FEDERAL REGISTER

VOLUME 7 NUMBER 148

Washington, Wednesday, July 29, 1942

The President

EXECUTIVE ORDER 9205

ESTABLISHING THE PRESIDENT'S WAR RELIEF CONTROL BOARD AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and statutes of the United States, as President of the United States of America and Commander-in-Chief of the Army and Navy, because of emergencies affecting the national security and defense, and for the purpose of controlling in the public interest charities for foreign and domestic relief, rehabilitation, reconstruction, and welfare arising from war-created needs, it is hereby ordered as follows:

1. The President's Committee on War Relief Agencies, appointed by me on March 13, 1941, is hereby continued and established as the President's War Relief Control Board, hereinafter referred to as the Board. The Chairman of the Board shall be responsible to the President.

2. The Board is hereby authorized and empowered—

(a) to control, in the interest of the furtherance of the war purpose, all solicitations, sales of or offers to sell merchandise or services, collections and receipts and distribution or disposition of funds and contributions in kind for the direct or implied purpose of (1) charities for foreign and domestic relief, rehabilitation, reconstruction and welfare arising from war-created needs in the United States or in foreign countries, (2) refugee relief, (3) the relief of the civilian population of the United States affected by enemy action, or (4) the relief and welfare of the armed forces of the United States or of their dependents; *Provided*, that the powers herein conferred shall apply only to activities concerned directly with war relief and welfare purposes and shall not extend to local charitable activities of a normal and usual character nor in any case to intra-state activities other than those immediately affecting the war effort;

(b) (1) to provide for the registration or licensing of persons or agencies engaged in such activities and for the renewal or cancellation of such registration or licenses; (2) to regulate and coordinate the times and amounts of fund-raising appeals; (3) to define and promulgate ethical standards of solicitation and collection of funds and contributions in kind; (4) to require accounts of receipts and expenditures duly and reliably audited, and such other records and reports as the Board may deem to be in the public interest; (5) to eliminate or merge such agencies in the interests of efficiency and economy; and (6) to take such steps as may be necessary for the protection of essential local charities; and

(c) to prescribe such rules and regulations not inconsistent with law as the Board may determine to be necessary or desirable to carry out the purposes of this Order.

3. The provisions of section 2 of this Order shall not apply to (a) the American National Red Cross or (b) established religious bodies which are not independently carrying out any of the activities specified in section 2 of this Order.

4. Under the authority given me by Section 13 of the Joint Resolution of Congress approved November 4, 1939 (54 Stat. 8, 11) and Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law No. 354, 77th Congress), and pursuant to the suggestion of the Secretary of State, it is ordered that the administration of any and all of the provisions of Section 8 (b) of the said Joint Resolution relating to the solicitation and collection of funds and contributions for relief purposes, heretofore by me vested in the Secretary of State, be and it hereby is transferred to the said Board. All rules and regulations and forms which have been issued by the Secretary of State pursuant to the provisions of said Section 8 (b) and which are in effect shall continue in effect until modified, superseded, revoked or repealed by the Board.

5. Any and all matters within the jurisdiction of said Board which may be affected with a question relating to the foreign policy of the Government of the United States in connection with the administration of the powers vested in the Board by this Order shall be determined only after conference with the Secretary of State, to the end that any action with respect to such matters shall be consistent with the foreign policy of the United States.

6. For the purpose of economy in administration, the Board is authorized to utilize the services of available and appropriate personnel of the Department of

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NOTICES

State and other Government departments and agencies and such other services, equipment, and facilities as may be made available by these departments and agencies.

7. For the purpose of effectively carrying out the provisions of this Order, the Board may require that all war relief and welfare policies, plans, programs, procedures and methods of voluntary agencies be coordinated and integrated with those of the several Federal departments, establishments and agencies and the American Red Cross; and all these organizations shall furnish from time to time such information as the Board may consider necessary for such purposes.

8. The Board shall from time to time submit to the President such reports and recommendations regarding war charities, relief and welfare in foreign countries and in the United States and the relationship of public and private organizations, resources and programs in these and related fields, as the public interest may require.

9. The members of the Board shall serve as such without compensation, but shall be entitled to necessary transportation, subsistence, and other expenses incident to the performance of their duties.

10. This Order shall remain in force during the continuance of the present war and for six months after the termination thereof, unless revoked by Presidential order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 25, 1942.

[F. R. Doc. 42–7258; Filed, July 28, 1942; 11:23 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

SUGAR BEETS

DETERMINATION OF NORMAL YIELDS OF COMMERCIALLY RECOVERABLE SUGAR PER ACRE

Pursuant to the provisions of section 303 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.15e *Determination of normal yield of commercially recoverable sugar per acre for sugar beets for the 1942 and subsequent sugar beet programs.* The provisions of the "Determination of Normal Yields of Commercially Recoverable Sugar Per Acre for Sugar Beets—1941 Sugar Beet Program," approved June 18, 1941, shall apply to the 1942 and subsequent sugar beet programs, except that for the 1942 program the year "1941" and the years "1934–40, inclusive," wherever they appear in such determination, shall be changed to "1942" and "1935–41, inclusive," respectively, and a corresponding change shall be made for each subsequent program. (50 Stat. 911; 7 U.S.C. 1940 ed. 1133)

Done at Washington, D. C., this 27th day of July, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 42–7260; Filed, July 28, 1942; 11:36 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 5—SAFEGUARDING TECHNICAL INFORMATION

RELEASE OF INFORMATION REGARDING CONTRACTS AND SITE LOCATIONS

Section 5.25 (a) (1) (ii), (4) (i) and (ii) and (5) is hereby amended to read as follows:

§ 5.25 *Information on War Department contracts and site locations.* The following instructions will apply to the publication of information concerning site locations of war industries and military installations, contract awards, and other matters relating to production.

(a) *Construction.* (1) * * *

(ii) The War Department announced today its intention to construct a manufacturing plant in Lawrence County, Indiana.

* * * * *

(4) * * *

(i) The War Department announced today the award of a contract to Jones and Company, Richmond, Virginia, for the construction of a cantonment in Logan County, Kentucky. The award was made by the Louisville District Office of the Corps of Engineers.

(ii) The War Department announced today the award of a contract to the Smith Corporation, St. Louis, Missouri, for the construction of a manufacturing plant in Lawrence County, Indiana. The award was made by the St. Louis District Office of the Corps of Engineers.

(5) When the Chief of Engineers deems it in the public interest to announce the award of a construction contract which does not require the approval of the Under Secretary of War, he may make such announcement. Such announcement will be substantially in the form prescribed for announcements in subparagraph 4. It is permissible to announce the approximate amount of a contract award in the following form: under $50,000; $50,000 to $99,999; $100,000 to $499,999; $500,000 to $999,999; $1,000,000 to $4,999,999; over $5,000,000. (R.S. 161; 5 U.S.C. 22) [Cir. 41, W.D., Feb. 11, 1942, as amended by Cir. 222, W.D., July 10, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-7220; Filed, July 27, 1942; 4:28 p. m.]

Chapter V—Military Reservations and National Cemeteries

PART 57—SERVICE CLUBS, HOSTESSES, AND LIBRARIANS

Sections 57.1 to 57.14, inclusive, are hereby added as follows:

GENERAL PROVISIONS

Sec.
57.1 Definitions.
57.2 Recreational facilities.
57.3 Gambling.
57.4 Automatic or mechanical vending machines.

SERVICE CLUBS

57.5 Service clubs; purpose and supervision.
57.6 Cafeteria service and operation.
57.7 Library service.
57.8 Guest house service and operation.

PERSONNEL

57.9 Corps area librarian.
57.10 Service club personnel.
57.11 Selection and confirmation.
57.12 Qualification.
57.13 Discharge and resignation.
57.14 Quarters.

AUTHORITY: §§ 57.1 to 57.14, inclusive issued under R.S. 161, 5 U.S.C. 22.

Source: The regulations contained in §§ 57.1 to 57.14, inclusive, are also contained in AR 850-80, June 22, 1942, the particular paragraphs being shown in brackets at end of sections.

