island.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Utah.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	Washington.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	Wyoming.
Montana.	

This designation shall be effective from July 1, 1942, until June 30, 1943, unless this regulation is amended or repealed by regulation hereafter made and published by the Chief of the Children's Bureau.

[SEAL] KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 42-5927; Filed, June 24, 1942; 11:51 a. m.]

Chapter V—Wage and Hour Division

PART 522—EMPLOYMENT OF LEARNERS

RECORDS; CANCELLATION AND TERMS OF CERTIFICATES

The following regulations amending §§ 522.7, 522.8 (c), and 522.9 of the regulations applicable to the employment of learners pursuant to section 14 of the Fair Labor Standards Act are hereby issued. These regulations shall become effective upon my signing the original and upon publication thereof in the FEDERAL REGISTER.

§ 522.7 *Records to be kept for learners.*² (a) Each worker employed as a learner under a special learner certificate shall be designated as such on the pay roll records kept by the employer.

¹Section 5, Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (1) and 11 (b) of the Fair Labor Standards Act of 1938, 3 F.R. 2487; 4 F.R. 1361.

²Detailed requirements for record keeping are set forth in Record-Keeping Regulations, Part 516.

All learners shall be listed together as a separate group on the pay roll records kept by the employer.

(b) The employer shall obtain and keep in his records a statement signed by the learner employed under a special learner certificate of any experience he may have had in the industry in the five years prior to employment as a learner. The statement should contain dates of previous employment in the industry, occupations in which the learner was engaged and the types of products upon which the learner worked.

§ 522.8 *Prohibition; false evidence; procedure for cancellation.* * * *

(c) *Cancellation of certificates.* Any special learner certificate shall be cancelled as of the first date of violation if it is found that any of its terms have been violated except where the violation is deemed to be of minor nature by the Division.

§ 522.9 *Terms of special certificates.* No special learner certificate shall be applicable to the employment of learners at more than one plant. Where one establishment occupies several buildings in the same community and the workers in these buildings are engaged in the various processes necessary to the manufacture of the primary products of the establishment, the workers shall be regarded as employees of the same plant for the purpose of these regulations.

Each special certificate shall specify the number or percentage of learners who may be employed under the certificate, the learning period, the time when and the wage rate at which such persons may be employed. No certificate may be issued retroactively.

Signed at New York this 20th day of June, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-5935; Filed, June 24, 1942; 9:18 a. m.]

PART 522—EMPLOYMENT OF LEARNERS

SINGLE PANTS, SHIRTS AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

The following regulations—Part 522, §§ 522.160 to 522.165 are hereby issued. These regulations amend and supersede Part 522, §§ 522.160 to 522.178, Regulations Applicable to the Employment of Learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries, published in the FEDERAL REGISTER on September 23, 1941,¹ and made effective on September 29, 1941,² by later amendment. These regulations also amend and supersede §§ 522.040 to 522.052 of the Regulations Applicable to the Employment of Learners in the Apparel Industry, published in the FEDERAL

¹ See regulations, Part 522, regulations applicable to the employment of learners pursuant to section 14 of the Fair Labor Standards Act of 1938 for provisions on the application for, issuance, and cancellation of learner certificates.

² 6 F.R. 4839.

³ 6 F.R. 5748.

REGISTER on September 7, 1940,⁴ insofar as they apply to the employment of learners in the Sportswear, Rainwear, Robes, Leather and Sheep-Lined Garments Divisions of the apparel industry.

AUTHORITY: §§ 522.160 to 522.165, inclusive, issued under sec. 14, 52 Stat. 1068; 29 U.S.C. 14.

§ 522.160 *Conditions upon which special learner certificates may be granted.* Upon application to the Administrator of the Wage and Hour Division, special certificates authorizing the employment of learners at subminimum wage rates in the apparel industries specified below may be issued by the Administrator or his authorized representative under the following terms when it appears that experienced workers are not available to an employer making application for a special certificate and that the issuance of a special certificate will not create unfair competitive labor cost advantages or impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

§ 522.161 *Apparel industries or divisions thereof to which the regulations apply.* (a) These regulations relate to the employment of learners at subminimum rates in the production of apparel of the following kinds:

(1) Women's apparel, defined as follows in § 605.4^o of this chapter:

The production of women's, misses', and juniors' dresses, washable service garments, blouses, and neckwear from woven or purchased knit fabric; women's, misses', children's and infants' underwear, nightwear, and negligees from woven fabrics; corsets and other body supporting garments from any material; other garments similar to the foregoing; and infants' and children's outerwear.

(2) Single pants, shirts, and allied garments, defined as follows in § 606.4^o of this chapter:

The production of men's and boys': Single pants, washable service garments, work shirts,

⁴ 5 F.R. 3591.

^o 6 F.R. 4701.

overall, overall jackets, and coveralls from any material; dress and sport shirts from woven fabric or purchased knit fabric; and collars and sleeping wear from woven fabric.

(3) Sportswear and other odd outerwear, defined as follows in § 561.4 of this chapter:

The manufacture of men's, women's, and children's sportswear and other odd outerwear, including windbreakers, lumberjackets, mackinaws, and mackinaw coats, melton jackets, blanket-lined and similar coats, leatherette coats and jackets, hunting coats and vests, riding clothing, ski-suits and snowsuits (except children's ski-suits and snow suits), and similar garments not elsewhere specified in wage orders relating to the apparel industry as defined, from any woven materials or from purchased knitted materials.

(4) Rainwear, defined as follows in § 563.4 of this chapter:

The manufacture of water-proofed garments and raincoats from oiled cloth or other materials, whether vulcanized, rubberized, cravenetted, or otherwise processed.

(5) Robes, defined as follows in § 572.4 of this chapter:

The manufacture of men's, women's, and children's bath, lounging, and beach robes and dressing gowns, from any woven materials or purchased knitted materials.

(6) Leather and sheep-lined clothing, defined as follows in § 562.4 of this chapter:

The manufacture of leather, leather-trimmed, and sheep-lined garments for men, women or children.

(b) With respect to all branches of the apparel industry other than the branches specified above, the apparel learner regulations dated September 4, 1940, shall remain in force and effect.

(c) These regulations do not apply to Puerto Rico and the Virgin Islands.

§ 522.162 *Terms of special certificates.*

(a) Special learner certificates may be issued authorizing the employment of learners in the branches of the apparel industry specified in § 527.161 of this chapter, subject to the following limitations as to occupation, duration of learning period, minimum rates of pay, and number or proportion:

A. Occupations for which certificates may be issued	B. Duration of learning period	C. Minimum rates of pay for learners	D. Number or proportion of learners
Machine operating (except cutting). Pressing. Handsewing. Finishing operations involving handsewing.	Maximum learning period of 480 hours ¹ for any occupation listed in column A, but not more than a 320-hour learning period in such occupation if, within the previous 2 years, the worker had 160 hours or more of experience in another occupation listed.	A learner employed under the 480-hour authorized learning period, shall be paid not less than 25¢ per hour for the first 320 hours, and not less than 32½¢ per hour for the next 160 hours. ¹ An experienced worker in one of the occupations shown in column A who is being retrained in any one of the other occupations listed, shall be paid during such retraining not less than 25¢ per hour for the first 160 hours, and not less than 32½¢ per hour for the next 160 hours. ¹ In the corsets and allied garments branch, learners shall be paid not less than 30¢ per hour for the first 480 hours. ¹	<i>For normal labor turnover:</i> Not more than 10% of the productive factory workers. If total factory employment is less than 100 the certificate may authorize as many as 10 learners. <i>For new and expanding plant:</i> to the extent of the needs of the plant.

¹ If, within the previous two years, the worker has been employed for less than 480 hours, in the same occupation for which he is being trained as a learner, the number of hours of previous employment should be deducted from the maximum learning period.

² In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupations are paid and earnings shall be based on those piece rates if in excess of the subminimum rates established.

(b) No experienced worker shall be employed under the terms of a special learner certificate, except as provided in Column C of § 522.162.

(c) No learner shall be employed under a special learner certificate if an experienced worker who is capable of equaling the performance of a worker of ordinary or minimum skill is available for employment.

(d) A special learner certificate authorizing the employment of learners for normal labor turnover may be issued for a period of one year. A special learner certificate authorizing the employment of learners by new or expanding plants shall be issued for a period not longer than necessary to complete the training of the total number of additional learners.

§ 522.163 *Definitions of terms.* (a) "New plant" means a plant which is newly established and is being operated for the first time, or which has not been operated more than eight months and in which a substantial number of workers must be trained for the manufacture of the products of the plant.

(b) "Expanding plant" means a plant which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period or by adding an additional shift.

(c) "Experienced worker" means a worker who has had 480 hours' experience in the occupation in which he is employed or who has had 320 hours' experience in such occupation and 160 hours or more of experience in any other of the learner occupations. Previous employment will be considered experience under these regulations only if it has been had within the past two years in any branch or division of the private apparel industry or in an apparel manufacturing establishment of a governmental agency which operates under production and employment standards reasonably comparable or superior to those of private industry.

(d) "Experienced worker available for employment" means an experienced worker residing within the area from which the employer customarily draws his labor supply or an experienced worker who has in fact made himself available to an employer at his plant or place of employment and has signified readiness to accept employment.

§ 522.164 *Removal of plant or transfer of production.* (a) An applicant for a special learner certificate for expansion purposes, who is moving from a plant in another location or is transferring production from such plant, or who has recently so moved or transferred production, shall attach to his application a signed statement giving the following information for the purpose of enabling the Wage and Hour Division to determine whether there is satisfaction of the conditions prescribed by § 522.160:

(1) Name, location and products of the plant from which applicant is moving or is transferring production.

(2) Average and minimum wage rates paid at such plant.

(3) Reasons for removal or transfer of production.

§ 522.165 *Status of certificates issued under previous regulations.* (a) Special certificates previously issued under regulations applicable to the employment of learners in the apparel industry since September 7, 1940, and under regulations applicable to the employment of learners in single pants, shirts, and allied garments and women's apparel industries, since September 29, 1941, shall remain in effect until they expire.

(b) On and after July 20, 1942, special certificates issued to firms manufacturing products defined in § 522.161 shall be subject to the provisions of these regulations.

These regulations shall become effective on July 20, 1942, and shall continue in force and effect until thereafter modified.

Signed at New York this 20th day of June 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-5934; Filed, June 24, 1942;
9:17 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket Nos. A-1448, A-1453, and A-1466]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT No. 7

RELIEF GRANTED, ETC.

Order of consolidation and order granting temporary relief and condition-

ally providing for final relief in the matters of the petitions of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, 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 the above-entitled matters raise similar and related issues; it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; no petitions of intervention having been filed with this 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 the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, 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.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, 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 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 otherwise ordered.

Dated: June 10, 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

[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	Sub-district 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			
290	Atwell & Son, Cleveland	Atwell #2	4	War Creek	War, W. Va.	N&W	30	D	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
243	Drumheller Coal Company, c/o W. I. Beavins	Drumheller	5	Beckley	Laurel Siding, W. Va.	C&O-Vgn	18	B	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
549	Griffith Coal Co., c/o Robert Griffith	Griffith	2	Beckley	Laurel Siding, W. Va.	C&O-Vgn	18	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
105	New River Company, The	Lochelly	2	Sewell	Macdonald, W. Va.	C&O-Vgn	18	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
179	New River Company, The	Summerlee	2	Sewell	Macdonald, W. Va.	C&O-Vgn	18	B	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
309	Pocahontas Fuel Company, Inc.	Jenkins Jones #8	3	Poca. 4	Pagetton, W. Va.	N&W	20	B	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

*When shown under a Size Group Number, this symbol indicates no classification effective for this Size Group.
 *When shown under a Size Group Number, this symbol indicates coals previously classified in 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	Mine Index No.	Subdistrict No.	County	Seam	All lump 3/4" or larger, all egg and stove	All nut or pea 1 1/2" top size or smaller	Screened M/R	Straight mine run	1 1/2" screenings	3/4" screenings
290	Atwell #2	290	4	McDowell	War Creek	290	(*)	(*)	(*)	160	6
243	Drumheller	243	5	Raleigh	Beckley	315	(*)	(*)	(*)	195	5
549	Griffith	549	2	Raleigh	Beckley	330	(*)	(*)	(*)	100	(*)
309	Jenkins Jones #8	309	3	McDowell	Poca. 4	315	250	280	215	185	180

*When shown under a Size Group Number, this symbol indicates coals previously classified in this Size Group.
 [F. R. Doc. 42-5672; Filed, June 23, 1942; 10:48 a. m.]

[Docket No. A-1451]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8 RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in

the matter of the petition of District No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, as amended 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. 8; 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 the Schedules of Effective Minimum Prices for District No. 8 for All Shipments Except Truck and for Truck Shipments, are supplemented to include § 328.11 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are here-

inafter 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 (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.

No relief is granted herein as to the coals of the Number 15 Mine of the West Virginia Coal & Coke Corporation for the reasons appearing in the Order designating that portion of Docket A-1451 which relates to those coals as Docket A-1451 Part II and scheduling it for hearing.

Dated: June 10, 1942.

[SEAL] DAN H. WHEELER, Acting Director.

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 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 *Alphabetical list of code members—Supplement R*

[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 seam	Subdistrict No.	Shipping point	Railroad	Price classifications by size group Nos.																							
							For destinations other than Great Lakes										For Great Lakes cargo only													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
5520	Avis Eagle Coal Co.	Avis No. 2	Alma	5	Lynchburg, W. Va.	C&O	Q	Q	Q	Q	L	K	F	E	D	F	A	A	D	A	A	A	A	A	A	A	A	A	A	A
5555	Birchton Coal Company	Birchton No. 2	Upper Grove	4	Birchton, W. Va.	C&O	Q	Q	Q	Q	L	K	F	E	D	F	A	A	D	A	A	A	A	A	A	A	A	A	A	A
5418	Cinderella Coal Corporation	New Cinderella	Winifrede	8	Hatfield, Ky.	N&W	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5477	Semie-Solvay Company	Henry Clay	Wiktorn #2	1	Henry Clay, Ky.	N&W	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5517	Stearns Coal & Lumber Company, Inc.	Blue Heron #2	No. 2	6	Blue Heron, Ky.	K&F	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
333	Sycamore Coal Company	Mingo Chief	Mingo	8	Cinderella, W. Va.	N&W	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

*Indicates previously classified these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement I*

Code member index	Mine	Mine Index No.	Seam	Base sizes											
				Lump over 4' x 6"	Lump 2' and under, Egg 3' x 6"	Lump 2' and under, Egg 3' x 6"	Lump 1/2" and under, Egg 3/4" x 6"	Egg 2' x 4"	Slove 3' and under, Egg 2' x 4"	Slove 2' and under, Egg 2' x 4"	Straight mine run				
SUBDISTRICT NO. 4—KANAWHA BALDWIN COUNTY, W. VA.	Birchton No. 2	5555	Upper Grove	275	255	225	235	205	215	185	190	190	190	185	135
SUBDISTRICT NO. 5—LOGAN LOGAN COUNTY, W. VA.	Avis No. 2	5520	Alma	245	225	235	215	210	225	185	180	180	180	165	130
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN CREARY COUNTY, KY.	Stearns Coal & Lumber Company, Inc.	5517	No. 2	240	220	205	210	185	195	135	130	130	130	130	130

[F. R. Doc. 42-5873; Filed, June 23, 1942; 10:48 a. m.]

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 \$330.25 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is 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 (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 15, 1942.

[SEAL] DAN H. WHEELER, Acting Director.

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

NOTE: The material contained in this supplement 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 TRUCK SHIPMENTS

§ 330.25 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine Index No.	Mine	Seam	Prices and size group Nos.																	
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15			
SECTION NO. 5—BROWN COUNTY																					
Kirkham & Waller (Earl Kirkham).	1576	K. & W.	2	255	250	245	235	230	225	170	165	160	155	155	125	115	60				

[F. R. Doc. 42-5874; Filed, June 23, 1942; 10:49 a. m.]

[Docket No. A-1435]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for certain coals produced in District No. 15.

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. 15, for shipment by truck; 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 § 335.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is 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 (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 11, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 335.24 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine Index No.	Mine	Production group No.	County	Production group Nos.														
					3" lump	½" up	10" x 1½"	10" x 1¼"	8" x 2"	3" x 1½"	2" x 1¼"	1½" x 1"	Mine run	3" x 0	1¼" x ¾"	1½" x ½" (R)"	1¼" x 0 (W)	1½" x 0 (R)	½" x 0
Frazier, Lyman.	1390	Nuelle	5	Lafayette, Mo.	285	285	285	285	275	255	245	220	285	205	220	205	...	125	35
Gorden, Earl.	1610	Gorden No. 2	1	Cherokee, Kans.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
McDonald, L. G.	1394	McDonald	1	Dade, Mo.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Wyant, W. E.	1393	Wyant (Hume-Sinclair Dumps).	2	Bates, Mo.	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35

[F. R. Doc. 42-5875; Filed, June 23, 1942; 10:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 608—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

[Amendment 65, 2d Ed.]

LEASE AND IMPROVEMENTS OF OFFICES

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 608.11¹ to read as follows:

§ 608.11 *Lease of Offices.* (a) When practicable, and when consistent with over-all and continuing long-range economy, the offices of State Headquarters, local boards, and boards of appeal should be located in rent-free premises.

(b) When premises for offices are not secured rent free, the State Director of Selective Service may authorize the renting of premises. Rental contracts shall be prepared and reported in the manner directed by the Director of Selective Service. No contract shall be entered into for a stipulated rental in excess of \$2,000 per annum except by and with the approval of the Director of Selective Service.

Amend the regulations by inserting a new section to be known as § 608.12 to read as follows:

§ 608.12 *Alterations, improvements, and repairs.* (a) The State Director of Selective Service may authorize in writing alterations, improvements, and repairs to State Headquarters, local board, and board of appeal premises in an accumulated amount not to exceed \$100 per premises: *Provided*, That in the case of rented premises (premises occupied on a basis other than rent free or at a nominal rental), no sum may be obligated or expended in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year. The value of special services, such as heat, light, and janitor services, shall not be considered a part of the base rental on which such 25 per centum is computed.

(b) No funds may be obligated or expended for alterations, improvements, or repairs of premises occupied by State Headquarters, local boards, or boards of appeal in excess of the sum authorized in paragraph (a) of this section unless and until specifically approved in writing by the Director of Selective Service.

The foregoing amendments to the Selective Service Regulations shall be effective July 1, 1942.

LEWIS B. HERSHEY,
Director.

JUNE 22, 1942.

[F. R. Doc. 42-5922; Filed, June 24, 1942; 11:23 a. m.]

¹ 6 F.R. 6837.

[Order 43]

PUERTO RICO PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Puerto Rico Project to be work of national importance, to be known as Civilian Public Service Camp No. 43. Said project, located at San Juan, Puerto Rico, will be the base of operations for health and rehabilitation work in Puerto Rico, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Puerto Rico Project will consist of emergency medical aid, ambulance service to hospitals, health education, child care, etc., and shall be under the technical supervision of the Puerto Rico Reconstruction Administration of the United States Department of the Interior insofar as concerns the planning and direction of the work program. The project, insofar as project management is concerned, shall be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

JUNE 20, 1942.

[F. R. Doc. 42-5923; Filed, June 24, 1942; 11:23 a. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order 8-59]

EASTERN SMELTING AND REFINING CORP.

Eastern Smelting and Refining Corp. of Boston, Massachusetts, is a processor of mercury. Under Conservation Order M-78, between January 15 and March 31, 1942, and during each calendar quarter thereafter, it was permitted to process for health supplies purposes only 1,771 pounds of mercury and to process for the uses specified in paragraph (d) of the order, only 619 pounds of mercury. Despite this limitation, the Company, between January 15 and March 31, 1942, processed 3,370 pounds of mercury for health supplies purposes and 2,380 pounds

of mercury for the uses specified in paragraph (d) of Conservation Order M-78. Furthermore, during the second quarter of 1942, the Company processed at least 1,133 pounds of mercury for the uses specified in paragraph (d) of Conservation Order M-78.

These violations of Conservation Order M-78 have impeded and hampered the war effort of the United States and have permitted the Company to operate under more favorable conditions of competition than its competitors, thereby obstructing the impartial administration of the priorities system. In view of the foregoing facts

It is hereby ordered, That:

§ 1010.59 *Suspension Order S-29.* (a) During each calendar quarter Eastern Smelting and Refining Corp., its successors and assigns, shall limit its use of mercury for any of the purposes specified in paragraph (c) of Conservation Order M-78 to 50% of the mercury used by it for such purpose during the first quarter of 1941.

(b) During each calendar quarter Eastern Smelting and Refining Corp., its successors and assigns, shall limit its use of mercury for any of the purposes specified in paragraph (d) of Conservation Order M-78 to 40% of the mercury used by it for such purpose during the first quarter of 1941.

(c) The prohibitions and restrictions contained in paragraphs (a) and (b) of this section shall not apply to the use of mercury for any of the purposes specified in paragraph (e) of Conservation Order M-78.

(d) Nothing contained in this order shall be deemed to relieve Eastern Smelting and Refining Corp., from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations except insofar as they may be inconsistent with the provisions hereof.

(e) This order shall take effect on July 1 and expire on December 31, 1942, at which time the restrictions contained in this order shall be of no further effect. (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 23d day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5892; Filed, June 23, 1942; 4:25 p. m.]

PART 1026—PRODUCTION OF CHEMICALS
[Amendment 2 to Preference Rating Order P-89, Amended]

MAINTENANCE, REPAIR AND OPERATING SUPPLIES

Section 1026.1 *Preference Rating Order P-89, Amended*,¹ is hereby amended to read as follows:

Subparagraph (3) of paragraph (b) is hereby amended to read as follows:

¹ 7 F.R. 541, 1640, 2384, 3850.

(3) A-1-c and A-3 to deliveries to the producer of other material for repair, maintenance or operating supplies.

The A-1-c rating assigned by this paragraph (b) (3) shall not be applied in any calendar quarter to more than thirty percent (30%) of the dollar value of material for repair, maintenance or operating supplies ordered by each producer in such quarter. For the purpose of this paragraph (b) (3); the dollar value of such material ordered by each producer during each quarter shall include a value of coal and coke not based upon the actual value of coal and coke ordered during such quarter, but equal to the dollar value of one-fourth of the coal and coke used or consumed by the producer during the period July 1, 1941 to June 30, 1942;

Paragraph (g) is hereby amended to read as follows:

(g) *Inventory provisions.* The producer shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operating supplies which will increase the inventory or stores available to the producer for such purpose to an amount greater than the minimum necessary for repair and maintenance and to sustain the current level of operations of the producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939 and 1940. In calculating this ratio, the value of the current inventory and stores of material for maintenance, repair and operating supplies shall include a value of coal and coke not based upon coal and coke actually in inventory and stores, but equal to the value of one-fourth of the coal and coke used or consumed by the producer during the period July 1, 1941 to June 30, 1942. Nothing contained in this paragraph (g) shall prevent the acceptance of delivery of any quantity of coal and coke pursuant to § 1103.1 *General Inventory Order M-97*, as amended from time to time.

Paragraph (b) of Amendment No. 1 to Preference Rating Order P-89, amended, is hereby amended to read as follows:

(b) This amendment shall continue in effect until revoked.

(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 24th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5912; Filed, June 24, 1942; 10:51 a. m.]

PART 1177—SPICES

[Amendment 1 to Supplementary Order M-127-a, as Amended]

Effective July 1, 1942, the table in paragraph (a) of § 1177.2 (*Supplementary*

Order M-127-a, as Amended)¹ is hereby amended by substituting "100%" for each of the percentage figures now appearing on the line for cloves.

(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 24th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5913; Filed, June 24, 1942;
10:51 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Temporary Procedural Regulation 5]

ADJUSTMENTS UNDER CONSUMER SERVICE PRICE REGULATION

Procedure for the adjustment of maximum prices under § 1499.114 of Maximum Price Regulation No. 165—Consumer Service.

AUTHORITY: §§ 1300.301 to 1300.313 inclusive under Pub. Law 421, 77th Cong.

Sec.

- 1300.301 Form of application.
- 1300.302 Application must be verified.
- 1300.303 Place for filing applications and number of copies.
- 1300.304 Investigation of application by regional office.
- 1300.305 Action by regional office.
- 1300.306 Review by administrator.
- 1300.307 Action by administrator.
- 1300.308 Protest of denial of application.
- 1300.309 Definitions.
- 1300.310 Effective date.
- 1300.311 Appendix A: Application for adjustment.
- 1300.312 Appendix B: Regional offices.
- 1300.313 Appendix C: Adjustment form.

§ 1300.301 *Form of application.* (a) An application for adjustment of the maximum price for a service shall be made on Form OPA 5PR1 set out in § 1300.311, Appendix A, and a separate form, in duplicate, shall be filed for each service for which adjustment of the maximum price is requested. The information required in Form OPA 5PR1 shall be set out in full. Such forms may be obtained from any Field Office of the Office of Price Administration, or from any War Price and Rationing Board, or may be copied by the applicant from § 1300.311, Appendix A.

(b) When the application for adjustment involves most of the services supplied by a particular service establishment, a single application may be filed for the service establishment. Such application need not be filed on Form OPA 5PR1 but shall set forth all the details and information required by that form. [Rule 1]

§ 1300.302 *Application must be verified.* An application for adjustment shall be signed by the applicant and

¹ 7 F.R. 4451.

shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are known by him to be true and correct. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths shall, without charge, administer the oath required by this section. [Rule 2.]

§ 1300.303 *Place for filing applications and number of copies.* An original and one copy of an application for adjustment shall be filed with the appropriate Regional Office of the Office of Price Administration. A list of the Regional Offices with an enumeration of the states included in each region is set forth in § 1300.312, Appendix B. [Rule 3]

§ 1300.304 *Investigation of application by regional office.* On receipt of an application for adjustment the Regional Office or the appropriate State or District Office, acting under the direction of the Regional Office shall make such investigation of the facts involving the application, hold such conferences and require the filing of such additional information and affidavits as may be necessary to the proper disposition of the application. [Rule 4]

§ 1300.305 *Action by regional office.* After due consideration the Regional Office may grant, or deny, in whole or in part, any application for adjustment which is properly pending before it. The decision of the Regional Office shall be accompanied by a statement of the reasons for its action. In cases of unusual difficulty or importance the Regional Office shall refer the application for decision to the Administrator in Washington, D. C. [Rule 5]

§ 1300.306 *Review by administrator.* Any applicant whose application for adjustment has been denied in whole or in part by the Regional Office may, within fifteen days after the date on which such order of denial was mailed to him, file with the Regional Office a request for review by the Administrator of the order of denial. Requests for review shall be filed, in duplicate, on Form OPA 5PR2 set out in § 1300.313, Appendix C. Such form may be obtained from any Field Office of the Office of Price Administration and after August 1, 1942, from any War Price and Rationing Board, or may be copied by the applicant from § 1300.313, Appendix C. [Rule 6]

§ 1300.307 *Action by administrator.* After due consideration, the Administrator shall grant, or deny, in whole or in part, any application for adjustment which is properly pending before him. The decision of the Administrator shall be accompanied by a statement of the reasons for his action. [Rule 7]

§ 1300.308 *Protest of denial of application.* Any applicant whose application for adjustment is denied in whole or in part by the Administrator, may within sixty days after the issuance of the Administrator's order finally denying such

application, file a protest against such order in accordance with the provisions of Procedural Regulation No. 1 (7 F.R. 971, 3663). [Rule 8]

§ 1300.309 *Definitions.* (a) As used in Procedural Regulation No. 5, the term:

(1) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person as he may appoint or designate to carry out any of his duties, including particularly, but not exclusively, the Director of the Retail Trade and Services Division.

(2) "Appropriate Regional Office" means the Regional Office of the Office of Price Administration for the region in which the particular service establishment of the applicant for adjustment is located.

(b) Unless the context otherwise requires all other terms used herein shall be given the same meaning as provided in Maximum Price Regulation No. 165 Consumer Service. [Rule 9]

§ 1300.310 *Effective date.* Temporary Procedural Regulation No. 5 (§§ 1300.301 to 1300.313, inclusive) shall become effective June 23, 1942. It expires on August 1, 1942, and will be replaced by a permanent procedural regulation. [Rule 10]

§ 1300.311 *Appendix A: Application for adjustment.* Two copies of this form must be filed with the Regional Office of the Office of Price Administration in your area.

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
[Form OPA 5PR1]

This form may be used for an Application for Adjustment in prices established under the Maximum Price Regulation No. 165 Consumer Service. A separate application should be used to cover the price of each service, such as a single item, like the tuning of pianos, or a series of items, like the laundering of shirts, sheets, collars, socks, etc. NOTE: If there are two or more classes of service, each with a different price list, such as "Home" and "De Luxe" laundry service, a separate Application for Adjustment must be filed for each.

----- hereby applies
(Name of applicant)
to the Office of Price Administration for an
adjustment in the maximum price for

(Service)
from \$----- per ----- as
(unit)
established in accordance with the Maximum
Price Regulation No. 165 Consumer Service to
\$----- per -----
(unit)
Application's relation to the business is:

(Owner, manager, partner, officer, etc.)

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

SECTION I. This section must be filled in completely on every application.

1. Name of store or business: _____
(Fill in exact form used, like The Fixit Shop, Acme Shoe Repair, etc.)
2. Address of store or business: _____
Number _____
Street Phone number City State
3. Type of business: _____
(Fill in exact and complete description. For example, indicate whether a laundry is a *hand* or a *power* laundry: Whether an auto shop does *general repairs* or just *body and fender repairs*, etc.)
4. Type of operation: Retail only Both wholesale and retail (Check one) Wholesale only Other (give details) _____
5. Ownership: Individual ownership Partnership Corporation (Check one) Other (give details) _____
6. Is your store or business a unit in any sort of chain? Yes No . If "Yes" give details including address of main office: _____
7. The service for which a price adjustment is asked is performed at _____
(Your own shop, customer's home, wholesale establishment, etc.)
and is paid for by the customer _____
(in cash, by charge account, when bill is rendered, etc.)
Does the service include delivery? Yes No
8. The prices charged for this service have been:

Name and address of competitor	Pricing unit	Present price	Price 6 months ago

(if you do not have enough space above to list competitor's prices, attach a separate sheet showing them.)

11. The principal items of cost in performing or supplying this service are: (List your costs of materials and supplies in terms of units regularly purchased wherever possible, for example: a photo finishing shop might list, 5 x 7 Glossy Paper Single Weight, per gross, \$1.45 in October 1941, \$1.80 on Feb. 1, 1942, etc.: a general automotive repair shop might list, Cylinder Head Gaskets, each, 68¢ in October 1941, 76¢ on Feb. 1, 1942, etc. If wages are included in your costs, they should be shown in detail, as: Pressers, on a piece work basis, 3 piece men's suits, 10¢ in October 1941, 13¢ on Feb. 1, 1942, etc.: or, Delivery Truck Drivers (3 employed) per week, \$22.50 in October 1941, \$26.50 on Feb. 1, 1942, etc.)