GENERAL PROVISIONS

§ 57.1 *Definitions*—(a) *Service club facilities.* The term "service club facilities," as herein used, will refer to the service club, library, cafeteria, and, if there is one, the guest house in connection therewith.

(b) *Cafeteria.* Where installed in a service club, the soda fountain will be considered as part of the cafeteria, and the term "cafeteria" so used herein will include the soda fountain.

(c) *Hostess.* The term "hostess" will include director of service club, cafeteria hostess, and social and recreational hostess.

(d) *Librarian.* The term "librarian" will include the corps area and camp librarians.

(e) *Post commander.* The term "post commander" as used herein will mean the commanding officer of the post, camp, or station.

(f) *Technical cafeteria service.* "Technical cafeteria service" will include the supervision and operation of the service club cafeteria and soda fountain service, including the purchase and procurement of supplies, the preparation and inspection of foods, the employment, supervision, and discharge of kitchen and cafeteria personnel, the arrangement of the dining room, and the collection of and accounting for funds from the operation of said cafeteria and soda fountain service.

(g) *Technical library service.* "Technical library service" will include the selection, classification, cataloging, charging out, and repair of library books and reading material. [Par. 1]

§ 57.2 *Recreational facilities*—(a) *Post commander.* Service club facilities will be under the control of the post commander, who may prescribe such rules not in conflict with Army Regulations as are necessary to insure the efficient operation of these activities and all installations therein, and for the protection of the property thereof.

(b) *Use of military personnel.* Military personnel will be employed in connection with the operation of the service club facilities only in an emergency and with the approval of the post commander. [Par. 2]

§ 57.3 *Gambling.* No gambling or the use of any device which savors of gambling, such as punchboards, slot machines, etc. will be permitted within or about the service club or any of its facilities. [Par. 4]

§ 57.4 *Automatic or mechanical vending machines.* Automatic or mechanical merchandise vending or amusement machines which dispense merchandise or entertainment at prices which parallel the price of such merchandise or entertainment elsewhere on the post, camp, or station may be installed in any service club facility when and as approved by the post commander. He may authorize the purchase of such machines, the rental thereof, on a rental purchase plan. Where the company owning or controlling such vending machine is willing to install same without cost to the service club facility and without increasing the usual wholesale cost or the selling price of the product vended, the post commander may permit the installation and operation of such vending machines, provided that the post commander retains sole control of their operation, retains the privilege to remove them at will, and pays and accounts to the company owning or controlling the machines only for the quantity of the product purchased from said machines. All earnings from the operation of such machines will go to the funds of the service club facility and will be accounted for by the director of the service club on the consolidated daily report. When installed, post commanders will be responsible for the protection of such machines against pilferage and destruction in the same manner as though they were Government property of like class or nature.

(b) Sanitary provision incident to the operation of such machines should be anticipated and solved prior to the installation thereof. [Par. 5]

SERVICE CLUBS

§ 57.5 *Service clubs; purpose and supervision.* (a) Service clubs are intended to provide recreational and social activities and the best features of club life for enlisted personnel and members of their families, and will provide a cafeteria where military personnel, their families, friends, visitors, and civilians permanently employed within a command may obtain meals at reasonable cost. All persons using such cafeteria will comply with the rules applicable to enlisted personnel. The service club will also contain a library and a reading room available to enlisted military personnel. No person other than the hostess and librarian will maintain an office in any of the service club facilities.

(b) Service clubs will in no way supersede company day rooms or Army exchanges.

(c) Each service club facility except the cafeteria and library will be under the supervision of a hostess, who will be known as director of service club, and will be operated by her and her assistants under the control of the post commander. [Par. 6]

§ 57.6 *Cafeteria service and operation.* (a) A complete cafeteria will be operated

in the service club either by purchase and hire, by the Army exchange, or by a concessionaire. The operation of a cafeteria by the Army exchange service or a concessionaire is not looked upon with favor, and will not be initiated without the written approval of a Chief of the Administrative Services, Services of Supply. Where authority is granted for a cafeteria to be operated by the Army exchange, the cafeteria hostess will be retained as branch manager; where authority is granted for the cafeteria to be operated by a concessionaire, the services of a cafeteria hostess will not be provided or authorized, and any cafeteria hostess on duty at such a cafeteria will be reported to the War Department for reassignment or disposition.

(b) Unless operated by a concessionaire, other than the Army exchange, the cafeteria will be under the immediate direction of a cafeteria hostess who will be responsible for its efficiency, personnel, equipment, supplies, and collections, and who will account direct therefor to, and will deposit all collections therefrom with, the custodian of the post service club fund.

(c) Schedules of charges for meals and soda fountain service, and hours of operation will be determined and published by the post commander.

(d) Under the provisions of AR 30–2290, service club facilities are authorized to purchase on a cash sale or a charge sale basis subsistence stores, except exceptional articles.

(e) The cafeteria will be operated on a cash basis and no credit will be extended to anyone. Exchange coupons will be accepted from enlisted men in lieu of cash. [Par. 9]

§ 57.7 *Library service.* The service club library will be maintained in connection with the service club for the benefit of the camp personnel. The service club librarian will be in charge of the library and its technical activities. [Par. 10]

§ 57.8 *Guest house service and operation.* (a) The guest house is designed to furnish overnight transient accommodations for immediate families, relatives, and friends of enlisted men. First priority to such accommodations will be allowed to the above categories of personnel visiting hospitalized members of the post, camp, or station.

(b) Except in emergencies determined to exist by the post commander relative to the first priority above, no guest may remain at the guest house for more than three consecutive nights.

(c) The guest house will be under the direction of the director of the service club who will be responsible for its efficiency, personnel, equipment, supplies, and collections. A hostess or other civilian employee will normally be on duty at the guest house during such hours as are prescribed by the post commander.

(d) A charge of not less than 50 cents and not more than 75 cents per night will be made for the use of a bed in the guest house.

(e) A register, either permanent or subject to permanent binding, will be maintained in the guest house, and all persons availing themselves of the privilege of the guest house as transient visitors will be requested to sign the register, give their name and address, and state their relationship to the person visited. [Par. 11]

PERSONNEL

§ 57.9 *Corps area librarian.* When the War Department directs, the commanding general of the corps area will select a civilian assistant who will be known as corps area librarian for the purpose of supervising library personnel and the technical operation of libraries within the corps area. [Par. 13]

§ 57.10 *Service club personnel.* (a) Service clubs will be implemented by the following personnel:

(1) *Type SC–3.* One director of service club, one recreational and social hostess, one cafeteria hostess, and a librarian.

(2) *Type SC–4.* One director of service club capable of handling recreation, one cafeteria hostess, and a librarian.

(3) *Type OM–1 service club.* Two recreational and social hostesses.

(4) *Other type service clubs.* Such personnel as will be allocated to such service club by the War Department.

(b) Personnel assigned to or on duty at a service club facility will cooperate in the performance of all duties necessary to operate efficiently all service club facilities and activities. [Par. 14]

§ 57.11 *Selection and confirmation.* (a) Hostesses and librarians will be selected by the corps area commander, who may delegate such authority to the post commander, initially for a 4-month period which will be in the nature of a training period, the extension of which will depend upon the proficiency of the employee. Upon such selection, the corps area commander will immediately forward the application with all attached papers and pertinent data obtained through interview or otherwise which were considered in the selection; the report of physical examination; statement of type of quarters to be assigned and the report through the corps area provost marshal, of investigation as to loyalty, integrity, and discretion to the War Department, accompanied by the required personnel forms. Confirmation of such appointment will be made by the Secretary of War.

(b) No corps area librarian will enter upon the 4-month period until the appointment has been approved by the Secretary of War. All hostesses and camp librarians may enter upon the 4-month period contemporaneously with the forwarding by the corps area commander to the War Department of the application and papers described in paragraph (a) of this section.

(c) At a time not more than 30 days nor less than 15 days prior to the termination of such 4-month period, the corps area commander will forward to the War Department a recommendation as to whether or not such employee has rendered satisfactory service and should be continued on duty as a hostess or librarian.