Materials, supplies, labor, or wholesale services paid for or received	Pricing unit	During month of—		
		Oct. 1941	Feb. 1, 1942	Apr. 27, 1942

(If your costs changed between February 1, 1942 and April 27, 1942, or if you contracted prior to April 27, 1942 to pay a higher labor cost thereafter, give details including dates of all changes or contracts on an attached sheet.)

12. Names and addresses of firms supplying your materials, supplies or wholesale services:

Firm name and address	Supplier of—	From—	To—

13. Your Total Gross Income or Total Receipts for the service for which you are ap-

plying for adjustment of the maximum price: (Gross Income or Total Receipts means the total amount of money which you received from customers for the service for which you are applying for adjustment and which you sold or supplied to them. If you perform or render several different kinds of service and are applying for adjustment on only one of them, list only the income from that one service. If you perform only the one service, it is not necessary to answer this question.)

- A. Last full month (_____) \$-----
Month Year
- B. For the month of March 1942 \$-----
- C. For the last 12 months (from)-----
Month Year

(to) _____ \$----- (If you did not do business during all the last 12 months, give required total for months in which you did do business.)

14. Your Total Gross Income or Total Receipts for your store or business: (Gross Income or Total Receipts means the total amount of money which you received from customers for the services which you sold or supplied to them. If your store or business sells both commodities and services, the figures required in this question are to be for the Services Part of the business only, and on a separate attached sheet you are to list the corresponding figures for the entire business, the totals for commodity sales and service sales.)

- A. Last full month (_____) \$-----
Month Year
 - B. For the month of March 1942 \$-----
 - C. For the last 12 months (from)-----
Month Year
- (to) _____ \$----- (If you did not do business during all the last 12 months, give required total for months in which you did do business.)

15. Your Total Expenses or Total Cost of Operating your Store or Business: (Expenses or Cost of Doing Business includes Rent, Light, Taxes, (except income taxes) Labor, Materials, Supplies, Repair and Maintenance of Equipment, etc. It does not include the salary or wages of the owner, or the amount that he had taken out of the business if he did not take any regular salary or wages.)

- A. Last full month (_____) \$-----
Month Year
 - B. For the month of March 1942 \$-----
 - C. For the last 12 months (from)-----
Month Year
- (to) _____ \$----- (If you did not do business during all the last 12 months, give required total for months in which you did do business.)

16. List below, with a brief description of each, the principal services which you perform or supply: (Use additional attached sheets, if necessary.)

17. Indicate here the manner in which the cost increases outlined in this application may interfere with the continuance of this service.

(If additional space is needed, use extra sheets and attach them to this form.)

1941	During month of—											
	January	February	March	April	May	June	July	August	September	October	November	December
1941												
1942												

List all rebates, discounts, and special offers, customarily given or given in March 1942:

(If you have printed price lists, catalogs, etc., attach copies to this form. If the prices cannot be listed in the space above, attach a separate sheet giving them in detail.)

9. Were your March 1942 prices for this service lower than the prices you had charged for the same service at any time between October 1, 1941 and February 28, 1942? Yes No If 'Yes'—Explain why-----

10. List below the names, addresses, and prices for this service, or the similar service most nearly like it, of your five closest competitors of the same class.

(This means competitors located nearest to you who have the same sort of business, customers, store, etc. Cash and carry dry cleaners should list only other cash and carry dry cleaners, because pick-up and delivery dry cleaners are not competitors of the same class. If you do not have five such competitors, list as many as you can.)

18. General Comments: (It is the purpose and intention of the Office of Price Administration to act on all applications for Adjustment as quickly as possible. The more information, the quicker the decision. If there is any further information or detail which you feel would be valuable and helpful in aiding a quick decision, use the space below, and if necessary, additional attached sheets.)

SEC. II. For use by wholesale suppliers only. (This section is to be filled in only on applications filed by wholesale suppliers. It must be filled in completely on every application filed by a wholesale supplier.)

1. If your business operation is both wholesale and retail, what percentage of your total dollar volume is Wholesale % What percentage is Retail %

2. List the average number of retail outlets for which you were the wholesale supplier of the service for which this application is made, during each of the last 12 months.

Table with 4 columns: Month of, Average number of outlets, Month of, Average number of outlets. It is a grid for recording data over 12 months.

3. What percentage of your total wholesale business is represented by the particular wholesale service for which this application is filed? %

4. If you are engaged in both wholesale and retail business what was the highest March 1942 price which you charged for this service at retail? %

5. List so far as you can, ceiling retail prices charged for this service during March 1942 by the retail outlets which you serve as a wholesale supplier and give the approximate percentage of the total of such retail outlets charging each retail price.

Table with 4 columns: Retail price, Percent of outlets served charging this price, Retail price, Percent of outlets served charging this price. It is a grid for recording price data.

SEC. III. Signature and affidavit. (This section must be filled in completely on every application.)

Signature ----- Applicant

By -----

AFFIDAVIT

STATE OF -----, County of ----- ss,

The undersigned, -----, being first duly sworn according to law, on oath deposes and says: that he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his

own knowledge that the facts contained therein are true and correct.

Signature

Subscribed and sworn to before me this ----- day of -----, A. D. 194---

Officer administering oath

The above application for Adjustment is made pursuant to Temporary Procedural Regulation No. 5 and in accordance with § 1499.114 of the Maximum Price Regulation No. 165 Consumer Service issued by the Office of Price Administration.

§ 1300.312 Appendix B: Regional Offices.

List of Regions; States or Territories Covered

Region I: Boston Regional Office, 17 Court Street.—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.

Region II: New York Regional Office, 350 Fifth Avenue.—New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia.

Region III: Cleveland Regional Office, 363 Union Commerce Building.—Ohio, Michigan, Indiana, Kentucky, West Virginia.

Region IV: Atlanta Regional Office, Candler Building, Peachtree Street.—Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina, Virginia.

Region V: Dallas Regional Office, Fidelity Union Building.—Texas, Oklahoma, Louisiana, Missouri, Arkansas, Kansas.

Region VI: Chicago Regional Office, 2301 Civic Opera Building, 20 North Wacker Drive.—Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, Nebraska.

Region VII: Denver Regional Office, 334 U. S. National Bank Building.—Colorado, New Mexico, Utah, Idaho, Montana, Wyoming.

Region VIII: San Francisco Regional Office, 1335 Market Street.—California, Nevada, Arizona, Oregon, Washington.

Region IX: Territorial Office, Office of Price Administration, Washington, D. C.—Alaska, Puerto Rico, Virgin Islands, Canal Zone, Hawaii.

§ 1300.313 Appendix C: Adjustment form.

FORM OPA 5PR2

(This form must be filed in duplicate)

REQUEST FOR REVIEW OF THE ORDER DENYING APPLICATION FOR ADJUSTMENT UNDER § 1499.114, OF MAXIMUM PRICE REGULATION NO. 165 CONSUMER SERVICE

----- an applicant for adjustment of the maximum price of a consumer service, pursuant to § 1499.114 of Maximum Price Regulation No. 165 Consumer Service and Procedural Regulation No. 5 of the Office of Price Administration, hereby requests the Price Administrator, Washington, D. C., to review the order of denial of such application for adjustment in whole or in part, entered by the ----- Regional Office and mailed to the applicant on -----, 194---

The applicant's objections to such order of denial are as follows: -----

(Applicant should state briefly and concisely, and separately number, his objections)

Applicant

By -----

Title

Issued this twenty-third day of June, 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-5902; Filed, June 23, 1942; 5.41 p. m.]

PART 1316—COTTON TEXTILES

[Amendment 7 to Revised Price Schedule 89]

BED LINENS¹

MAXIMUM PRICES; DEDUCTIONS, PREMIUMS, SPECIAL CLASSES

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 subparagraph (3) is added to § 1316.101 (b) and in § 1316.111 (d) (3) a proviso is added to (i) (a), (i) (b) is revoked, and (ii) is amended to read as set forth below:

§ 1316.101 Maximum prices for bed linens. * * *

(b) * * *

(3) To those sales and deliveries by the Defender Manufacturing Company, New York, N. Y., for which specific maximum prices are authorized by Order No. 12 under § 1499.3 (b) of the General Maximum Price Regulation.

§ 1316.111 Appendix A: Maximum prices for bed linens. * * *

(d) Deductions, premiums and special classes of bed linens. * * *

(3) (i) * * * Provided, That for deliveries against sales made between May 4 and May 27, 1942, both inclusive, the maximum price shall be determined in accordance with Maximum Price Regulation No. 118.²

(ii) For grey sheeting of any type or dimension the maximum price shall be 3/4 cents per yard less than 97 per cent of the maximum price established in paragraph (c) of this section for brown sheeting of the same type and dimension: Provided, That for deliveries against sales made between May 4 and May 27, 1942, both inclusive, the maximum price shall be determined in accordance with Maximum Price Regulation No. 118.²

* * * § 1316.110a Effective dates of amendments. * * *

(g) Amendment No. 7 (§§ 1316.101 (b) (3), 1316.111 (d) (3) (i) (a) and (b))

¹ 7 F.R. 1375, 1836, 2000, 2107, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176.

² 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405.

and (ii) to Revised Price Schedule No. 89 shall become effective June 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5893; Filed, June 23, 1942;
5:36 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 6 to Ration Order 5¹]

EMERGENCY GASOLINE RATIONING REGULATIONS

DISCRIMINATION AMONG CONSUMERS; APPLICATIONS FOR SUPPLEMENTAL RATION

Section 1394.23² is amended to read, and new paragraphs (j) and (k) are added to § 1394.43, as set forth below:

Restrictions on Transfer and Use

§ 1394.23 *Discrimination among consumers.* (a) No dealer, dealer outlet or supplier shall discriminate, in the transfer of gasoline, among consumers lawfully entitled to acquire gasoline pursuant to Ration Order No. 5.

(b) Notwithstanding the provision of paragraph (a) of this section, any dealer, dealer outlet or supplier whose supply of gasoline is not sufficient to meet all consumer demands, may give preference, in the transfer of gasoline, to the following classes of consumers:

- (1) Defense workers, as hereinafter defined.
- (2) Trucks.
- (3) Ambulances.

As a condition upon the right of any dealer, dealer outlet or supplier to give such preference, the dealer, dealer outlet or supplier shall post a conspicuous notice indicating that he has designated his establishment as one at which such class or classes of consumers are preferred. A dealer, dealer outlet or supplier shall post such a notice at each of his establishments he has so designated and each notice shall specify which class or classes of consumers are to be preferred. Immediately upon the posting of such notice or notices a dealer, dealer outlet or supplier shall mail a copy of each such notice to the state office of the Office of Price Administration in the state or states where his establishment or establishments are located.

For the purposes of this paragraph, "defense worker" means a worker (including an executive, technician or office worker) employed at any establishment or facility listed below:

- (i) A naval, military, or hospital establishment or facility.
- (ii) An establishment or facility of common carriers; or of plants engaged in the production or distribution of heat, light, power, gas, steam or water; or of irrigation or sanitation systems; or of telephone, telegraph, radio or other communication systems.

¹ 7 F.R. 3482, 3524, 3554, 3577, 3723, 3782, 4233.

² 7 F.R. 3485, 3554.

(iii) A plant or establishment engaged in extraction, production, processing or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war or necessary part thereof; or of any raw, semi-processed or finished materials, supplies or accessories used in the manufacture thereof or in connection therewith; or of tools, machinery or appliance or appliances essential to the manufacture or use thereof; or of munitions or fuel; or of essential supplies or essential food or clothing.

Adjustments, Applications for Supplemental Ration and Appeals

§ 1394.43 *Applications for supplemental ration.* * * *

(j) Any person requiring the use of gasoline for carrying on *bona fide* experimental work or tests which contribute to the war effort may apply for a supplemental ration of gasoline sufficient for such purposes. Such application shall be made on Form OPA R-512, with appropriate modifications. The applicant shall describe the nature of such experimental work or tests in detail, so far as may be consistent with a necessity for secrecy, and shall submit, in support of his application, evidence that such work will contribute to the war effort. The Board may grant such application if it finds that the experimental work or tests are *bona fide*, and, if successful, will contribute to the war effort, and that a supplemental ration is essential to carrying on or continuance of such work. If it grants the application, the Board shall determine the amount of gasoline essential to such purpose from the date of its decision through July 14, 1942, and shall issue to the applicant an A, B-1, B-2, or B-3 card, or any combination of them, in sufficient number to allow the minimum quantity of gasoline so determined to be essential.

(k) Any person requiring the use of a motor vehicle or motor vehicles for transporting the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization may apply for a supplemental ration of gasoline sufficient for such purposes. Such application shall be made on Form OPA R-512, with appropriate modification. The application shall state the purpose of the expedition and the reasons why the undertaking is in the public interest, the amount of mileage essential and the reasons why no other form of transportation would be adequate. If the Board finds that the expedition is in the public interest that no other form of transportation would be adequate and that the purpose can not be accomplished without the issuance of a supplemental ration, the Board shall determine the amount of gasoline essential to such purpose from the date of its decision through July 14, 1942 and shall issue an A, B-1, B-2 or B-3 card, or any combination of them in sufficient number to allow the minimum quantity of gasoline so determined to be essential

Effective Date

§ 1394.61 *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1394.23 and 1394.43 (j) (k)) to Ration Order No. 5 shall become effective June 23, 1942.

(Pub. Law 421, 77th Cong., WPB Directive No. 1, Supp. Dir. No. 1 (H), 7 F.R. 562, 3478, 3877).

Issued this 23d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5900; Filed, June 23, 1942;
5:42 p. m.]

PART 1410—WOOL

[Amendment 1 to Maximum Price Regulation 163¹]

WOOLEN AND WORSTED CIVILIAN APPAREL FABRICS

PIECE LOTS: LESS THAN PIECE LOTS; CUT LENGTHS

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.

Paragraph (a) in § 1410.103 is amended to read as follows:

§ 1410.103 *Maximum prices for woolen and worsted apparel fabrics sold by persons other than the manufacturer thereof—*(a) *Piece lots, less than piece lots and cut lengths.* The maximum price for sales and deliveries of woolen or worsted apparel fabrics by persons other than the manufacturer in piece lots, less than piece lots and cut lengths thereof shall be the quotient of the manufacturer's gross invoice price divided by the applicable division factor set forth in subparagraphs (1), (2), (3), and (4) of this paragraph: *Provided,* That in cases where such persons sold or delivered the same fabric during the month of October or November 1941 such person may, at his option, use as the maximum price therefor the highest price at which such fabric was sold or delivered during said period, so long as such optional maximum price does not exceed the replacement cost of such fabric plus the markup permitted by this paragraph:

(1) Piece lots.....	\$0.90
(2) Less than piece lots sold to retail stores.....	.85
(3) Less than piece lots sold to persons other than retail stores....	.875
(4) Cut lengths of 9 yards or less sold to custom or merchant tailors or to retail stores for their custom tailoring department.....	.65

§ 1410.117 *Effective dates of amendments.* * * *

(b) Amendment No. 1 (§ 1410.103 (a)) to Maximum Price Regulation No. 163 shall become effective June 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5896; Filed, June 23, 1942;
5:39 p. m.]

¹ 7 F.R. 4513.

PART 1410—WOOL

[Correction to Maximum Price Regulation 163¹]

WOOLEN AND WORSTED CIVILIAN APPAREL FABRICS

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

The fifth line of paragraph (a) in § 1410.111 *Reports* appearing on page 4515 of the FEDERAL REGISTER, June 17, 1942, is corrected to read "to paragraph (c) or (d) of § 1410.102."

Subparagraph (5) of paragraph (a) in § 1410.115 is corrected to read as set forth below and a new § 1410.117 is added:

§ 1410.115 *Definitions.* (a) When used in this Maximum Price Regulation No. 163, the term:

(5) "New woolen or worsted apparel fabrics" means a woolen or worsted apparel fabric not sold by the seller during the applicable base period nor comparable to any such fabric.

§ 1410.117 *Effective dates of amendments.* (a) Correction (§§ 1410.111 (a) and 1410.115 (a) (5)) to Maximum Price Regulation No. 163 shall become effective June 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5897; Filed, June 23, 1942; 5:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Price Regulation 165]

CONSUMER SERVICE

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

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

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

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

¹ 7 F.R. 4513.

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

AUTHORITY: §§ 1499.101 to 1499.121 incl., issued under Pub. Law. 421, 77th Cong.

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

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

(a) No "person" shall "sell" or supply any "consumer service" at a price higher than the maximum price permitted by Maximum Price Regulation No. 165;

(b) No person in the course of trade or business shall buy or receive any consumer service at a price higher than the maximum price permitted by Maximum Price Regulation No. 165: *Provided*, That the provisions of this paragraph (b) of this section shall not be applicable to any war procurement agency or any contracting or paying finance officer thereof and any such agency or contracting or paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Regulation or by the Emergency Price Control Act of 1942. "War procurement agency" as used in this paragraph, includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of the foregoing.

§ 1499.102 *Maximum prices for consumer services: General provisions.* Except as otherwise provided in Maximum Price Regulation No. 165, the seller's maximum price for any consumer service shall be:

(a) *In those cases in which the seller supplied the same or similar consumer services during March 1942.* The highest price charged by the seller during such month:

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

(b) *In those cases in which the seller did not supply the same or similar consumer services during March 1942.* The highest price charged during such month by the "most closely competitive seller of the same class":

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

(c) *In those cases in which neither the seller nor a seller closely competitive with him supplied the same or a similar consumer service during March 1942, but the seller supplied a comparable consumer*

service during such month. The seller's maximum price for any consumer service shall be the highest price which he would have charged for such consumer service during March 1942. This maximum price shall be determined by applying the "pricing method," charges, and rates adopted in March 1942 by the seller to arrive at the price of the comparable consumer service most nearly like the consumer service for which a price is sought, adjusted to compensate for all differences in quantity and kind in the items used to determine the price of such service.

Highest Price Charged During March 1942

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

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

If the seller supplied no such consumer service during March 1942 his highest "offering price" for supply during that month. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. The "highest price charged" shall be a price charged during March 1942 to a "purchaser of the same class." But if during March 1942 a seller (1) had an established practice of making allowances, discounts or price differentials to different classes of purchasers, and (2) raised his general level of prices, but thereafter during March 1942 made no delivery to any purchaser of a particular class, he shall, for that particular class of purchasers calculate the highest price charged by taking the highest price charged during March 1942 to a purchaser of another class and then adjusting such price to reflect his established allowances, discounts and price differentials. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation cost incurred in the supply of any consumer service, than the seller required purchasers of the same class to pay during March 1942 for supplying the same or similar types of consumer services.

Similar Consumer Services

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

Comparable Consumer Services

If consumer service "A" has the same use and purpose as consumer service "B" and is customarily priced by the same pricing method as consumer service "B", although its price as determined by such pricing method is not the same or substantially the same, it shall be deemed "comparable" to consumer service "B".

§ 1499.103 *Maximum prices for consumer services which cannot be priced*

under § 1499.102, and for seasonal consumer services—(a) *Prices for consumer services which are not subject to seasonal variations and which are performed by persons operating during more than one season of the year.* The seller's maximum price for such services which cannot be priced under § 1499.102 of Maximum Price Regulation No. 165 shall be a price not in excess of the price which would have been charged had the service been supplied in March 1942. The price shall be determined by applying the pricing method adopted for any other service or type of service supplied by the seller during March 1942 and shall not exceed a combination of the following items:

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

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

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

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

(b) *Consumer services subject to seasonal variations in price.* In the case of consumer services for which there is a regularly established seasonal variation in price, the seller's maximum price shall be the highest price charged during the corresponding season of the year from March 1, 1941, to February 28, 1942, inclusive, for the same service or the similar service most nearly like it, plus an amount equal to that price multiplied by the percentage increase in the cost of living between the last period¹ of the corresponding season and March 1942.¹

(c) *Consumer services not performed in March 1942 and performed only during one season of the year March 1, 1941, to February 28, 1942.* In the case of such services for which a maximum price cannot be established under § 1499.102 of Maximum Price Regulation No. 165 and which services are performed regularly

during only one season of the year, the seller's maximum price shall be the highest price charged during the last period¹ previous to March 1942 in which the service was supplied plus an amount equal to that price multiplied by the percentage increase in the cost of living between that last period¹ and March 1942.¹

(d) *Reports.* Within ten days after determining a maximum price under paragraphs (a), (b), or (c) of this § 1499.103 the seller shall report such price to the "appropriate field office of the Office of Price Administration" upon Form No. 265:1 if the price is determined under paragraph (a), and upon Form No. 265:2 if the price is determined under paragraphs (b) or (c). Such form shall be duly filled out in duplicate and filed under oath or affirmation and may be copied from the forms contained in Appendices A and B, §§ 1499.120 and 1499.121, of this Maximum Price Regulation No. 165 or secured from the appropriate field office of the Office of Price Administration. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(e) *Similar consumer services subsequently sold.* Any maximum price determined under paragraphs (a), (b), or (c) of this section shall be the maximum price for all services subsequently sold which are the same or similar to the service for which a maximum price has been so determined, without regard to subsequent changes in cost.

§ 1499.104 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to supply the same type of consumer services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient

¹ Percentage increase in cost of living.

The percentage used shall be as follows for the applicable period:

Percentage:	Period
12.9% (0.129)	Mar. 1, 1941, to Apr. 14, 1941, inc.
11.8% (0.118)	Apr. 15, 1941, to May 14, 1941, inc.
11.1% (0.111)	May 15, 1941, to June 14, 1941, inc.
9.3% (0.093)	June 15, 1941, to July 14, 1941, inc.
8.5% (0.085)	July 15, 1941, to Aug. 14, 1941, inc.
7.6% (0.076)	Aug. 15, 1941, to Sept. 14, 1941, inc.
5.7% (0.057)	Sept. 15, 1941, to Oct. 14, 1941, inc.
4.6% (0.046)	Oct. 15, 1941, to Nov. 14, 1941, inc.
3.7% (0.037)	Nov. 15, 1941, to Dec. 14, 1941, inc.
3.4% (0.034)	Dec. 15, 1941, to Jan. 14, 1942, inc.
2.1% (0.021)	Jan. 15, 1942, to Feb. 14, 1942, inc.
1.2% (0.012)	Feb. 15, 1942, to Feb. 28, 1942, inc.

to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 165.

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

(a) *As to a tax in effect during March 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during March 1942 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 165.

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

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

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

CONSUMER SERVICES EXCEPTED FROM THIS REGULATION

§ 1499.107 *Consumer services excepted from Maximum Price Regulation No. 165.* The provisions of this regulation shall not

apply to the services set forth in Supplementary Regulation No. 11² to the General Maximum Price Regulation³ and any amendments thereto.

RECORDS AND REPORTS

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

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

(b) Prepare on or before September 1, 1942, to the full extent of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(1) The highest prices which he charged for consumer services supplied during March 1942 for which prices were regularly quoted in that month;

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

(3) All his customary allowances, discounts, and other price differentials.

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

§ 1499.109 *Non-disclosure of base-period records.* Any person, other than a person selling at retail, who claims that substantial injury would result to him from making the statement provided for in § 1499.108 (b) of this regulation available to any other person, need only file the statement with the appropriate War Price and Rationing Board of the Office of Price Administration, accompanying it with an affidavit that disclosure would result in substantial injury. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of Maximum Price Regulation No. 165.

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

LICENSING AND REGISTRATION

§ 1499.111 *Licensing.*—(a) *License required:* A license as a condition of selling, is hereby required of every person subject to this regulation now or hereafter selling a consumer service for which a maxi-

mum price is established by this Maximum Price Regulation No. 165.

(b) *License granted:* Every person subject to this regulation now or hereafter selling a consumer service for which a maximum price is established by this Maximum Price Regulation No. 165 is hereby granted a license as a condition of selling any such consumer service. Such license shall be effective on July 1, 1942, the effective date of this regulation, or when any person becomes subject to the maximum price provisions of this regulation, and shall, unless suspended as provided by the Act, continue in force so long as and to the extent that said regulation or any amendment or supplement thereto remains in force.

(c) *Licensing section of General Maximum Price Regulation superseded.* This section supersedes the provisions of § 1499.16 of the General Maximum Price Regulation³ insofar as said section may be applicable to persons selling any consumer service.

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

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

§ 1499.114 *Applications for adjustment by sellers.* (a) Any seller who finds that the maximum price of a consumer service established for him under the provisions of §§ 1499.102 or 1499.103 is abnormally low in relation to the maximum prices of the same or similar consumer services established for other sellers, and that this abnormality subjects him to substantial hardship, may file an application for adjustment of that maximum price in accordance with Temporary Procedural Regulation No. 5⁴ issued June 23, 1942, by the Office of Price Administration.

(b) Any seller, who finds that the maximum price of a consumer service established for him under the provisions of §§ 1499.102 or 1499.103 subjects him to substantial hardship because of cost increases (1) incurred between February 1, 1942, and April 27, 1942, not reflected in the prices which are established for him under the above provisions, including any increase subsequent to April 27, 1942 resulting from a collective bargaining contract or other wage agreement which contract or agreement (i) was entered into on or prior to April 27, 1942, and (ii) provides for an unconditional increase in wage rates of a fixed amount or percent, and (2) where such cost increases threaten the continued supply of the consumer service, may file an application for adjustment of that maximum price in accordance with Temporary Procedural

Regulation No. 5⁴ issued June 23, 1942, by the Office of Price Administration.

§ 1499.115 *Petitions for amendment.* Any person seeking a modification of any provision of Maximum Price Regulation No. 165 or an adjustment not otherwise provided for, may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1⁵ issued by the Office of Price Administration.

DEFINITIONS AND EXPLANATIONS

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

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

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

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

(4) "Consumer service" means any service when sold to an ultimate consumer other than an industrial or commercial user, whether sold directly or through any other person to such ultimate consumer, or integrated with further servicing sold by the person with whom such ultimate consumer contracts. A service supplied to a farmer shall be considered a consumer service.

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

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

(7) "Person" includes an individual, corporation, partnership, association, or

² 7 F.R. 4543.

³ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487.

⁴ *Supra*, note 3.

⁵ 7 F.R. 4730.

⁶ 7 F.R. 971, 3663.

any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(8) "Pricing method" means the formula by which the seller figures his price for any consumer service, whether such formula is disclosed to the purchaser or is merely the seller's device for figuring cost of labor and materials, other costs, and margin of profit.

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

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

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

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

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

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

(15) "Service" includes any service rendered or supplied, otherwise than as an employee, in connection with the processing, distribution, storage, installation, repair, or negotiation of purchase or sale of a commodity, and generally, without limiting the foregoing, all services which preserve or add to the value or utility of a commodity.

(16) "Supplied". A service shall be deemed to have been "supplied" during March, 1942, if during such month it was completed.

OTHER PRICE REGULATIONS, APPLICABILITY, EFFECTIVE DATE

§ 1499.117 *Effect of other price regulations.* This Maximum Price Regulation No. 165 shall not apply to any sale of services other than consumer services, nor to consumer services for which a maximum price is in effect under the provisions of any other specific "price regulation" issued or which may be issued by the Office of Price Administration, except as otherwise provided in any such price regulation.

§ 1499.118 *Applicability.* The provisions of Maximum Price Regulation No. 165 shall be applicable to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

§ 1499.119 *Effective date.* All the provisions of Maximum Price Regulation No. 165 (§§ 1499.101 to 1499.121, incl.) shall become effective July 1, 1942.

§ 1499.120 *Appendix A: Report of maximum price determined under § 1499.103 (a).*

FORM 265:1

To: Office of Price Administration.

From: _____
Name _____
Address _____

Reports of maximum price determination, made in accordance with § 1499.103 (a) of Maximum Price Regulation No. 165 of the service described in Item 1 below.

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

2. Brief description of your business. _____

3. Reasons why the maximum price could not be determined under § 1499.102 of Maximum Price Regulation No. 165. _____

4. Description of your pricing method adopted for any other service supplied in March 1942. (This item must be based on actual service rendered by the undersigned in March 1942. Be specific and show figures. If sufficient space is not provided attach a sheet of paper to this report.) _____

(a) Cost of direct labor _____
(b) Cost of materials _____
(c) Margin above cost of direct labor and materials, added in price _____
(d) Percentage of margin, as above, added in price _____

5. Maximum price for the service for which a maximum price is reported, based upon the pricing method applied in Number 4, above. Note—this price cannot exceed a combination of the items set forth in Number 6, hereafter. _____

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

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

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

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

(e) The margin over such cost of labor and materials, items (a), (b), (c), and (d) equal, as a percentage of cost, to the average margin over direct labor and material cost which was figured on the consumer service or type of consumer service, for which a price was charged, listed, or quoted during March 1942, and which accounted for a greater portion of the seller's gross income from consumer services than any other such service during March 1942, as shown in Item 4, (d). (For example; if the cost of direct labor and material amounted to five dollars (\$5.00), in items (a), (b), (c), and (d), and the average percentage of markup over the direct cost of labor and cost of material was 10 percent in March 1942, as shown in Item 4, (d), for the consumer service or type of consumer service for which a price was charged, listed or quoted, during March 1942, by the seller, and which accounted for a greater portion of the seller's gross income from consumer services than any other such service during March 1942, the seller will write "fifty cents" in this blank) _____

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

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

(h) Total—your maximum price, regardless of the pricing method used, cannot exceed this figure _____

Signature _____
Applicant _____
By _____
Title _____

State of _____
County of _____, ss.

The undersigned, _____, being first duly sworn according to law, on oath deposes and says: That he is the person whose name appears subscribed to the above Report; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

Signature _____
Subscribed and sworn to before me this _____ day of _____ A. D. 194__

Officer Administering Oath _____
§ 1499.121 *Appendix B: Report of maximum price determined under § 1499.103 (b) or (c).*
Form 265:2

To: Office of Price Administration
From: _____
Name _____
Address _____

Report of determination, made in accordance with § 1499.103 (indicate) _____ (b), or _____ (c), of Maximum Price Regulation

No. 165 for the service described in Item 1, below.

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

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

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

(c) In column (c) show the percentage of increase in the cost of living from the last period of the corresponding season to March 1942, as set forth in footnote to § 1499.103.

(d) In column (d) show the sum to be added to the highest price charged in the corresponding season. (Price shown in column 2 (b) multiplied by percentage shown in column 2 (c).)

(e) In column (e) show maximum price for the service. (Price shown in column 2 (b) plus amount shown in column 2 (d).)

(a)	(b)	(c)	(d)	(e)

Signature -----
Applicant

By -----

Title

State of -----

County of -----, ss.