(d) During the first month of such 4-month period each hostess and librarian, except corps area librarian, will pursue such course of instruction and training within the corps area as will be prescribed by the commanding general, and upon satisfactory completion thereof will be assigned to duty at a service club or library for the remainder of such 4-month period.

(e) Relatives, blood, marital, or by adoption, of military personnel, both commissioned and enlisted, will not be assigned to duty at posts, camps, or stations where such military personnel are stationed.

(f) Prior to selecting a hostess or librarian, the commanding general making the selection will cause an investigation to be made as to the loyalty, integrity, and discretion of such hostess or librarian, and a physical examination to be conducted by an officer of the Medical Department or the Public Health Service to insure fitness for such appointment. [Par. 15]

§ 57.12 *Qualifications*—(a) *Corps area librarian.* (1) United States Citizenship.

(2) Graduation from a college or university of recognized standing and from an accredited library school.

(3) Five years' professional experience, including 1 year thereof in an administrative capacity.

(4) Professional knowledge of reference and bibliographical sources and professional ability in library science and organization.

(5) *Age at selection*—(i) *Minimum.* Must have reached 30th birthday.

(ii) *Maximum.* Must not have passed 50th birthday.

(6) *Sex.* Male or female.

(b) *Camp librarian.* (1) United States citizenship.

(2) Graduation from a college or university of recognized standing, and from an accredited library school.

(3) One year's experience, other than clerical, in library work.

(4) Capacity for development in professional work in libraries where reading for educational and recreational purposes is stressed.

(5) A good knowledge of a wide range of literature, and the ability to fit book to reader is desired, but not required as a minimum requirement.

(6) *Age at selection*—(i) *Minimum.* Must have reached 25th birthday.

(ii) *Maximum.* Must not have reached 40th birthday.

(7) *Sex.* Female.

(c) *Director of service club.* (1) United States citizenship.

(2) Graduation from a college or a university of recognized standing.

(3) At least 5 years' experience in an executive or managerial capacity.

(4) Experience in nursing, business administration, dramatics, music, social and welfare work will be considered an asset but are not required as a minimum requirement.

(5) *Age at selection*—(i) *Minimum.* Must have reached 30th birthday.

(ii) *Maximum.* Must not have passed 45th birthday.

(6) *Sex.* Female.

(d) *Recreational and social hostess.* (1) United States citizenship.

(2) Graduation from a college or university of recognized standing.

(3) At least 3 years' experience in planning and directing social and recreational activities in or with educational, or similar organizations.

(4) Preference should be given to those with training in recreation, either as an undergraduate or in a recognized graduate school.

(5) Skill in handling group and mass recreational activities.

(6) Experience in business administration and in a wide variety of recreational activities is desirable but not required as a minimum requirement.

(7) *Age of selection.*—(i) *Minimum.* Must have reached 25th birthday.

(ii) *Maximum.* Must not have passed 40th birthday.

(8) *Sex.* Female.

(e) *Cafeteria hostess.* (1) United States citizenship.

(2) Graduation for a recognized college of home economics or from a recognized college with further home economics training.

(3) Three years' experience in the management and operation of a cafeteria, or analogous work in an institution, camp, or hotel.

(4) Professional background of general information and specific knowledge and ability in the food field.

(5) *Age at selection*—(i) *Minimum.* Must have reached 25th birthday.

(ii) *Maximum.* Must not have passed 40th birthday.

(6) *Sex.* Female.

(f) *Maximum age limits.* No corps area librarian will remain on duty after having reached the 55th birthday; and no director of service clubs will remain on duty as such director of service clubs after having reached the 50th birthday; and no camp hostess or camp librarian will remain on duty as such camp hostess or camp librarian after having reached the 45th birthday. All personnel now on duty who, at the effective date of these regulations, have passed the foregoing prescribed age of severance will be separated from service. Personnel now on duty whose qualifications are less than the minimum qualifications required by these regulations may be separated from service at the discretion of the corps area commander. [Par. 17]

§ 57.13 *Discharge and resignation.* The separation of hostesses and librarians will be effected in the following manner:

(a) Resignation without prejudice will be accepted by the corps area commander and forwarded immediately to the War Department, together with a statement of the reason therefor.

(b) Discharges without prejudice, because of reductions in personnel or because of insufficient qualifications, will be made by the corps area commander. [Par. 18]

§ 57.14 *Quarters.* (a) Where guest houses exist, quarters for the hostesses and librarians other than corps area librarians will, where practicable, be provided therein.

(b) No quarters or accommodations will be available for dependents of hostesses or librarians. [Par. 20]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-7213; Filed, July 27, 1942; 2:42 p. m.]

PART 64—ENLISTED RESERVE CORPS

SUSPENSION OF ENLISTMENTS AND REENLISTMENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS

§ 64.5 *Enlistments.* Enlistments and reenlistments in the Enlisted Reserve Corps are suspended with the following exceptions:

* * * * *

(i) (1) Students in institutions maintaining compulsory Army ROTC basic courses who desire to enter the Naval Reserve may be enlisted in the Army Enlisted Reserve Corps for the sole purpose of reserving them for enlistment in the Naval Reserve upon completion of their basic course training.

(2) Enlistments for the present calendar year will be from freshman and sophomore classes and for subsequent calendar years will be from freshman classes only.

(3) Students who are enlisted under the above provisions will, upon their request, be discharged from the Army Enlisted Reserve Corps for enlistment in the Naval Reserve upon completion of their ROTC basic training or upon separation from the institution prior to completion of such training. (39 Stat. 195)

(4) In the case of students who have enlisted in the Navy or Marine Corps Reserve and who enter colleges or universities having compulsory military education, the Navy will discharge such students. These students will be enlisted in the Army Enlisted Reserve Corps and upon completing the sophomore year, or upon leaving school prior to that time, such individuals will, at their request, be discharged from the Army Enlisted Reserve Corps and again enlisted in the Naval Reserve. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423–427) [Letter A.G.O., June 1, 1942, Ag 342 Enlisted Reserve Corps (5–29–42) ER, and letter A.G.O., July 2, 1942, AG 342.1 E.R.C. (6–26–42) ES–SPGA–PS–M]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-7219; Filed, July 27, 1942; 4:29 p. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

CERTAIN EXCEPTIONS

On July 27, 1942, the Board of Governors of the Federal Reserve System amended Part 222 in the following respects to become effective immediately:

1. Section 222.8 is amended by striking out paragraph (h) and substituting the following in lieu thereof:

§ 222.8 *Exceptions.*[1] * * *

(h) *Disaster credits.* Any extension of credit (1) made by the Disaster Loan Corporation, or (2) to finance the repair or replacement of real or personal property damaged or lost as a result of a flood or other similar disaster which the Federal Reserve Bank of the district in which the disaster occurs finds has created an emergency affecting a substantial number of the inhabitants of the stricken area.

2. Section 222.8 is amended by adding the following new paragraph at the end thereof:

(m) *Fuel conservation credits.* Any extension of credit to finance (1) the conversion of heating equipment to the use of any other fuel, (2) the installation of loose-fill, blanket, or batt-type insulation, or insulating board, within existing structures, (3) the installation of storm doors, storm windows, or weather stripping, or (4) the purchase of materials for any of the above purposes.

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; sec. 301, Pub. Law 354, 77th Cong.; 12 U.S.C. 95 (a) and Sup., and E.O. 8843, 6 F.R. 4035)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.
S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-7246; Filed, July 28, 1942; 11:06 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 20–51, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

GRADUATES OF MILITARY AND COAST GUARD GLIDER COURSES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 24th day of July 1942.

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

Effective July 24, 1942, Part 20 of the Civil Air Regulations is amended as follows:

By adding a new § 20.178 to read as follows:

§ 20.178 *Military competence.* An applicant who has successfully completed a glider pilot course, satisfactory to the Administrator, conducted under the supervision of the Army, Navy, Marine Corps or Coast Guard, upon presentation of satisfactory evidence of completion of

[1] 7 F.R. 3354.

such course within 60 days from the date thereof, will be deemed to have met the requirements of § 20.175, 20.176, and 20.177.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-7266; Filed, July 28, 1942; 11:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 133—REGULATIONS OF THE GOVERNOR OF HAWAII

REGULATIONS RELATING TO SECURITIES

JULY 3, 1942.