The undersigned, -----, being first duly sworn according to law, on oath deposes and says: that he is the person whose name appears subscribed to the above Report and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

Signature

Subscribed and sworn to before me this ----- day of ----- A. D. 194--

Officer Administering Oath

Issued this 23d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5925; Filed, June 23, 1942; 5:41 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 8 to General Maximum Price Regulation¹]

EXCEPTED SERVICES; "COMMODITY" DEFINED

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

Sections 1499.10 and 1499.20 (c) are amended to read as set forth below:

§ 1499.10 *Services excepted from this General Maximum Price Regulation.* The provisions of this General Maximum Price Regulation shall not apply to such services as may be specified by supple-

¹ 7 F.R. 3153, 3330, 3666.

mentary regulations issued under this section or by any amendments thereto.

* * * * *
§ 1499.20 *Definitions and explanations.* This General Maximum Price Regulation and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:
* * * * *

(c) "Commodity" includes commodities, articles, products, and materials and contracts to buy, sell, or deliver any of the foregoing.

* * * * *
§ 1499.23a *Effective dates of amendments.* * * * * *

(h) Amendment No. 8 (§§ 1499.10 and 1499.20 (c)) to General Maximum Price Regulation shall become effective July 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5899; Filed, June 23, 1942; 5:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Supplementary Regulation 11¹ to General Maximum Price Regulation²]

EXCEPTIONS FOR CERTAIN 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.

In § 1499.46, paragraphs (b) and (c) are redesignated paragraph (c) and (d) (1) respectively and a new paragraph (b) is added as set forth below.

* * * * *
§ 1499.46 *Exceptions for certain services.* * * * * *

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

- (1) Accountants and auditors, fees and charges of.
- (2) Actuaries, fees and charges of.
- (3) Advertising agencies, rates charged by.
- (4) Advertising facilities (outdoor), rates charged for use of.
- (5) Agents: Artists', authors', playwrights', actors', fees and charges of.
- (6) Adjustment agencies, fees and charges of.
- (7) Arbitration and conciliation services, fees and charges for.
- (8) Architects, fees and charges of.
- (9) Authors, fees and compensation of.
- (10) Bookkeeping services, compensation for.
- (11) Booking agents (theatrical, etc.), fees and charges of.
- (12) Check-cashing services, fees and charges for.
- (13) Chemists (consulting), fees and compensation of.

¹ 7 F.R. 3153, 3330, 3666.

² 7 F.R. 4543.

(14) Claim adjusting, charges for.

(15) Collection bureaus and agencies, fees and rates of.

(16) Correspondents, fees and compensation of.

(17) Court reporting (except when a transcript is furnished), fees and charges for.

(18) Credit information services, rates and charges for.

(19) Detective agencies, fees and charges of.

(20) Efficiency experts, fees and charges of.

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

(22) Employment agencies, rates charged by.

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

(24) Entertainers, fees and compensation of.

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

(26) Electrical logging of oil-well holes, charges for.

(27) Financial services, fees and charges for.

(28) Farm-management services, fees and charges for.

(29) Fire-reporting services, fees and charges for.

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

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

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

(33) Incorporation services, fees and charges for.

(34) Insurance, rates charged by any person selling or underwriting.

(35) Investment counselling, fees and charges for.

(36) Lawyers, fees and charges of.

(37) Lecturers, fees and compensation of.

(38) Light, heat, or power (companies furnishing, as public utilities), rates charged by.

(39) Mannequin and modelling services, fees and compensation for.

(40) Marketing forecasting, fees and charges for.

(41) Merchandizing counsel, fees and charges of.

(42) Motion pictures or other theater enterprise, rates charged by.

(43) News syndicates, rates charged by.

(44) Newspapers, periodicals and magazines, rates charged by.

(45) Notary public, fees and charges of.

(46) Personnel management services, fees and charges for.

(47) Press association and feature services, rates charged by.

(48) Process servers, fees and charges of.

(49) Public-relations and publicity counsels, fees and charges of.

(50) Radio and television stations, rates charged by.

(51) Rates and charges by persons engaged in the business of publishing, printing, typesetting, platemaking and binding and rendering related services in connection with books, magazines, newspapers and periodicals.

(52) Research services (Food, investment, laboratory, statistical, marketing, etc.), fees and charges for.

(53) Seismographic exploration, rates charged for.

(54) Services rendered in connection with title guaranty, title search, abstracting and surveying, fees and charges for.

(55) Services the rates for which are regulated by the Department of Agriculture under the Stockyards and Packers Act.

(56) Shot-hole drilling, fees and charges for.

(57) Speakers' bureaus, fees and charges of.

(58) Systematizing services, fees and charges for.

(59) Tax consultants, fees and charges of.

(60) Telephone service, secretarial, rates charged for.

(61) Telephone services, rates charged for.

(62) Telegraph service, rates charged for.

(63) Ticker services, fees and charges for.

(64) Ticket services and agencies for theater, or passenger transportation, fees and charges for.

(65) Tourist agencies and travel bureaus, fees and charges of.

(66) Traffic consultants, fees and charges of.

(67) Translation services, fees and charges for.

(68) Transportation of commodities by persons offering their services to the general public as common carriers by rail, water, motor, pipe line, or other means of conveyances, rates charged for: *Provided, however, That charges for storage and warehousing and all other services incident thereto by any person shall not be excluded from the General Maximum Price Regulation.*

(69) Transportation of persons, rates charged for.

(70) Tree surgery, fees and charges for.

(71) Veterinarians, fees and charges of.

(72) Watchman services, fees and charges for.

(73) Water (companies supplying, to urban areas as public utilities), rates charged by.

(74) Window display service, fees and charges for.

(d) * * *

(2) Amendment No. 1 (§ 1499.46 (b)) to Supplementary Regulation No. 11 shall become effective July 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5901; Filed, June 23, 1942; 5:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 12]

BED LINEN PRICES OF DEFENDER MFG. CO.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the au-

thority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.49 *Maximum prices for the sale of bed linens by Defender Manufacturing Company.* (a) Defender Manufacturing Company, New York, N. Y., may sell and deliver and agree, offer, solicit or attempt to sell and deliver the following types of bed linen at prices no higher than those set forth below. All prices below are in dollars. The styles shown beneath each type in the tables listed below refer to all sizes of that type. All prices are f. o. b. seller's plant and shall be subject to such terms as were granted to purchasers during the last calendar month prior to March 1942 in which Defender Manufacturing Company freely offered goods for sale.

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

Type and style	Size (inch)	Price per dozen	Boxed sets		
			1 sheet and 2 pillow cases	2 sheets and 2 pillow cases	2 pillow cases
Type 112:					
7310.....	81 x 108.....	\$15.56	\$2.06		
1229.....	81 x 99.....	14.47	1.96		
Demco.....	45 x 38½.....	3.64			\$0.71
	42 x 38½.....	3.46			.68
Type 128:					
La Mode.....	90 x 108.....	20.54			
1272.....	81 x 108.....	18.76	2.57		
1226.....	81 x 99.....	17.52	2.47		
	72 x 108.....	17.03	2.43	3.85	
	45 x 38½.....	4.88			.91
	42 x 38½.....	4.68			.86
Type 140:					
American.....	90 x 108.....	23.82	3.09		
Beauty.....	81 x 108.....	22.06	2.94		
Muslin.....	81 x 99.....	20.54	2.82		
1275.....	72 x 108.....	20.19	2.78	4.46	
7180.....	45 x 38½.....	5.40			1.00
	42 x 38½.....	5.13			.96
Type 128:					
7260/61.....	90 x 108.....	32.95	4.18		
	81 x 108.....	30.23	3.95		
	81 x 99.....	28.90	3.84		
	72 x 108.....	28.33	3.79	6.15	
	45 x 36.....	7.41			1.33
	42 x 36.....	7.10			1.20
Type 140:					
7111.....	90 x 108.....	34.88	4.63		
	81 x 108.....	32.47	4.43		
	81 x 99.....	30.95	4.30		
	72 x 108.....	30.86	4.29	6.86	
	45 x 36.....	9.13			1.62
	42 x 36.....	8.84			1.58
7470/71.....	90 x 108.....	36.16	4.50		
	81 x 108.....	33.85	4.31		
	81 x 99.....	32.23	4.18		
	72 x 108.....	32.15	4.17	6.85	
	45 x 36.....	7.70			1.39
	42 x 36.....	7.42			1.34
7172/73.....	90 x 108.....	37.45	4.71		
	81 x 108.....	34.82	4.49		
	81 x 99.....	33.21	4.36		
	72 x 108.....	32.15	4.27	6.95	
	45 x 36.....	8.35			1.49
	42 x 36.....	8.07			1.45
2162.....	90 x 108.....	20.15	3.82		
	81 x 108.....	26.78	3.62		
	81 x 99.....	25.13	3.48		
	72 x 108.....	25.04	3.47	5.56	
	45 x 36.....	7.17			1.29
	42 x 36.....	6.89			1.24
Type 180:					
339.....	90 x 108.....	35.09	4.68		
	81 x 108.....	33.05	4.51		
	81 x 99.....	31.32	4.37		
	72 x 108.....	31.00	4.34	6.92	
	45 x 38½.....	9.87			1.66
	42 x 38½.....	9.14			1.62

Type and style	Size (inch)	Price per dozen	Boxed sets		
			1 sheet and 2 pillow cases	2 sheets and 2 pillow cases	2 pillow cases
Type 140—Continued					
6190	90 x 108	36.61	4.96		
	81 x 108	34.32	4.77		
	81 x 99	32.65	4.63		
	72 x 108	32.03	4.57	7.24	
	45 x 38½	10.29			1.81
	42 x 38½	9.97			1.76
6194	90 x 108	31.51	4.13		
	81 x 108	29.28	3.94		
	81 x 99	27.65	3.80		
	72 x 108	27.36	3.78	6.06	
	45 x 38½	7.78			1.40
	42 x 38½	7.48			1.35
D1/D7	81 x 108	45.37	6.48		
	72 x 108	41.07	6.12	9.54	
	45 x 40½	15.10			2.60

Type and style	Size (inch)	Hemmed	Hemstitched	Boxed sets			
				Hemmed		Hemstitched	
				1 sheet and 2 cases	2 sheets and 2 cases	1 sheet and 2 cases	2 sheets and 2 cases
Type 180:							
6135	90 x 108	\$4.50 ea.	\$4.74 ea.	\$6.75	\$11.25	\$7.25	\$12
Floral	72 x 108	\$4.00 ea.	\$4.24 ea.	6.25	10.25	6.75	11
Print	45 x 38½	\$2.15 ea. pr.	\$2.40 ea. pr.				
	45 x 40½	\$2.25 ea. pr.	\$2.50 ea. pr.				

(b) This Order No. 12 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 12 (§ 1499.49) shall become effective June 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5895; Filed, June 23, 1942; 5:39 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment No. 5 to Supplementary Regulation No. 4¹ to General Maximum Price Regulation²]

EMERGENCY PURCHASES BY U. S. AGENCIES

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.

Subparagraph (9) of § 1499.29 (a) 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.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

(9) Emergency purchases of any commodity by the United States or any agency thereof for immediate delivery: *Provided*, That the person making such emergency purchases on behalf of the United States or any agency thereof files a report with the Office of Price Admin-

¹ 7 F.R. 3724, 3942, 4410, 4988, 4543, 4660.
² 7 F.R. 3153, 3330, 3666.

istration, Washington, D. C., within 5 days after 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, immediately 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.

(d) (7) Amendment No. 5 (§ 1499.29 (a) (9)) to Supplementary Regulation No. 4 shall become effective June 23, 1942.

(Pub. law 421, 77th Cong.)

Issued this 23d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5894; Filed, June 23, 1942; 5:36 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

**COTTON GARMENT AND ALLIED INDUSTRIES
MODIFICATION OF MINIMUM WAGE DETERMINATION**

This matter is before me pursuant to section 1 (b) of the act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III, 35) entitled, "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and

for other purposes" otherwise known as the Walsh-Healey Public Contracts Act.

On November 26, 1941, the Administrator of the Division of Public Contracts of the Department of Labor issued a notice of an opportunity to show cause (6 F.R. 6003) why I should not modify the determinations in the Matter of the Prevailing Minimum Wage in the Cotton Garment and Allied Industries by finding that the prevailing minimum wage for persons now employed in that industry, as defined in the determination of July 28, 1937, as amended, has ceased to be 37½ cents per hour and is now 40 cents per hour or \$16 for a week of 40 hours.

The notice sets forth that (1) wage orders issued by the Administrator of the Wage and Hour Division pursuant to the Fair Labor Standards Act provide that not less than 40 cents an hour be paid by every employer to each of his employees who is engaged in interstate commerce or in the production of goods for such commerce in the Single Pants, Shirts and Allied Garments Industry, the Sportswear and Other Odd Outerwear Division of the Apparel Industry, and the Women's Apparel Industry; (2) substantially all manufacturers of the products covered by these wage orders are engaged in interstate commerce or in the production of goods for interstate commerce and are, therefore, subject to the wage orders; (3) these wage orders include within their coverage all articles (with the exception of certain enumerated products) covered by my previous determinations in the Matter of the Prevailing Minimum Wage in Cotton Garment and Allied Industries, and (4) the afore-mentioned wage orders of the Administrator of the Wage and Hour Division have had the effect of establishing 40 cents an hour as the prevailing minimum in the manufacture of the products included in the Determination of the Prevailing Minimum Wage in the Cotton Garment and Allied Industries with the exception of the enumerated products which are manufactured under a similar wage structure.

The interested parties were also given the opportunity to show why I should not modify the determinations in the Matter of the Prevailing Minimum Wage in the Cotton Garment and Allied Industries to provide that the applicable regulations for the employment of learners and handicapped workers issued by the Administrator of the Wage and Hour Division pursuant to the Fair Labor Standards Act should apply to contracts awarded subject to this determination.

Notice of opportunity to show cause was sent to trade unions, trade publications and trade associations. Notice was also given to interested parties through the national press and by publication in the FEDERAL REGISTER as indicated above.

No objections or protests have been received to the proposed coordination of the minimum wage requirements of the two acts or of the standards under the two acts concerning the employment of learners and handicapped workers in the Cotton Garment and Allied Industries.

Some objections have been directed to the terms and conditions under which learners may be employed. I believe, however, that the regulations which have been issued by the Administrator under the Fair Labor Standards Act on June 20, 1942, covering the employment of learners, and the regulations applicable to the employment of handicapped persons under the Fair Labor Standards Act (Regulations, Part 524) are reasonable and consistent with the Administrative policy under the Public Contracts Act and I, therefore, adopt these regulations for the purposes of this determination.

It also appears advisable to redefine the Cotton Garment and Allied Industries for the purpose of making the definition of that industry conform more closely with the definitions of the Single Pants, Shirts, and Allied Garments Industry, the Sportswear and Other Odd Outerwear Division of the Apparel Industry, and the Women's Apparel Industry as prescribed by the wage orders for such industries under the Fair Labor Standards Act of 1938.

Upon consideration of all the facts and circumstances, I hereby determine that:

§ 202.2 *Cotton garment and allied industries.* (a) The Cotton Garment and Allied Industries shall be understood to be that industry which manufactures or furnishes any of the following commodities:

Trousers, knickers, work pants, and breeches (except when made wholly of wool and uniform trousers and breeches made wholly or partially of wool); dress or work shirts and nightwear of any material except knit fabric; overalls, overall jackets, and one-piece overall suits; work coats and work jackets (except wool and wool-lined, and leather and sheep-lined); washable service apparel (hospital, professional, etc.); other cotton outerwear of any material except knit fabric; barrack bags; bandoleers; ammunition and cartridge belts made of textiles; canvas leggings; cot covers; fabric punches and carriers for first aid equipment, such as: kit canteen ring straps, kit inserts, kit laces, kit pouches and kit suspenders; mattress covers; mosquito bars; and wardrobe bags with draw-strings, made of textiles.