These regulations are issued under the authority vested in the Governor of Hawaii pursuant to Executive Order No. 8389, as amended; section 5 (b) of the Trading with the enemy Act, as amended by Title III of the First War Powers Act, 1941; General Orders No. 123, Office of the Military Governor, 3 July 1942; and pursuant to all other authority vested in the undersigned Governor of Hawaii:

§ 133.2 *Regulation of July 3, 1942 relating to securities*—(a) *Perforation of securities.* (1) On or before August 1, 1942 all securities within the Territory of Hawaii shall be perforated with the official symbol "H" by a domestic bank in such territory, or by such other person as may be designated. Every person shall satisfy himself that all securities within his possession or custody in the Territory of Hawaii on August 1, 1942, and at all times thereafter, have been duly perforated with the official symbol "H". Machines for perforating securities with the official symbol "H" will be furnished to each domestic bank.

(2) All securities hereafter brought into the Territory of Hawaii shall be immediately delivered to a domestic bank, or to such other person as may be designated, for perforation with the official symbol "H".

(3) No security which has been perforated with the official symbol "H" may hereafter be exported or otherwise physically taken from the Territory of Hawaii unless Form TFEL–2, issued pursuant to Executive Order No. 8389, as amended, has been previously attached to such security. Application for the attachment of Form TFEL–2 may be filed with the Office of the Governor of Hawaii on Form TFR–H28 by the person having custody or possession of the security. Such application shall set forth a complete description of the security and the circumstances surrounding its exportation or shipment from the Territory of Hawaii.

(b) *Custody of securities.* (1) Subject to the provisions of subparagraph (3) of this paragraph, all securities within the Territory of Hawaii whether held in safe deposit boxes or otherwise, except securities issued by private corporations organized under the laws of and having their principal place of business in the Territory of Hawaii, are hereby required to be placed, on or before August 1, 1942, in a securities custody account with a domestic bank in the territory, and after August 1, 1942, no person other than a domestic bank shall have physical possession or custody of any security within the territory.

(2) Any domestic bank receiving or holding securities pursuant to subparagraph (1) of this paragraph, shall hold such securities for the account, or pursuant to the instructions, of the depositor. Securities held in any custody account with a domestic bank pursuant to these regulations may be freely purchased, sold, traded, pledged, hypothecated, or otherwise dealt in, and may be freely transferred from one securities custody account to another in the same or different domestic banks: *Provided, however,* That such securities shall remain in a securities custody account with a domestic bank in Hawaii: *And provided further,* That no person other than a domestic bank shall receive or obtain physical possession or custody of any such security as the result of any such transaction.

(3) In lieu of deposit in or transfer to a securities custody account with a domestic bank, securities may be deposited with the Treasurer of the Territory of Hawaii, or with such other person as may be designated. Subject to such conditions as may be specified, such securities shall be held for the account or pursuant to the instructions of the depositor.

(4) Unless otherwise exempted by special license, each domestic bank in the Territory of Hawaii, the Treasurer of the Territory of Hawaii, and such other persons as may be specified, shall file a report in triplicate on Form TFR–H400 with the Office of the Governor of Hawaii with respect to all securities held pursuant to these regulations at the close of business on August 1, 1942. Such report shall be filed as soon as practicable and in no event later than August 15, 1942. Unless otherwise exempted by special license, weekly supplemental reports on Form TFR–H401 shall be filed in triplicate with the Office of the Governor of Hawaii with respect to changes in such security holdings after August 1, 1942.

(5) All securities subject to the provisions of this paragraph which are hereafter brought into the Territory of Hawaii shall be immediately delivered to a domestic bank, the Treasurer of the Territory of Hawaii, or such other person as may be designated, for deposit in a securities custody account.

(c) *Destruction of securities and reissuance in the continental United States.* (1) Any person holding securities in a securities custody account with a domestic bank pursuant to paragraph (b) of this section, except securities issued by the Territory of Hawaii or by any county thereof, may instruct such bank to cause the cancellation or destruction of such securities and the subsequent issue of substitutes in the continental United States, subject to the following terms and conditions:

(i) Securities which are the direct obligation of the United States, obligations guaranteed by the United States, and those for which the United States Treasury Department acts as transfer agent may be delivered by any domestic bank to the Special Treasury Custody Committee in Hawaii for immediate cancellation or destruction and subsequent issue of substitutes in the continental United States. Such destruction and issue of substitutes shall be subject to all the provisions and conditions set forth in the "Procedure for Treasury Custody and Destruction of Currency and Securities in Hawaii" approved by the Acting Secretary of the Treasury on March 3, 1942.

(ii) Any other securities may be delivered by any domestic bank to the Special Treasury Custody Committee in Hawaii for destruction. The bank delivering any such security to the Committee shall execute and file with the committee a report in sextuplicate on Form TFR–H26. The fact of destruction will be certified upon said report and the Committee will thereupon retain one copy for its purposes, forward one copy to the issuer of each security so destroyed and, by separate mailings, will forward two copies to the United States Treasury Department, Washington, D. C., or to such other person as may be designated. Two copies of said report will be issued to the bank submitting the security for destruction. The issue of substitutes is not guaranteed and is subject to such conditions as may be imposed by the issuer thereof. The United States Government will, however, endeavor to facilitate the issue of substitutes.

(d) *General provisions.* (1) Any person holding securities on July 15, 1942, having on such date an aggregate market value or, in the absence thereof, an estimated value of less than $100, may continue to hold such securities without regard to paragraphs (a) and (b) of this section: *Provided, however,* That securities held pursuant to this subparagraph may not be purchased, sold, traded, pledged, hypothecated, or otherwise dealt in, until the provisions of paragraphs (a) and (b) have been fully complied with.

(2) All securities held for its own account and in its own vaults, by a domestic bank, the Treasurer of the Territory of Hawaii or any other person designated pursuant to paragraph (b) (3) of this section, shall be deemed to be held in a securities custody account, provided that such holding is otherwise consistent with the provisions of these regulations.

(3) Exception to any of the provisions of these regulations may be made by means of licenses, rulings, or otherwise, when it is considered that such exception is in accord with the purpose of these regulations, or is otherwise necessary or desirable. Application for any such license may be filed with the Office of the Governor of Hawaii on Form TFR–H28, and the general procedure to be followed in handling applications for licenses will be that employed in the administration of Executive Order No.

8389, as amended. Unless the contrary is expressly provided, no license shall be deemed to authorize any transaction prohibited by reason of the provisions of any law, proclamation, order, or regulation other than these regulations. The decision with respect to the granting, denial, or other disposition of any application for a license shall be final.

(4) Rulings, instructions, interpretations, or licenses may, from time to time, be made or issued to carry out the purposes of these regulations and reports required in addition to those specifically called for herein with respect to any property or transactions affected hereby.

(5) These regulations shall not be deemed to authorize any transaction prohibited by or pursuant to Executive Order No. 8389, as amended, except such transactions as are necessarily incidental to the performance of acts specifically required by these regulations.

(6) As used in these regulations:

(i) The term "domestic bank" means any branch or office within the Territory of Hawaii of any bank or trust company incorporated and doing business under the laws of the Territory of Hawaii relating to the operation of banks or trust companies. Any other person may be authorized to be treated as a "domestic bank" for the purpose of this definition or for the purpose of any license, ruling or instruction issued hereunder.

(ii) The term "securities" shall not be deemed to apply to United States Defense and War Savings Stamps or to nontransferable United States Government securities, including United States Defense and War Savings Bonds, of all series and designations; United States Adjusted Service Bonds; and United States Treasury Notes, Tax Series A–1943, B–1943, A–1944, and B–1944.

(c) The term "person" means an individual, partnership, association, corporation, or other organization.

(7) These regulations and any rulings, licenses, instructions, or forms issued hereunder may be amended, modified, or revoked at any time.

(e) *Penalties.* Attention is directed to the penalties prescribed in General Orders No. 123 and to those contained in section 5 (b) of the Trading with the enemy Act, as amended.