(b) The prevailing minimum wage for persons employed in the performance of contracts with agencies of the United States Government, subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III, 35) for the manufacture and furnishing of the products of the Cotton Garment and Allied Industries shall be 40 cents per hour or \$16 per week of 40 hours, arrived at either upon a time or piecework basis.

Provided, That learners and handicapped workers may be employed at submini-

um rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which I hereby adopt for the purposes of this determination.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after July 20, 1942.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

Dated: June 20, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-5929; Filed, June 24, 1942;
11:50 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 14]

PART 301—REGULATIONS AFFECTING MARITIME CARRIERS

REPORT TO PORT DIRECTOR PRIOR TO SAILING

Instructions to all owners, operators, agents and masters of vessels operating out of any port in the continental United States, its territories or possessions.

By virtue of the authority conferred upon me by Executive Order 9054, dated February 7, 1942, it is hereby directed and you are accordingly instructed that:

§ 301.1j *Report to Port Director required.* (a) Any vessel operating out of any port in the continental United States, its territories or possessions (including, without limitation, any and all vessels owned by citizens of the United States; under the control of the War Shipping Administration; holding warrants under the Act of July 14, 1941, Public Law 173, 77th Congress; and all other vessels), before commencing any voyage from any such port, shall report to the Port Director, United States Navy, and shall apply for and comply with routing or other special instructions to be issued by such Port Director.

(b) As to vessels holding warrants under the Act of July 14, 1941 (Public Law 173, 77th Congress), compliance with the requirements of this General Order shall be a condition to the continued enjoyment of the priorities and other advantages provided in said Act of July 14, 1941.

(c) This order does not apply to sailings from ports on the Great Lakes. (E.O. 9054; 7 F.R. 837)

By Order of the War Shipping Administration.

[SEAL]

W. C. PEET, Jr.,
Secretary.

JUNE 23, 1942.

[F. R. Doc. 42-5932; Filed, June 24, 1942;
11:29 a. m.]

[General Order 12, Supp. 1]

PART 330—TERMS OF COMPENSATION PAYABLE TO GENERAL AGENTS AND AGENTS

CERTAIN AGENTS DEFINED

Sections 330.4 and 330.5 of General Order No. 12, are hereby amended to read as follows:¹

§ 330.4 *Agent defined.* All persons, firms or corporations designated as "Agent" under a standard form of service agreement (TCA-4-4-42) shall be entitled to the compensation of agent hereunder.

§ 330.5 *Sub-agents*—(a) *Berth sub-agent defined.* A berth sub-agent is one who is appointed by the general agent or agent as berth operator in accordance with Article 6 of the General Agent's Agreement, general policy or instructions of the War Shipping Administration. The berth sub-agent shall for the period of such subagency perform all of the functions of an agent, subject to the supervision of the agent or general agent. Such berth sub-agent shall receive as compensation 80% of the compensation as provided in § 330.7 hereof, but the compensation of such berth sub-agent shall be collected from the agent or general agent. The agent or general agent shall not be held responsible for acts of a berth sub-agent expressly appointed by or at the direction of the War Shipping Administration, but such berth sub-agent shall be responsible to the War Shipping Administration to the same extent as agent under Agreement TCA-4-4-42.

(b) *Sub-agents defined.* A sub-agent is one who is appointed by an agent, general agent or berth sub-agent to perform any of the functions of the general agent, agent or berth sub-agent, and shall be compensated by the general agents, agents or berth sub-agents respectively out of the compensation received by such general agents, agents, or berth sub-agents hereunder. A foreign sub-agent is a sub-agent who performs his functions outside of the continental limits of the United States including Alaska and shall be compensated in accordance with § 330.8 hereunder.

2. This supplement shall become effective at the commencement of all voyages begun after midnight, local time, June 30, 1942, except that as to any voyage

¹ 7 F.R. 4496.

then in progress it shall not become effective until the vessel is next free of cargo on board at that time.

By order of the War Shipping Administration.

[SEAL]

W. C. PEET, Jr.,
Secretary.

JUNE 22, 1942.

[F. R. Doc. 42-5930; Filed, June 24, 1942;
11:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Amendment No. 1 to Service Order 71]

EXTENSION OF SERVICE ORDER TO APPLY TO INTERSTATE COMMERCE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23rd day of June, A. D. 1942.

Upon further consideration of the provisions of Service Order No. 71 of March 6, 1942, and

It appearing, that, due to the existing state of war, an emergency exists which, in the opinion of the Commission, requires immediate action to prevent shortage of railroad equipment and congestion of traffic:

It is ordered, That, effective July 1, 1942, said order be, and it is hereby, amended so as to apply to intrastate commerce as well as to interstate and foreign commerce carried by every common carrier by railroad subject to the Interstate Commerce Act.

And it is further ordered, That copy of this order shall be served upon each common carrier by railroad subject to the Interstate Commerce Act; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 42-5928; Filed, June 24, 1942;
11:08 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-256]

GEORGE THOMPSON, CODE MEMBER

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on June 24, 1942 at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania, pursuant to Notice of and Order for

Hearing entered herein on May 18, 1942; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from June 24, 1942 at 10 a. m. to July 27, 1942 at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania, before the officer or officers previously designated to preside at said hearing.

Dated: June 23, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5916; Filed, June 24, 1942;
10:52 a. m.]

[Docket No. B-255]

SHEESLEY COAL COMPANY

ORDER POSTPONING HEARING

In the matter of Sheesley Coal Company, a corporation, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on June 24, 1942, at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania, pursuant to Notice of and Order for Hearing entered herein on May 19, 1942; and

The Acting Director deeming it advisable that the said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from June 24, 1942, at 10 a. m. to July 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania, before the officer or officers previously designated to preside at said hearing.

Dated: June 23, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5917; Filed, June 24, 1942;
10:52 a. m.]

[Docket No. B-254]

KRISTIANSON & JOHNSON COAL CO., INC.

ORDER POSTPONING HEARING

In the matter of Kristianson & Johnson Coal Co., Inc., a corporation, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on June 25, 1942, at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania, pursuant to Notice of and Order for Hearing entered herein on May 18, 1942; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be

and the same hereby is postponed from June 25, 1942, at 10 a. m. to July 28, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania, before the officer or officers previously designated to preside at said hearing.

Dated: June 23, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5918; Filed, June 24, 1942;
10:52 a. m.]

[Docket No. B-281]

CHARLES WHITEHURST, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 2, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 4, 1942, by Bituminous Coal Producers Board for District No. 10, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Charles Whitehurst, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on July 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Coronado Hotel, St. Louis, Missouri.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an ad-

mission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That said Code member, whose address is Tallula, Illinois, whose code membership became effective as of July 30, 1937, and who operates the Lloyd Mine, Mine Index No. 933, located in Menard County, Illinois, in District No. 10, wilfully violated the Act, the Code, and rules and regulations thereunder and in particular, section II (b) of Order No. 312 by his failure to maintain and keep on file as required by his Order, proper copies of the truck tickets relating to sales for shipments of substantial tonnages of coal by truck or wagon from the aforesaid mine during the period from January 1, 1942 to February 28, 1942, both dates inclusive, in that he omitted from said truck tickets (a) Mine Index Number as listed in the price schedule of the aforesaid mine, (b) price per net ton f. o. b. the truck or wagon at the said mine; and (c) total amount charged for the coal.

Dated: June 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5919; Filed, June 24, 1942;
10:53 a. m.]

[Docket No. B-278]

EAST WINDBER COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of East Windber Coal Company, a corporation, Code Member.

A complaint dated June 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 9, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by East Windber Coal Company, a corporation, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on July 29, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows: That the said East Windber Coal Company, a corporation, 540 Central Avenue, Johnstown, Pennsylvania, whose

code membership became effective as of June 19, 1937, and who operates the East Windber No. 5 mine, Mine Index No. 142, located in Subdistrict No. 32 of District No. 1 in Somerset County, Pennsylvania, (1) wilfully violated section 4, Part II (e) of the Act and Part II (e) of the Code by selling, subsequent to September 30, 1940, coal produced by said code member at its aforesaid mine, at prices below the effective minimum price established therefor, including approximately 1,200 tons of refuse coal sold during the period January 29, 1941, through July 21, 1941, to Johnstown Cut Flower Company, Inc., Johnstown, Pennsylvania, at a price of 50 cents per net ton f. o. b. said mine, whereas the said code member had no price established for the coal produced at its said mine other than the price of \$2.30 per net ton f. o. b. said mine, for Size Group No. 3, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, which is the price applicable to the above described coal as set forth under Price Instruction No. 4 of said Schedule, or (2) wilfully violated the Order of the Director entered in General Docket No. 19, dated October 9, 1940, by selling, subsequent to October 14, 1940, coal produced at the aforesaid mine, for which minimum prices, temporary or final, had not been established by the Division, including the sales of the coal set forth in (1) hereof.

Dated: JUNE 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5920; Filed, June 24, 1942;
10:53 a. m.]

[Docket No. B-275]

SAMUEL C. HAER, ARTHUR L. HAER, AND B. C. STEAR

NOTICE OF AND ORDER FOR HEARING

In the matter of Samuel C. Haer, Arthur L. Haer, and B. C. Stear, individually and as partners doing business under the name and style of Samuel C. Haer, Arthur L. Haer, and B. C. Stear, Code Member.

A complaint dated June 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 9, 1942, by Bituminous Coal Producers Board for District No. 1, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Samuel C. Haer, Arthur L. Haer, and B. C. Stear, individually and as partners doing business under the name and style of Samuel C. Haer, Arthur L. Haer, and B. C. Stear, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on July 30, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That the said Samuel C. Haer, Arthur L. Haer, and B. C. Stear, individually and as partners doing business under the name and style of Samuel C. Haer, Arthur L. Haer, and B. C. Stear, code member, Marion Center, Pennsylvania, whose code membership became effective as of September 3, 1941, and who operate the Haer Mine, Mine Index No. 1464, located in

Indiana County, Pennsylvania in Sub-district 15 in District No. 1, wilfully violated sections 4 II (e) and (g) of the Act and Parts II (e) and (g) of the Code during the period September 3, 1941, to December 30, 1941, both dates inclusive, by selling and delivering by truck to the McCreary Tire and Rubber Company, Indiana, Pennsylvania, a distance of approximately 15 miles from said mine, approximately 543.68 net tons of run of mine coal produced at the aforesaid mine at delivered prices ranging from \$2.40 to \$2.65 per net ton, whereas the effective minimum f. o. b. mine price of such coal established in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments was \$2.20 per net ton, to which minimum price there were added amounts less than the transportation, handling or incidental charges for said coal from the aforesaid mine to the McCreary Tire and Rubber Company, which was required by Price Instruction No. 6, as amended and contained in Supplement No. 1 to aforesaid Schedule.

Dated: June 23, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5921; Filed, June 24, 1942;
10:53 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

UNION POINT IMPROVEMENT COMPANY DENIAL OF APPLICATION

Notice of denial of application for reconsideration of the determination of the reasonable cost to the Union Point Improvement Company of Union Point, Georgia of housing furnished to the employees of the Union Manufacturing Company.

Whereas in accordance with section 531.2 of the Regulations issued pursuant to authority contained in section 3 (m) of the Fair Labor Standards Act, a hearing was held in Union Point, Georgia on June 27, 1941, before Harold Stein, a duly authorized representative of the Administrator, for the purpose of determining:

The reasonable cost to the Union Manufacturing Company and to any affiliated persons, within the meaning of § 531.1 (a) of Regulations, Part 531, of board, lodging, or other facilities customarily furnished by said company and affiliated persons to employees of the Union Manufacturing Company; and

Whereas following such hearing the said Harold Stein duly issued his findings and determination; and

Whereas pursuant to § 531.3 of the Regulations, notice was given by publication in the FEDERAL REGISTER on April 15, 1942, that any person aggrieved by the determination might within fifteen days (a) make application to Harold Stein for reconsideration thereof if it could be shown that there is additional evidence which may materially affect the determination and that there were reasonable

grounds for failure to adduce such evidence in the original proceedings, or (b) file a petition for review of the determination by the Administrator or an authorized representative who has taken no part in the action subject to review; and

Whereas within fifteen days of the publication of the determination an application was submitted to Harold Stein on behalf of the Union Point Improvement Company of Union Point, Georgia for reconsideration of the following part of the determination:

8. The reasonable cost to the Union Point Improvement Company of furnishing housing to the employees of the Union Manufacturing Company was 67.4 percent of the rentals charged in 1938, 63.9 percent of the rentals charged in 1939, and 61.1 percent of the rentals in 1940;

And whereas the said Harold Stein has considered the application in the light of the evidence contained in the record of this proceeding and has on May 26, 1942, denied it.

Now, therefore, pursuant to the provisions of § 531.3 of the Regulations, notice is hereby given that any person aggrieved by the denial of the application for reconsideration may within fifteen days after publication of this notice file a petition for review of the determination. Such petition must set forth the grounds for the requested review.

Signed at New York, New York, this 20th day of June 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-5903; Filed, June 24, 1942;
9:17 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted-Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective June 25, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

J. Capps & Sons, Ltd., 500 West Lafayette Ave., Jacksonville, Illinois; Men's clothing; 5 percent (T); June 25, 1943.

S. Liebovitz & Sons, Inc., Cedar St., Kutztown, Pennsylvania; Reversible fingertip coats; 5 learners (T); June 25, 1943.

Middlesex Lace & Embroidery Works, 8 Martin Ave., South River, New Jersey; Handkerchiefs, embroidered lace handkerchiefs, laces, etc.; 5 percent (T); June 25, 1943.

Prosterman, Spiesberger Co., 235 West Douglas Ave., Jacksonville, Illinois; Suits, topcoats, overcoats; 5 percent (T); June 25, 1943.

Single Pants, Shirts and Allied Garments and Women's Apparel

Bridgewater Garment Co., Main St., Bridgewater, Virginia; Pants and breeches; 15 learners (E); December 25, 1942.

Ideal Shirt Co., Main St., Sykesville, Pennsylvania; Work clothing, sport clothing; 5 learners (T); June 25, 1943.

Looper's Inc., 651 S. McCamy St., Dalton, Georgia; Ladies & children's cotton robes; 10 learners (T); June 25, 1943.

Nannette Mfg. Co., 6th & Hunter Sts., Gloucester, New Jersey; Children's dresses; 10 percent (T); June 25, 1943.

I. Schneiers & Sons, Inc., 113 West Redwood St., Baltimore, Maryland; Children's dresses; 20 learners (E); December 25, 1942.

Trostle Garment Co., Walnut St., Mt. Holly Springs, Pennsylvania; Ladies cotton dresses; 5 learners (T); June 25, 1943.

Gloves

Bacmo Postman Corp., 9 Blood St., Amsterdam, New York; Leather dress gloves; 10 percent (T); June 25, 1943.

Bacmo Postman Corp., 18-24 Third Ave., Gloversville, New York; Leather

dress gloves; 10 percent (T); June 25, 1943.

Hosiery

Drexel Knitting Mills Co., Drexel, North Carolina; Seamless hosiery; 10 percent (T); June 25, 1943.