[SEAL] CHAS M. HITE,
Acting Governor of Hawaii.

[F. R. Doc. 42–7227; Filed, July 27, 1942; 4:24 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 96]

APPLICATION FOR ISSUANCE OF DUPLICATE REGISTRATION CERTIFICATE

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51[1] of the Selective Service Regulations,[1] I hereby prescribe the following change in DSS forms:

Revision of DSS Form 14, entitled "Application for Issuance of Duplicate Registration Certificate," effective immediately upon the filing hereof with the Division of the Federal Register.[2] The supply of forms on hand will be used until exhausted.

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

LEWIS B. HERSHEY,
Director.

JULY 10, 1942.

[F. R. Doc. 42–7263; Filed, July 28, 1942; 11:43 a. m.]

[No. 97]

HOME ADDRESS REPORT

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations,[1] I hereby prescribe the following change in DSS forms:

Revision of DSS Form 166, entitled "Home Address Report," effective immediately upon the filing hereof with the Division of the Federal Register.[2] The supply of DSS Forms 166 on hand will be used until exhausted.

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

LEWIS B. HERSHEY,
Director.

JULY 1, 1942.

[F. R. Doc. 42–7264; Filed, July 28, 1942; 11:43 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 969—PHENOLS

[Amendment 2 to General Preference Order M–27]

Paragraph (f) of § 969.1 *General Preference Order M–27*[3] is hereby amended to read:

(f) *Effective date.* This order shall take effect immediately and shall continue in effect until revoked by the Director General for Operations. (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 28th day of July, 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42–7253; Filed, July 28, 1942; 11:16 a. m.]

PART 971—ALCOHOL

[Amendment 5 to General Preference Order M–31, as amended]

Section 971.2 *General Preference Order M–31*[4] is hereby amended to read as follows:

(i) *Effective date.* This order shall take effect immediately and shall continue in effect until revoked by the Director General for Operations. (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 28th day of July, 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42–7254; Filed, July 28, 1942; 11:16 a. m.]

PART 1053—FATS AND OILS

[Amendment 2 to General Preference Order M–71]

Paragraph (j) of § 1053.1 *General Preference Order M–71*[5] is hereby amended to read:

(j) *Effective date.* This order shall take effect immediately, and shall continue in effect until revoked by the Director General for Operations. (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 28th day of July, 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42–7255; Filed, July 28, 1942; 11:16 a. m.]

PART 1095—COMMUNICATIONS

MAINTENANCE, REPAIR AND OPERATING SUPPLIES

[Preference Rating Order P–129[a]—as amended July 28, 1942]

Section 1095.2 *Preference Rating Order P–129* is hereby amended to read as follows:

§ 1095.2 *Preference Rating Order P–129*—(a) *Definitions.* For the purposes of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorpo-

[1] 6 F.R. 6834.

[2] Filed as part of the original document.

[3] 6 F.R. 4527, 5730.

[4] 6 F.R. 4528, 5750, 6614; 7 F.R. 115.

[5] 6 F.R. 6797, 7 F.R. 543.

rated or not, the United States, the District of Columbia, any state or territory of the United States, and any political, corporate, administrative or other division or agency thereof, to the extent engaged in one or more of the following services within, to or from the United States, its territories or possessions:

(i) Wire communication.

(ii) Radio communication.

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

(3) "Maintenance" means the upkeep of an operator's property and equipment in sound working condition; and this without regard to whether or not the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(4) "Repair" means the restoration, without thereby increasing existing facilities, of an operator's property and equipment which has been rendered unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar cause; and this without regard to whether or not the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(5) "Operating supplies" means any material which is essential to and consumed in the operation of any of the services specified in (a) (1) above but does not include any material which is physically incorporated in whole or in part in the property or equipment of the services specified above.

(6) Material for maintenance, repair or operating supplies for the purpose of this order shall not include material used for:

(i) The improvement of an operator's property or equipment through the replacement of material which is still usable in the existing property or equipment with material of a better kind, quality or design.

(ii) Additions to or expansions of the operator's existing property or equipment.

(b) *Assignment of preference rating.* Subject to the terms of this order, Preference Rating A–3, except as provided in subparagraph (2), is hereby assigned:

(1) To deliveries, to an operator, of material required by him for operating supplies or for the maintenance or repair of his property and equipment.

(2) Preference Rating A–1–j is hereby assigned to all items required by an operator under the provisions of subparagraph (1) above, containing copper or copper alloy.

(c) *Application and extension of rating.* The rating assigned by paragraph (b) of this order shall be applied and extended in accordance with Priorities Regulations Numbers 1 and 3, as amended from time to time.

(d) *Restrictions on deliveries, inventory and use.* (1) On and after September 1, 1942, except as provided in paragraph (d) (3) below, no operator, who has applied the rating assigned hereby, shall at any time, accept deliveries of material (whether or not rated pursuant to this order) to be used for maintenance, repair, operating supplies or for other purposes:

(i) Until the dollar value of the operator's inventory of material shall have been reduced to a practical working minimum. Such practical working minimum shall in no event exceed 27½% of the dollar value of material used for all purposes during the calendar year 1940.

(ii) Where the receipt thereof shall increase the dollar value of operator's inventory of material to an amount in excess of normal requirements which in no event shall exceed 27½% of the dollar value of material used for all purposes during the calendar year 1940.

(2) Except as provided in paragraph (d) (3) below, no operator who has applied the rating assigned hereby shall, during any calendar quarterly period, use material for maintenance, repair, and operating supplies, the aggregate dollar value of which shall exceed 110% of the aggregate dollar value of such material used during the corresponding quarter of 1940, or at the operator's option 27½% of the aggregate dollar value of such material used during the calendar year 1940.

(3) (i) Any operator whose average value of inventory of material for the five calendar years prior to January 1, 1942, did not exceed $10,000 shall be exempt from the provisions of subparagraph (1) above.

(ii) From time to time, the Director General for Operations may determine that certain operators are exempt in whole or in part from the restrictions contained in subparagraphs (1) and (2) above.

(e) *Violations.* Any operator or other person who applies the preference rating assigned hereby in wilfull violation of the terms and provisions of this order or who wilfully falsifies any records which he is required to keep by this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, or who obtains a delivery of material by means of a material and wilful misstatement, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such operator or other person may be prohibited from making and obtaining further deliveries of material under allocation and/or priority control and be deprived of any other priorities assistance.

(f) *Effective date.* This order shall take effect on the date of issuance and shall continue in effect until September 30, 1942, unless sooner revoked by the Director General for Operations. (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 28th day of July, 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42–7256; Filed, July 28, 1942; 11:16 a. m.]

PART 1095—COMMUNICATIONS

OPERATING CONSTRUCTION

[Preference Rating Order P–130, as Amended July 28, 1942]

Section 1095.3 *Preference Rating Order P–130* is hereby amended to read as follows:

§ 1095.3 *Preference Rating Order P–130*—(a) *Definitions.* For the purposes of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States and any political, corporate, administrative or other division of agency thereof, to the extent engaged in telephone communication within, to or from the United States, its territories or possessions.

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

(3) "Operating construction" means:

(i) The use of materials for normal construction occasioned by the connection, disconnection, changes, in or relocation of subscribers' apparatus or other equipment, necessary in order to provide service. In no single case, however, shall the cost of material for such operating construction exceed fifty dollars ($50.00);

(ii) The relocation or installation of central office equipment as a part of the common switching and/or trunking facilities to meet traffic requirements and provide the necessary channels through which the existing traffic load may be trunked and connections established to enable full use to be made of the existing line terminals but not including the addition of line terminals;

(iii) Rearrangements or changes in existing line plant in order to obtain a more enective or fuller use of such plant: *Provided, however,* That no line capacity shall be added thereto; and

(iv) Short cable extensions of line plant from a given point which do not involve the use of more than 100 pounds of copper and which make available for more effective use existing exchange plant not otherwise usable.

(b) *Assignment of preference rating.* Subject to the terms of this order, Preference Rating A–3, except as provided in subparagraph (2), is hereby assigned:

(1) To deliveries, to an operator of material required by him for operating construction;

(2) Preference Rating A–1–j is hereby assigned to all items required by an Operator under the provisions of subparagraph (1) above, containing copper or copper alloy.