Penn-Carol Hosiery Mills, Inc., Concord, North Carolina; Full-fashioned hosiery; 10 learners (T); June 25, 1943.

Slatedale Knitting Mills, Inc., Slatedale, Pennsylvania; Seamless hosiery; 15 learners (E); December 25, 1942.

Knitted Wear

Campbell & Helmich, 201 East Philadelphia Ave., Boyertown, Pennsylvania; Knitted underwear; 5 learners (T); June 25, 1943.

John B. Davidson Woolen Mills, Inc., Elizabeth St., Eaton Rapids, Michigan; Knitted outerwear; 4 learners (T); June 25, 1943.

Ilena Mills, Inc., Manufacturer's Road, Chattanooga, Tennessee; Knitted underwear; 5 percent (T); June 25, 1943.

Logan-Cache Knitting Mills, 124 South Main St., Logan, Utah; Underwear and outerwear; 3 learners (T); June 25, 1943.

Spring City Knitting, Spring City, Pennsylvania; Knitted underwear; 5 percent (T); June 25, 1943.

Straus Knitting Mills, 352 Sibley St., St. Paul, Minnesota; Knitted outerwear; 5 learners (T); June 25, 1943.

Victoria Knitting Mills, 8th & Spring Garden Sts., Philadelphia, Pennsylvania; Men's and boys' knitted sweaters; 3 learners (T); June 25, 1943.

Telephone

Central Iowa Telephone Co., Toledo, Iowa Exchange, Toledo, Iowa; to employ learners as commercial switchboard operators; 1 learner (T); June 25, 1943.

Textile

The Baer Co., 301 La Salle St., Berwick, Pennsylvania; Silk and rayon; 3 learners (T); June 25, 1943.

Hoffman Tape Mills, Hasbrook & Beecher Sts., Cheltenham, Pennsylvania; Cotton tape; 6 percent (T); June 25, 1943.

Pilot Full Fashion Mills, Inc., Valdese, North Carolina; Processing of silk, rayon and nylon; 3 learners (T); June 25, 1943.

Signed at New York, N. Y., this 23rd day of June 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-5904; Filed, June 24, 1942; 9:18 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6264]

WKAL, INC., KALAMAZOO, MICH.

ORDER DENYING PETITION FOR CONSTRUCTION PERMIT

In re application of WKAL, Inc. (WKAL), Kalamazoo, Michigan, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of June, 1942;

The Commission having under consideration the petition of WKAL, Inc., requesting that its application for a permit to construct a new standard radio broadcast station at Kalamazoo, Michigan, to operate on 1230 kc with 250 watts power, unlimited time be granted; and,

It appearing that the application was designated for hearing on the third day of February, 1942, upon issues specified by the Commission and that said issues have not been satisfied by the matter submitted in the applicant's petition;

It is therefore ordered, That the said petition be, and it is hereby, denied; and

It is further ordered, On the Commission's own motion, that the notice of issues heretofore released on the application in Docket No. 6264 be, and it is hereby, amended to read as follows:

1. To determine whether the proposed station would provide good primary service to the metropolitan district of Kalamazoo, Michigan, as contemplated by the Standards of Good Engineering Practice.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942 (Mimeograph No. 59725) with respect to authorizations involving the use of materials.

4. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity, would be served by the granting of this application.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-5931; Filed, June 24, 1942; 11:56 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. DI-166]

GEORGIA POWER COMPANY

ORDER CHANGING PLACE OF HEARING

JUNE 23, 1942.

Upon application filed June 6, 1942, on behalf of Georgia Power Company, requesting that the place of the hearing heretofore ordered to be held on August 3, 1942, beginning at 9:45 a. m. (E. W. T.) in the Commission's hearing room, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., be changed to Macon, Georgia; and It appearing that:

Good cause has been shown for changing the place of such hearing to Macon, Georgia;

It is ordered, That:

The hearing in this proceeding be held beginning on August 3, 1942, at 9:45 a. m. (E. W. T.), in Room 238 in the Federal Building, Macon, Georgia.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-5908; Filed, June 24, 1942;
10:07 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Administrative Order No. 8]

DELEGATION OF AUTHORITY TO ACT FOR THE ADMINISTRATOR

AUTHORIZATION OF PAUL M. O'LEARY

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125¹ and by War Production Board Directive No. 1, as supplemented, the following order is prescribed:

(a) Paul M. O'Leary, Acting Deputy Administrator in Charge of Rationing, is authorized and directed to exercise the functions, duties, powers, authority and discretion conferred upon the Administrator, for the purpose of determining whether suspension orders shall be issued against persons found to have violated the Emergency Gasoline Rationing Regulations—Ration Order No. 5.²

(b) Any suspension order issued by said Paul M. O'Leary pursuant to this delegation of authority shall have the same force and effect as if issued by the Administrator.

Issued and effective this 22d day of June, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5905; Filed, June 23, 1942;
5:42 p. m.]

[Docket No. 1120-9-P]

MORRIS RUN COAL MINING COMPANY EXCEPTION GRANTED

Order No. 12 under Maximum Price Regulation No. 120³—Bituminous Coal Delivered From Mine or Preparation Plant.

On May 13, 1942 the Morris Run Coal Mining Company, 1118 Miners National Bank Building, Wilkes-Barre, Pennsylvania, filed a protest against § 1340.212 (b) of Maximum Price Regulation No. 120. The facts, however, justify treatment of the protest also as a petition for an adjustment or exception under § 1340.207 (a) of Maximum Price Regulation No. 120, and it is therefore also being treated as such in accordance with § 1300.33 of Procedural Regulation No. 1.⁴ The opinion in support of this Order No. 14 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons

¹ 7 F.R. 2719.

² 7 F.R. 3482, 3524, 3554, 3577, 3723, 3782, 4233, 4454, 4493, 4453.

³ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404.

⁴ 7 F.R. 971, 3663.

set forth in the opinion, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, it is hereby ordered:

(a) Morris Run Coal Mining Company may sell and deliver, agree, offer, solicit and attempt to sell and deliver, the kinds and grades of bituminous coal set forth in paragraph (b) below at prices not in excess of those stated therein. Any person may buy and receive, agree, offer, solicit and attempt to buy and receive, such kinds and grades of bituminous coal at such prices from Morris Run Coal Mining Company.

(b) (1) Except as set forth in the following subparagraph (2), on shipments other than by truck or wagon, in Size Groups 1, 2, and 5 from its Bloss Mine (Mine Index No. 335) the Morris Run Coal Mining Company may charge prices not to exceed \$3.70, \$3.55 and \$3.20 per net ton f. o. b. the mine, respectively.

(2) On all shipments of railroad fuel in Size Groups 1, 2, and 5 from its Bloss Mine (Mine Index No. 335) the Morris Run Coal Mining Company may charge prices not to exceed 80 cents per net ton above the effective minimum price for such shipments as of April 1, 1942.

(3) On all shipments, except truck or wagon, and railroad fuel, in Size Groups 2 and 5 from its Seymour Mine (Mine Index No. 455) the Morris Run Coal Mining Company may charge prices not to exceed \$3.25 and \$2.90 per net ton f. o. b. the mine, respectively.

(c) This Order No. 12 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 12 shall become effective June 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5898; Filed, June 23, 1942;
5:40 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-337]

NATIONAL POWER & LIGHT COMPANY

ORDER PERMITTING AMENDMENT TO BECOME EFFECTIVE AND AUTHORIZING EXTENSION OF PERIOD OF EXCHANGE OFFER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of June, A. D. 1942.

This Commission having permitted to become effective by order dated December 24, 1941, a declaration or application filed by National Power & Light Company, a registered holding company, pursuant to sections 9 (a) (1), 12 (c), 12 (d), and

12 (e) of the Act and the applicable rules thereunder respecting a proposed offer to be made by National Power & Light Company to its preferred stockholders to exchange for each share of National preferred stock two shares of common stock of Houston Lighting & Power Company; and

This Commission having found that such declaration or application should be treated as a plan filed under section 11 (e) and 11 (g) of the Act, and having approved said plan for submission to the preferred stockholders of National Power & Light Company, subject to the conditions contained in said order dated December 24, 1941; and

National Power & Light Company having filed an amendment to said declaration or application embodying a program designed to facilitate exchanges under said offer; and

A public hearing having been duly held on said amendment, the Commission having considered the record in this matter, and having made and filed its Findings and Opinion herein, and being of the opinion that action may appropriately be taken as hereinafter ordered:

It is ordered, That said amendment to the declaration or application aforesaid is hereby permitted to become effective, and that the time within which exchanges may be effected under this Commission's order dated December 24, 1941, or under the present order, may be extended by National Power & Light Company for a period of not more than 60 days from the date hereof (without prejudice to any application by National Power & Light Company for a further extension of time), subject to the following conditions:

1. National Power & Light Company shall submit to this Commission, not less than three (3) days prior to the mailing thereof, a copy, in final form, of the letter proposed to be mailed to its preferred stockholders announcing that it proposes to pay security dealers commissions and a fee for soliciting exchanges thereunder. A copy of the Findings and Opinion herein shall accompany said letter.

2. National Power & Light Company shall submit to this Commission, not less than three (3) days prior to the use thereof, copies, in final form, of all solicitation material proposed to be used in connection with the program, and shall submit to this Commission, not less than three (3) days prior to the use thereof, copies, in final form, of all supplementary or follow-up solicitation literature.

3. National Power & Light Company shall submit to this Commission, semi-monthly during the operative period of the exchange offer, a schedule reflecting the number of shares of its preferred stock tendered for exchange under said exchange offer and the number of shares of Houston common stock issued therefor on each business day during the period covered by such schedule.

4. Any shares of Houston common stock owned at the date hereof by any one of the Dealer Managers shall not be acquired by the Dealer Managers as such, in whole or in part, except at prices not

exceeding the prevailing bid price for such securities at the time of acquisition thereof.

5. In the event the Dealer Managers realize a net profit from transactions effected during the operative period of the exchange offer in which they act as principals in the purchase and sale of National preferred stock, Houston common stock, and National stamped preferred stock, such net profit shall be credited by the Dealer Managers to the account of National Power & Light Company: *Provided, however,* That any net loss sustained by reason of such transactions shall be borne by the Dealer Managers.

6. No payment of mailing or handling charges pursuant to our order of December 24, 1941 shall be made by National Power & Light Company on any shares on which a commission is payable pursuant to the amended declaration or application.

7. At the termination of the operative period of the exchange offer or as soon thereafter as is practicable, National Power & Light Company shall submit to this Commission a detailed statement reflecting all commissions and other costs and expenses charged to or incurred by National Power & Light Company in connection with said exchange offer, and jurisdiction is hereby reserved with respect to all items of expense charged to National Power & Light Company by the Dealer Managers.

It is further ordered, That, except as specifically modified herein, said order of this Commission dated December 24, 1941, shall remain in full force and effect.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-5909; Filed, June 24, 1942;
10:08 a. m.]

[File No. 7-466]

CHICAGO RIVET & MACHINE COMPANY COMMON STOCK, \$4 PAR VALUE

ORDER REOPENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of June, A. D. 1942.

An application having been filed by Chicago Rivet & Machine Company for the termination of unlisted trading privileges, on the New York Curb Exchange, in the applicant's common stock; hearings having been held, at which said exchange appeared in opposition to the application; briefs having been filed and argument held before the Commission; and

The Commission having, on December 4, 1941, issued and filed its findings and opinion in this matter in which it concluded that the character of trading on said exchange in the subject security was such that, if the unit of trading therein were not reduced from 100 shares to 25 shares or less, termination of unlisted trading privileges therein would be appropriate in the public interest and for the protection of investors; but that

it would be in the public interest to continue such privileges for a trial period of six months if said exchange, within ten days from the date of said findings and opinion, reduced the unit of trading as suggested and notified the Commission that such action had been taken; and

Said exchange having, under date of December 5, 1941, notified the Commission that the unit of trading in the subject security on said exchange has been reduced to 25 shares, effective at the opening of business on December 8, 1941, and the Commission having found in its order dated December 12, 1941, that said exchange has fulfilled the conditions specified in the aforesaid findings and opinion; and the Commission having ordered that the proceeding on the application herein be continued until June 9, 1942, or as soon thereafter as appropriate arrangements for a hearing might be made, for the taking of further evidence with respect to the questions left undecided; and

The Commission deeming it necessary for the protection of investors that a further hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, That the matter be set down for hearing at 11 a. m. on Wednesday, July 8, 1942, in Room 318 of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission,

be and he hereby is designated to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda, and any and all other records deemed relevant or material to the matters in issue at such hearing, and to perform all other duties in connection therewith as authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-5910; Filed, June 24, 1942;
10:08 a. m.]

[File No. 70-548]

ASSOCIATED UTILITIES CORPORATION, AND THE ASSOCIATED CORPORATION

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22nd day of June, A. D. 1942.

Associated Utilities Corporation and The Associated Corporation, subsidiaries of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10 and 12 thereof, and Rule U-43 thereunder, regarding the purchase by Associated Utilities Corporation from The Associated Corporation, an associate company, of the following securities at the prices stated in the following table:

	Principal amount	Price ¹ (flat)	Total cost
Associated Gas & Electric Corporation:			
3 3/4% income debentures, due 1978.....	\$359,200	10 1/2	\$37,716.00
4 1/2% income debentures, due 1978.....	948,400	10 3/4	101,953.00
Subtotal.....			139,669.00
Associated Gas & Electric Co.: 5% sinking fund income debentures due 1986.....	420,000	5	21,000.00
Total.....			160,669.00

¹ Bid prices as of the close of business May 7, 1942.

The proceeds to be received by The Associated Corporation through the consummation of the transaction proposed herein are to be used by said Corporation in settlement of federal income taxes (including interest) for the years 1934 to 1939, inclusive, and sundry current obligations. The amount to be paid for federal income taxes as of May 15, 1942 (including interest to said date) will be \$147,665.06.

Said application and declaration having been filed on May 16, 1942, and an amendment thereto having been filed on June 8, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application or declaration within the period specified

in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration pursuant to Rule U-43 to become effective.

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be and hereby is permitted to become effective and the

aforesaid application be and hereby is granted, forthwith.

By the Commission, Commissioner Healy dissenting for reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-5911; Filed, June 24, 1942;
10:08 a. m.]

WAR MANPOWER COMMISSION.

[Directive No. I]

LISTS OF ESSENTIAL ACTIVITIES AND OCCUPATIONS

DIRECTIVE TO UNITED STATES EMPLOYMENT SERVICE

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139, establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that the measures hereinafter set forth will promote the effective mobilization and utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

I. The United States Employment Service, after consultation or collaboration with the War Production Board, the War Department, the Navy Department, the Department of Agriculture and such other departments and agencies as it may deem appropriate, shall prepare and keep current, for its own use and for the use of appropriate departments and agencies of the Federal Government, (a) lists of essential activities; (b) lists of essential occupations; and (c) lists of critical war occupations.

II. Each list of essential occupations and of critical war occupations prepared by the United States Employment Service pursuant to this directive shall either contain a simple description of each occupation therein listed, and the minimum training time or experience required by an untrained individual in order to attain reasonable proficiency therein, or shall make reference to a readily available text, document or compilation of data wherein such description or required training time or experience is recorded.