(c) *Application and extension of rating.* The rating assigned by paragraph (b) of this order shall be applied and extended in accordance with Priorities Regulations Numbers 1 and 3, as amended from time to time.

(d) *Restrictions on application of rating.* (1) No operator may apply the rating hereby assigned until he has determined, as to the Material or Materials sought for operating construction:

(i) That a less scarce material or materials cannot be substituted without serious loss of efficiency;

(ii) That a smaller quantity thereof will not satisfy the use intended; and

(iii) That the construction contemplated may not be postponed or deferred to a later date.

(2) No operator shall so divide a single order, job or project to qualify the same under the terms of this order.

(e) *Restrictions on deliveries, inventory and withdrawals.* (1) On and after September 1, 1942, except as provided in paragraph (e) (3) below, no operator, who has applied the rating assigned hereby, shall, at any time, accept deliveries of material (whether or not rated pursuant to this order) to be used for any purpose:

(i) Until the dollar value of the operator's inventory of material shall have been reduced to a practical working minimum. Such practical working minimum shall in no event exceed 27½% of the dollar value of material used for all purposes during the calendar year 1940.

(ii) Where the receipt thereof shall increase the dollar value of the operator's inventory, of material, to an amount in excess of normal requirements which in no event shall exceed 27½% of the dollar value of material used for all purposes during the calendar year 1940.

(2) Except as provided in paragraph (e) (3) below, no operator who has applied the rating assigned hereby shall, during any calendar quarterly period, make withdrawals from stores or inventory of material to be used by operating construction, the aggregate dollar value of which shall exceed 110% of the aggregate dollar value of such material used during the corresponding quarter of 1940, or at the operator's option 27½% of the aggregate dollar value of such material used during the calendar year 1940.

(3) (i) Any operator whose average value of inventory of material for the five calendar years prior to January 1, 1942 did not exceed $10,000 shall be exempt from the provisions of subparagraph (1) above.

(ii) From time to time the Director General for Operations may determine that certain operators are exempt in whole or in part from the restrictions contained in subparagraphs (1) and (2) above.

(f) *Violations.* Any operator or other person who applies the preference rating assigned hereby in wilful violation of the terms and provisions of this order or who wilfully falsifies any records which he is required to keep by this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, or who obtains a delivery of material by means of a material and wilful misstatement, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such operator or other person may be prohibited from making and obtaining further deliveries of material under allocation and/or priority control and be deprived of any other priorities assistance.

(g) *Effective date.* This order shall take effect on the date of issuance and shall continue in effect until September 30, 1942 unless sooner revoked by the Director General for Operations. (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 28th day of July, 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7257; Filed, July 28, 1942; 11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1309—COPPER

[Amendment 2 to Revised Price Schedule 15 [1]]

COPPER

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.*

In § 1309.60 a new paragraph (f) is added, paragraph (a) is amended and the headnote to paragraph (e) is amended to read as set forth below:

§ 1309.60 *Appendix A: Maximum prices*—(a) *Maximum base price for copper except casting copper.* The maximum base price for copper delivered in carload lots at Connecticut Valley points shall be 12 cents per pound. This maximum base price is for electrolytic, lake or other fire refined copper in the shape of wire bars or ingot bars made to meet either the American Society of Testing Materials Standard specifications B5-27 for electrolytic or B4-27 for lake copper.

* * * * *

(e) *Maximum prices on sales or deliveries of copper in less than carload lots by other than refiners or producers.* * * *

(f) *Maximum prices on sales and deliveries of copper other than casting copper in less than carload lots by refiners or producers.* On sales and deliveries of copper other than casting copper in less than carload lots by refiners or producers, the maximum price f. o. b. refinery shall be 12⅛ cents per pound plus or minus the applicable kind or grade and shape or form differentials set forth in paragraph (c) of this section.

§ 1309.59a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§1309.60 (a), (c), and (f) and 1309.59a (b)) to Revised Price Schedule No. 15 shall become effective on July 31, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7182; Filed, July 27, 1942; 1:02 p. m.]

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

[1] 7 F.R. 1237, 1836, 2132, 2944.

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 2, Maximum Rent Regulation 19]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN HAMPTON ROADS DEFENSE-RENTAL AREA

The title, preamble and paragraph (a) of § 1388.911 [1] and the first sentence of § 1388.917 [2] of Maximum Rent Regulation No. 19 are hereby amended to read as follows:

Maximum Rent Regulation No. 19 for Housing Accommodations Other Than Hotels and Rooming Houses in the Hampton Roads Defense-Rental Area.

In the judgment of the Administrator, rents for housing accommodations within the Hampton Roads Defense-Rental Area, as designated in the Designation and Rent Declaration issued by the Administrator on March 2, 1942, as amended on May 22, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designation and Rent Declaration.

The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the Hampton Roads Defense-Rental Area on or about April 1, 1941. It is his judgment that defense activities had not resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 prior to April 1, 1941, but did result in such increases commencing on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation No. 19 for housing accommodations within the Hampton Roads Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 19 is hereby issued.

§ 1388.911 *Scope of regulation.* (a) This Maximum Rent Regulation No. 19 applies to all housing accommodations within the Hampton Roads Defense-Rental Area, as designated in the Designation and Rent Declaration (§§ 1388.901 to 1388.905, inclusive) issued by the Administrator on March 2, 1942, as amended on April 28, 1942 (consisting of the Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, South Norfolk, and Suffolk, the Counties of Elizabeth City, Nansemond, Norfolk, and Princess Anne, and in the County of Warwick the Magisterial District of Newport, in the State of Virginia) except as provided in paragraph (b) of this section: *Provided, however,* That the words "June 1, 1942" and "July 1, 1942" in this Maximum Rent Regulation No. 19 shall apply only to that portion of

[1] 7 F.R. 4100, 5645.

[2] 7 F.R. 4899.

the Hampton Roads Defense-Rental Area consisting of the Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk, the County of Elizabeth City in its entirety, in the County of Norfolk the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch, in the County of Princess Anne the Magisterial Districts of Kempsville and Lynnhaven, and in the County of Warwick the Magisterial District of Newport, in the State of Virginia, and that for the remaining portion of the Hampton Roads Defense-Rental Area the words "June 1, 1942" in this Maximum Rent Regulation No. 19 shall mean "August 1, 1942", and the words "July 1, 1942" in this Maximum Rent Regulation No. 19 shall mean "September 1, 1942."

* * * * *

§ 1388.917 *Registration.* On or before July 15, 1942 (or, as to housing accommodations within that part of the Defense-Rental Area other than the Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk, the County of Elizabeth City in its entirety, in the County of Norfolk the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch, in the County of Princess Anne the Magisterial Districts of Kempsville and Lynnhaven, and in the County of Warwick the Magisterial District of Newport, in the State of Virginia, on or before September 15, 1942), or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement.

* * * * *

§ 1388.924a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1388.911 and 1388.917) to Maximum Rent Regulation No. 19 shall become effective August 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7209; Filed, July 27, 1942; 1:09 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 2, Maximum Rent Regulation 22A]

HOTELS AND ROOMING HOUSES

The preamble and the first sentence and subparagraph (15) of paragraph (a) of § 1388.1551 of Maximum Rent Regulation No. 22A are hereby amended to read as follows:

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.1551 (a) of this Maximum Rent Regulation, as designated in the Designations and Rent Declarations issued by the Administrator on March 2, 1942, as amended on April 28, 1942 and May 22, 1942 and on April 2, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designations and Rent Declarations.

The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about April 1, 1941. It is his judgment that defense activities had not resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 prior to April 1, 1941, but did result in such increases commencing on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

§ 1388.1551 *Scope of regulation.* (a) This Maximum Rent Regulation No. 22A applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations (§§ 1388.51 to 1388.55, 1388.101 to 1388.105, 1388.151 to 1388.155, 1388.201 to 1388.205, 1388.251 to 1388.255, 1388.351 to 1388.355, 1388.501 to 1388.505, 1388.551 to 1388.555, 1388.601 to 1388.605, 1388.651 to 1388.655, 1388.701 to 1388.705, 1388.801 to 1388.805, 1388.851 to 1388.855, 1388.901 to 1388.905, 1388.951 to 1388.955, and 1388.1001 to 1388.1005, inclusive) [1] issued by the Administrator on March 2, 1942, as amended on April 28, 1942, and on April 2, 1942, except as provided in paragraph (b) of this section:

* * * * *

(15) The Hampton Roads Defense-Rental Area, consisting of the Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, South Norfolk, and Suffolk, the Counties of Elizabeth City, Nansemond, Norfolk, and Princess Anne, and in the County of Warwick the Magisterial District of Newport, in the State of Virginia: *Provided, however,* That with respect to that portion of the Hampton Roads Defense-Rental Area consisting of the Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk, the County of Elizabeth City in its entirety, in the County of Norfolk the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch, in the County of Princess Anne the Magisterial Districts of Kempsville and Lynnhaven, and in the County of Warwick the Magisterial District of Newport, in the State of Virginia, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean July 1, 1942, and that with respect to the remaining portion of the Hampton Roads Defense-Rental Area, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean August 1, 1942.

* * * * *

§ 1388.1564a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1388.1551 (a)) to Maximum Rent Regulation No. 22A shall become effective August 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7208; Filed, July 27, 1942; 1:08 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 3, Designation and Rent Declaration 25]

DESIGNATION OF 260 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The title and item (30) listed in the table in § 1388.1201 [1] of Designation and Rent Declaration No. 25 is amended and item (260) is added to the table in the said section to read as follows:

Designation and Rent Declaration No. 25—Designation of 260 Defense-Rental Areas and Rent Declaration Relating to Such Areas.

* * * * *

§ 1388.1201 *Designation.* * * *

Name of defense-rental area [1]	In State or States of—	Defense-rental area consists of—
* *	*	* *
(30) San Francisco Bay.	California.	Counties of Alameda, Marin, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Sonoma, and Yolo.
* *	*	* *
(260) Vallejo	California.	Counties of Contra Costa, Napa, and Solano.

[1] The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area." "Gadsden Defense-Rental Area."

This Amendment No. 3 (§ 1388.1201) shall become effective August 1, 1942.

(Pub. Law. 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7210; Filed, July 27, 1942; 1:09 p. m.]

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[1] See issues of March 4, 21, April 4, 30, and May 26, 1942.

[1] 7 F.R. 3195, 3892, 4179.

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1, Maximum Rent Regulation 28 [1]]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The preamble and the first sentence and subparagraphs (1) and (8) of paragraph (a) of § 1388.1801 of Maximum Rent Regulation No. 28 are hereby amended to read as follows:

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.1801 (a) of this Maximum Rent Regulation, as designated in the Designation and Rent Declaration issued by the Administrator on April 28, 1942, as amended on May 22, 1942, and on May 30, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designation and Rent Declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said Defense-Rental Areas inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 28 is hereby issued.

§ 1388.1801 *Scope of regulation.* (a) This Maximum Rent Regulation No. 28 applies to all housing accommodations within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended on May 22, 1942, and on May 30, 1942, except as provided in paragraph (b) of this section:

(1) The San Francisco Bay Defense-Rental Area, consisting of the Counties of Alameda, Marin, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Sonoma, and Yolo, in the State of California.

* * * * *

(8) The Northeastern New Jersey Defense-Rental Area, consisting of the Counties of Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, and Union, in the State of New Jersey: *Provided, however,* That with respect to that portion of the Northeastern New Jersey Defense-Rental Area consisting of the Counties of Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union, in the State of New Jersey, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation No. 28 shall mean July 1, 1942, and that with respect to the remaining portion of the Northeastern New Jersey Defense-Rental Area, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean August 1, 1942.

* * * * *

§ 1388.1814a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1388.1801 (a)) to Maximum Rent Regulation No. 28 shall become effective August 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7211; Filed, July 27, 1942; 1:09 p. m.]

[1] 7 F.R. 4913, 5645.

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1, Maximum Rent Regulation 32A [1]]

HOTELS AND ROOMING HOUSES

The preamble and the first sentence and subparagraphs (1) and (8) of paragraph (a) of § 1388.2001 of Maximum Rent Regulation No. 32A are hereby amended to read as follows:

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.2001 (a) of this Maximum Rent Regulation, as designated in the Designation and Rent Declaration issued by the Administrator on April 28, 1942, as amended on May 22, 1942, and on May 30, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designation and Rent Declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said Defense-Rental Areas inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

§ 1388.2001 *Scope of regulation.* (a) This Maximum Rent Regulation No. 32A applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended on May 22, 1942, and on May 30, 1942, except as provided in paragraph (b) of this section:

(1) The San Francisco Bay Defense-Rental Area, consisting of the Counties of Alameda, Marin, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Sonoma, and Yolo, in the State of California.

* * * * *

(8) The Northeastern New Jersey Defense-Rental Area, consisting of the Counties of Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, and Union, in the State of New Jersey: *Provided, however,* That with respect to that portion of the Northeastern New Jersey Defense-Rental Area consisting of the Counties of Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union, in the State of New Jersey, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation No. 32A shall mean July 1, 1942, and that with respect to the remaining portion of the Northeastern New Jersey Defense-Rental Area, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean August 1, 1942.

* * * * *

§ 1388.2014a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1388.2001 (a)) to Maximum Rent Regulation No. 32A shall become effective August 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7212; Filed, July 27, 1942; 1:09 p. m.]

[1] 7 F.R. 4926, 5645.

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 39]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN THE VALLEJO DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within

the San Francisco Bay Defense-Rental Area and other Defense-Rental Areas and a portion of a Defense-Rental Area set out in Maximum Rent Regulations Nos. 28 and 32A (§§ 1388.1801 to 1388.1814[1] and 1388.2001 to 1388.2014,[2] inclusive) were not reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205,[3] inclusive) issued by the Administrator on April 28, 1942, within sixty days after the issuance of the said Designation and Rent Declaration.

Accordingly, the Administrator issued Maximum Rent Regulations Nos. 28 and 32A for housing accommodations within each such Defense-Rental Area and the said portion of a Defense-Rental Area, effective July 1, 1942. Since the issuance of these Maximum Rent Regulations, the Administrator has found, and it is his judgment, that by April 1, 1941, defense activities already had resulted in increases in rents for housing accommodations within that portion of the San Francisco Bay Defense-Rental Area consisting of the three Counties of Contra Costa, Napa, and Solano, inconsistent with the purposes of the Emergency Price Control Act of 1942.

The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the said three counties on or about January 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for housing accommodations within the said three counties inconsistent with the purposes of the Act is on or about January 1, 1941. The Administrator is accordingly issuing an amendment to the said Designation and Rent Declaration issued on April 28, 1942, to strike out the said three counties from the San Francisco Bay Defense-Rental Area and to designate the said three counties as the Vallejo Defense-Rental Area. The Administrator is also issuing amendments to Maximum Rent Regulations Nos. 28 and 32A to strike out the said three counties from the description of the San Francisco Bay Defense-Rental Area set out in these Maximum Rent Regulations. The Administrator is issuing this Maximum Rent Regulation for housing accommodations within the said Vallejo Defense-Rental Area in the place of the Maximum Rent Regulation effective for such housing accommodations since July 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within the said Vallejo Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

[1] 7 F.R. 4913, 5645.
[2] 7 F.R. 4926, 5645.
[3] 7 F.R. 3195, 3892, 4179.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

AUTHORITY: §§ 1388.5051 to 1388.5064, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.5051 *Scope of regulation.* (a) This Maximum Rent Regulation No. 39 applies to all housing accommodations within the Vallejo Defense-Rental Area, as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended (consisting of the Counties of Contra Costa, Napa, and Solano, in the State of California), except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that Regulation: *Provided,* That this Maximum Rent Regulation does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.5052 *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 39 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

§ 1388.5053 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 39 are for housing accommodations including, as a minimum, services of the same type, quantity, and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.5055 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.5055 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that Section approving a decrease of such services.