III. As used in this or any other directive prescribed under Executive Order No. 9139, unless the context requires otherwise:

(a) Essential activities include (1) essential war activities, (2) any activity required for the maintenance of essential war activities, and (3) any activity essential to the maintenance of the national safety, health or interest;

(b) Essential war activities include the production, repair, transportation or maintenance of equipment, supplies, facilities or materials required in the prosecution of the war by the United States and by the other United Nations;

(c) An essential occupation means any occupation, craft, trade, skill or profession, required in an essential activity, in which an untrained individual is unable

to attain reasonable proficiency within less than six months of training or experience;

(d) A critical war occupation means an essential occupation, found by the United States Employment Service to be one with respect to which the number of individuals, available and qualified to perform services therein, is insufficient for existing or anticipated requirements for essential activities;

(e) The United States Employment Service means the United States Employment Service in the Social Security Board in the Federal Security Agency.

IV. This directive may be cited as the "Essential Activities and Essential Occupations Directive."

PAUL V. McNUTT,
Chairman.

JUNE 22, 1942.

[F. R. Doc. 42-5884; Filed, June 23, 1942;
3:37 p. m.]

[Directive No. II]

INFORMATION AS TO RELATIVE IMPORTANCE OF CRITICAL WAR PRODUCTS

DIRECTIVE TO WAR PRODUCTION BOARD

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139, establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that an insufficient number of available workers, qualified to perform work in certain essential occupations, renders it necessary that the War Manpower Commission be currently advised as to the relative importance, in the effectuation of the national war supply program, of filling job openings in establishments whose products or services are required for that program, and that the measures hereinafter set forth will promote the effective mobilization and utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

I. The War Production Board, with the aid of the War Department, the Navy Department, the Army and Navy Munitions Board, the Maritime Commission, the Department of Agriculture, and such other departments and agencies as it may deem appropriate, shall furnish to the War Manpower Commission, current information with respect to the relative importance, in connection with the maintenance and effectuation of the national war supply program, of filling job openings in plants, factories or other facilities whose products or services are required for that program.

II. To that end, the War Production Board, with the aid of such departments and agencies, shall take such action as may be necessary or appropriate to transmit to the War Manpower Commission at its headquarters as well as in the field, information pursuant to paragraph I hereof, in a manner which will assure close contact and collaboration in all areas of operation.

III. The War Production Board, after consultation with the War Department, the Navy Department, and the Maritime Commission, shall designate whether, or the extent to which, any information furnished pursuant to this directive constitutes confidential information and may indicate the manner in which the confidential character of any such information shall be safeguarded.

IV. The War Manpower Commission shall observe and enforce, in every detail, the instructions of the War Production Board with respect to safeguarding the confidential character of any information made available to it pursuant to this directive.

V. The War Production Board shall to the maximum extent practicable notify the War Manpower Commission of any information made available pursuant to this directive within such period prior to the date or dates when workers will be required in connection therewith, as may be necessary to enable the recruiting facilities of the United States employment Service and other appropriate agencies to be fully utilized.

VI. This directive may be cited as the "Critical War Products Directive."

PAUL V. McNUTT,
Chairman.

JUNE 22, 1942.

[F. R. Doc. 42-5885; Filed, June 23, 1942;
3:37 p. m.]

[Directive No. III]

CERTAIN PLACEMENT PRIORITIES

DIRECTIVE TO UNITED STATES EMPLOYMENT SERVICE

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139, establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that the war production program requires that priorities be accorded in the recruitment of workers for and the placement of workers in essential activities and that the measures hereinafter set forth will promote the proper allocation and the effective mobilization and utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

1. The United States Employment Service shall take such action as may be necessary or appropriate to assure that:

(a) Each local public employment office exerts its maximum efforts, including the utilization of all personnel, funds and facilities at its disposal, to expedite the recruitment and placement of all workers required for essential activities in preference to undertaking or continuing to recruit or place workers for any other activity; and

(b) Referrals are made to job openings for workers required for essential occupations, irrespective of the location of the work, in accordance with the relative need for filling such job openings under the national war supply program, as shown by information made available

by the War Production Board pursuant to the Critical War Products Directive.

II. If the United States Employment Service, on the basis of its own information or of authoritative information from other sources, has reason to believe, with respect to any plant, factory, or other facility, hereinafter referred to as an employing establishment, that:

(a) The wages and conditions of work are not at least as advantageous to a worker referred to a job opening therein, as those prevailing for similar work in similar establishments in the industrial area; or

(b) Proper measures have not been or will not be instituted to reduce or eliminate its use of or need for workers in critical war occupations by effective utilization, through training, upgrading, appropriate personnel transfers and job simplification, of the workers employed in such establishment; or

(c) Its need for additional workers in critical war occupations can be reduced or eliminated by the transfer of workers, employed in non-essential activities in such establishment or in another employing establishment, under the same ownership or control in the industrial area; the Director of the United States Employment Service may provide for excepting such establishment from the provisions of paragraph I hereof, subject to such policies, conditions, and standards as the Chairman of the War Manpower Commission may approve.

III. This directive may be cited as the Placement Priorities Directive.

PAUL V. McNUTT,
Chairman.

JUNE 22, 1942.

[F. R. Doc. 42-5886; Filed, June 23, 1942;
3:37 p. m.]

[Directive No. IV]

TRANSFERS TO ESSENTIAL ACTIVITIES

DIRECTIVE TO UNITED STATES EMPLOYMENT SERVICE

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139, establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that the national war supply program requires that increased efforts be made to encourage each individual who is unemployed or is not engaged in an essential activity but is capable of performing services in an essential occupation and is needed for such activity, to accept, through the United States Employment Service, suitable work in an essential activity and that the measures hereinafter set forth will promote the effective mobilization and utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

I. The United States Employment Service shall, as expeditiously as possible,

complete an occupational classification of each registrant under the Selective Training and Service Act of 1940, on the basis of his Selective Service Occupational Questionnaire.

II. The United States Employment Service shall request each such registrant whose occupational questionnaire indicates that (a) he is qualified to perform services in an essential occupation and (b) he was not as of the date of his filing of such questionnaire, utilizing his highest skill in an essential activity, to report to his nearest public employment office. If, through its interview of any such registrant or from other sources, the United States Employment Service finds that he is capable of performing services in an essential occupation and is not utilizing his highest skill in an essential activity, the United States Employment Service shall exert all reasonable efforts to persuade such registrant to transfer to suitable work for which he is needed in an essential activity.

III. The United States Employment Service shall maintain a complete record of and submit a full report to the Chairman of the War Manpower Commission with respect to (a) each case in which a registrant, after being offered suitable work in an essential activity pursuant to paragraph II hereof, has, without good cause, refused to accept such work, and (b) each case in which an employer or his representative, has directly or indirectly, in any manner, dissuaded or deterred or attempted to dissuade or deter, from so transferring, a registrant in his employ who is requested by a public employment office to transfer to work in an essential activity pursuant to this directive.

IV. This directive may be cited as the "Directive to Encourage Transfers to Essential Activities."

PAUL V. McNUTT,
Chairman.

JUNE 22, 1942.

[F. R. Doc. 42-5887; Filed, June 23, 1942;
3:38 p. m.]

[Directive No. V]

OCCUPATIONAL DEFERMENTS FOR INDIVIDUALS NEEDED FOR ESSENTIAL OCCUPATIONS IN ESSENTIAL ACTIVITIES

DIRECTIVE TO DIRECTOR OF SELECTIVE SERVICE

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139, establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that existing and anticipated labor needs for essential activities require that consideration be given such needs, in connection with the classification, under the Selective Training and Service Act of 1940, of available individuals qualified in essential occupations, and that the measures hereinafter set forth will promote the

proper allocation and the effective mobilization and utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

I. The Director of Selective Service shall take such action as may be necessary or appropriate to assure that:

(a) Copies of lists, including amendments and supplements thereto, of essential activities and of essential occupations, transmitted to him from time to time by the United States Employment Service pursuant to the Essential Activities and Essential Occupations Directive, are promptly made available to all local boards and boards of appeal in the Selective Service System;

(b) To the extent required for the maintenance of essential activities, individuals who are engaged in essential occupations in essential activities are temporarily deferred from training and service under the Selective Training and Service Act of 1940 while so engaged;

(c) To the extent required for the maintenance of essential activities, individuals who are not engaged in essential occupations in essential activities but who are qualified in essential occupations, are afforded reasonable opportunity, prior to induction under the Selective Training and Service Act of 1940, to become so engaged.

II. The Selective Service System and the United States Employment Service shall establish and maintain close collaboration at their respective headquarters as well as regional, State, and local levels to insure full utilization by the Selective Service System and efficient transmission by the United States Employment Service of the labor market and occupational information currently available through the offices of the United States Employment Service, and so as otherwise to effect the purposes of this directive.

III. This directive may be cited as the "Essential Occupational Deferment Directive."

PAUL V. McNUTT,
Chairman.

JUNE 22, 1942.

[F. R. Doc. 42-5888; Filed, June 23, 1942;
3:38 p. m.]

[Directive No. VI]

RECRUITMENT AND PLACEMENT OF ESSENTIAL AGRICULTURAL WORKERS

DIRECTIVE TO UNITED STATES EMPLOYMENT SERVICE

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139, establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that the agricultural production program contemplated by the "Food for Victory" goals prescribed by the Secretary of Agriculture pursuant to the directions of the President, renders essential the conservation and maxi-

imum utilization of available agricultural workers and the recruitment of additional agricultural workers from every appropriate source and that the measures hereinafter set forth will promote the proper allocation and effective mobilization and utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

I. The United States Employment Service after consultation with such bureaus, offices and divisions in the Department of Agriculture and with such other departments and agencies as it may deem appropriate, shall prepare, keep current and make available to the Department of Agriculture and other interested departments and agencies, data reporting its best estimates with respect to the available number of agricultural workers and the anticipated requirements for such workers, by periods, areas and agricultural commodities.

II. If, with respect to any area, the United States Employment Service determines after consultation with such bureaus, offices and divisions in the Department of Agriculture and other departments and agencies as it may deem appropriate, that the available number of agricultural workers is insufficient for the production, cultivation or harvesting of any agricultural commodity, essential to the effective prosecution of the war, the United States Employment Service shall take such action as may be necessary or appropriate to assure that its maximum efforts are expended in the recruitment and placement of the number of agricultural workers required for such production, cultivation or harvesting, including:

(a) The establishment and maintenance of such agricultural labor recruitment and placement services and facilities as may be necessary;

(b) The solicitation of all available workers, qualified to perform agricultural work, in projects or programs maintained by the Work Projects Administration, the National Youth Administration, the Department of Agriculture, and other appropriate private or public agencies or departments;

(c) The solicitation of qualified agricultural workers in rural and urban centers, youth groups and educational institutions;

(d) The retention for such purposes of qualified agricultural workers who might otherwise be recruited for placement in less essential industrial activities;

(e) The promotion, among growers, of the cooperative use of agricultural workers;

(f) The promotion of the maximum utilization of transient workers for such purposes by directing and guiding their movement to those areas in which non-local agricultural workers are required; and

(g) The submission, currently, to the Department of Agriculture, of all available information with respect to those areas in which and the periods and crops for which the establishment and maintenance of adequate housing facilities will

promote the recruitment and placement of required agricultural workers.

III. The United States Employment Service shall not, pursuant to this directive, recruit agricultural workers for, or refer such workers to, any agricultural employment in which the wages or conditions of work are less advantageous to the worker than those prevailing for similar work in the locality.

IV. This directive may be cited as the "Directive to Expedite the Recruitment and Placement of Essential Agricultural Workers."

PAUL V. McNUTT,
Chairman.

JUNE 22, 1942.

[F. R. Doc. 42-5889; Filed, June 23, 1942;
3:38 p. m.]

[Directive No. VII]

ADEQUATE HOUSING FOR TRANSIENT ESSENTIAL AGRICULTURAL WORKERS

DIRECTIVE TO SECRETARY OF AGRICULTURE

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139, establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that existing and anticipated requirements for agricultural workers for the production, cultivation or harvesting of agricultural commodities essential to the effective prosecution of the war render necessary certain movements of such workers between areas and crops, that such movements will be facilitated if reasonable shelter is available for such workers, and that the measures hereinafter set forth will promote the effective mobilization and utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

I. The Secretary of Agriculture shall, on the basis of data made available to him from time to time by the United States Employment Service and on the basis of such other data as he may deem appropriate, prepare and keep current, information with respect to the availability of adequate housing or other types of shelter facilities in each area in which non-local agricultural workers will be required for the production, cultivation or harvesting of any agricultural commodity essential to the effective prosecution of the war.

II. If, with respect to any area, the Secretary of Agriculture determines, after consultation with the United States Employment Service and such other departments or agencies as he may deem appropriate, that existing housing facilities, including permanent or mobile Department of Agriculture labor camp facilities, are insufficient to provide adequate shelter for non-local agricultural workers required in such areas for the production, cultivation or harvesting of any agricultural commodity essential to the effective prosecution of the war, the

Secretary of Agriculture shall take such action as may be necessary or appropriate (including the utilization of all personnel, funds and facilities at his disposal therefor) to assure that:

(a) All Department of Agriculture labor camp facilities, existing or hereafter established in such area, are made available to and utilized by such workers before such facilities are made available to or are utilized by any other individuals; and

(b) Such additional Department of Agriculture labor camp facilities are established and maintained in such areas and for such periods as are necessary to provide adequate shelter for such workers.

III. The Secretary of Agriculture, after consultation with the United States Employment Service, the Office of Defense Transportation, the Office of Price Administration and such other agencies or departments as he may deem appropriate, shall take such action (including the utilization of all personnel, funds and facilities at his disposal therefor) as may be necessary or appropriate to assure that:

(a) Agricultural workers, required for the production, cultivation or harvesting of any agricultural commodity essential to the effective prosecution of the war, are provided needed transportation facilities, and

(b) Non-local agricultural workers and their families, transported or housed pursuant to this directive are provided needed health and welfare services.

IV. This directive may be cited as the "Directive to Assure Adequate Housing for Transient Essential Agricultural Workers."

PAUL V. McNUTT,
Chairman.

JUNE 22, 1942.

[F. R. Doc. 42-5890; Filed, June 23, 1942;
3:39 p. m.]

[Directive No. VIII]

ADEQUATE TRANSPORTATION FOR WORKERS IN ESSENTIAL ACTIVITIES

DIRECTIVE TO CERTAIN GOVERNMENT AGENCIES

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139, establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that careful plans must be made to assure the availability of adequate transportation facilities for workers transferring to, moving between or engaged in essential activities and that the measures hereinafter set forth will promote the effective mobilization and utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

I. The United States Employment Service, the Department of Agriculture and any other department or agency of the Federal Government having infor-

mation concerning workers transferring to, moving between or engaged in essential activities, shall maintain, keep current and submit to the War Manpower Commission, for transmission from time to time to the Office of Defense Transportation, information with respect to each situation or area in which existing or anticipated transportation needs of such workers are not or will not be adequately provided for by existing and readily available transportation facilities.

II. In carrying out the functions and responsibilities vested in it by Executive Order No. 8989, as amended, particularly as such functions and responsibilities relate to assuring that adequate transportation facilities are available, as needed, to workers transferring to or moving between essential activities and to workers requiring transportation between their homes and places of employment in essential activities, the Office of Defense Transportation shall give careful consideration to the information

submitted to it from time to time pursuant to paragraph I hereof and shall consult with such other departments or agencies as it may deem appropriate.

III. This directive may be cited as the "Directive to Provide Adequate Transportation for Workers in Essential Activities."

PAUL V. McNUTT,
Chairman.

JUNE 22, 1942.

[F. R. Doc. 42-5891; Filed, June 23, 1942;
3:39 p. m.]