§ 1388.5054 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.5055) shall be:

(a) For housing accommodations rented on January 1, 1941, the rent for such accommodations on that date.

(b) For housing accommodations not rented on January 1, 1941, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two month period.

(c) For housing accommodations not rented on January 1, 1941 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation, the first rent for such accommodations after January 1, 1941. The Administrator may order a decrease in the maximum rent as provided in § 1388.5055 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after January 1, 1941 and before the effective date of this Maximum Rent Regulation No. 39, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.5055 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between November 1, 1940 and such effective date, the rent fixed by the Administrator. The landlord shall, prior to

renting and in time to allow 15 days for action thereon, file a petition requesting the Administrator to enter an order fixing the maximum rent therefor. Such order shall be entered on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since January 1, 1941.

If no order is entered on such petition within 15 days after filing, the landlord may rent such accommodations and the first rent therefor shall be the maximum rent. Within 5 days after so renting, the landlord shall report the maximum rent. The Administrator may order a decrease in such maximum rent as provided in § 1388.5055 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved but in no event more than the first rent for such accommodations.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941, as determined by the owner of such accommodations; *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.5055 (c).

§ 1388.5055 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on January 1, 1941 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since January 1, 1941. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on January 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 39 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to January 1, 1941, and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on January 1, 1941, was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(5) There was in force on January 1, 1941, a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941; or the housing accommodations were not rented on January 1, 1941, but were rented during the two months ending on that date, and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to January 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that;

(1) The maximum rent for housing accommodations under paragraphs (c), (d), or (g) of § 1388.5054 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941; or the maximum rent for housing accommodations under paragraph (e) of § 1388.5054 for which the rent was not fixed by the Administrator is higher than such generally prevailing rent.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the

Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominent part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

§ 1388.5056 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 39; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing accommodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six-month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(d) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the the local Law.

§ 1388.5057 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 39, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

§ 1388.5058 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.5059 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 39 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations. by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.5060 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 39 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.5061 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 39 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247,[1] inclusive).

§ 1388.5062 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 39 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.5063 *Definitions.* (a) When used in this Maximum Rent Regulation No. 39: (1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

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

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or any agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation No. 39.

§ 1388.5064 *Effective date of the regulation.* This Maximum Rent Regulation No. 39 (§§ 1388.5051 to 1388.5064, inclusive) shall become effective August 1, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7187; Filed, July 27, 1942; 1:10 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 40A]

HOTELS AND ROOMING HOUSES IN THE VALLEJO DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within the San Francisco Bay Defense-Rental Area and other Defense-Rental Areas and a portion of a Defense-Rental Area set out in Maximum Rent Regulations Nos. 28 and 32A (§§ 1388.1801 to 1388.1814[1] and 1388.2001 to 1388.2014,[2] inclusive) were not reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205,[3] inclusive) issued by the Administrator on April 28, 1942, within sixty days after the issuance of the said Designation and Rent Declaration.

Accordingly, the Administrator issued Maximum Rent Regulations Nos. 28 and 32A for housing accommodations within each such Defense-Rental Area and the said portion of a Defense-Rental Area, effective July 1, 1942. Since the issuance of these Maximum Rent Regulations, the Administrator has found, and it is his judgment, that by April 1, 1941, defense activities already had resulted in increases in rents for housing accommodations within that portion of the San Francisco Bay Defense-Rental Area consisting of the three Counties of Contra Costa, Napa, and Solano, inconsistent with the purposes of the Emergency Price Control Act of 1942.

The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the said three counties on or about January 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for housing accommodations within the said three counties inconsistent with the purposes of the Act is on or about January 1, 1941. The Administrator is accordingly issuing an amendment to the said Designation and Rent Declaration issued on April 28, 1942, to strike out the said three counties from the San Francisco Bay Defense-Rental Area and to designate the said three counties as the Vallejo Defense-Rental Area. The Administrator is also issuing amendments to Maximum Rent Regulations Nos. 28 and 32A to strike out the said three counties from the description of the San Francisco Bay Defense-Rental Area set out in these Maximum Rent Regulations. The Administrator is issuing this Maximum Rent Regulation for housing accommodations within the said Vallejo Defense-Rental Area in the place of the Maximum Rent Regulation effective for such housing accommodations since July 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within the said Vallejo Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 40A is hereby issued.

AUTHORITY: §§ 1388.6001 to 1388.6014, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.6001 *Scope of regulation.* (a) This Maximum Rent Regulation No. 40A applies to all rooms in hotels and rooming houses within the Vallejo Defense-Rental Area, as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended (consisting of the Counties of Contra Costa, Napa, and Solano, in the State of California), except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

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[1] 7 F.R. 3936, 3991.

[1] 7 F.R. 4913, 5645.
[2] 7 F.R. 4926, 5645.
[3] 7 F.R. 3195, 3892, 4179.

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses all housing accommodations previously brought under this Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses.

§ 1388.6002 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 40A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.6003 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 40A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.6005 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.6005 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.6004 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house unless and until changed by the Administrator as provided in § 1388.6005 shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on January 1, 1941, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on January 1, 1941, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after January 1, 1941; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section, the first rent for the room after January 1, 1941, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941, as determined by the owner of such room: *Provided, however*, That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.6005 (c) (1).

(3) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and the meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

§ 1388.6005 *Adjustments and other determinations.* In the circumstances enumerated in this Section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941: *Provided, however,* That no maximum rent shall be increased, because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on January 1, 1941, the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since January 1, 1941. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending January 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to January 1, 1941, and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on January 1, 1941, was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

(5) There was in force on January 1, 1941, a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 40A, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services, or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

§ 1388.6006 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless;

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 40A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or porspective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the

purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on daily basis.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.6007 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 40A, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.6004 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator, the landlord shall alter the card or sign so that it states the changed rent or rents.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

§ 1388.6008 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time, require.

§ 1388.6009 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 40A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.6010 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 40A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.6011 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 40A shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.6012 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 40A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247[1], inclusive).

§ 1388.6013 *Definitions.* (a) When used in this Maximum Rent Regulation No. 40A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

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

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

[1] 7 F.R. 3936, 3991.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation No. 40A.

§ 1388.6014 *Effective date of the regulation.* This Maximum Rent Regulation No. 40A (§§ 1388.6001 to 1388.6014, inclusive) shall become effective August 1, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7188; Filed, July 27, 1942; 1:10 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 41]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN THE GAINESVILLE-STARKE DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within

the Gainesville-Starke Defense-Rental Area designated in the Designation and Rent Declaration issued by the Administrator on April 28, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said Designation and Rent Declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities already had resulted in increases in rents for housing accommodations within the Gainesville-Starke Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Gainesville-Starke Defense-Rental Area on or about January 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within the Gainesville-Starke Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 41 is hereby issued.

AUTHORITY: §§ 1388.6051 to 1388.6064, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.6051 *Scope of regulation.* (a) This Maximum Rent Regulation No. 41 applies to all housing accommodations within the Gainesville-Starke Defense-Rental Area designated in the Designation and Rent Declaration (§§ 1388.1051 to 1388.1055,[1] inclusive) issued by the Administrator on April 28, 1942 (consisting of the Counties of Alachua, Bradford, and Clay, in the State of Florida), except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that Regulation: *Provided,* That this Maximum Rent Regulation does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.6052 *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 41 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

§ 1388.6053 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation are for housing accommodations including, as a minimum, services of the same type, quantity, and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation No. 41, the services provided for housing accommodations are less than such minimum services, the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.6055 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.6055 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.6054 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.6055) shall be:

(a) For housing accommodations rented on January 1, 1941, the rent for such accommodations on that date.

(b) For housing accommodations not rented on January 1, 1941, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on January 1, 1941 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 41, the first rent for such accommodations after January 1, 1941. The Administrator may order a decrease in the maximum rent as provided in § 1388.6055 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after January 1, 1941 and before the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished or unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.6055 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between November 1, 1940 and such effective date, the rent fixed by the Administrator. The landlord shall, prior to renting and in time to allow 15 days for action thereon, file a petition requesting the Administrator to enter an order fixing the maximum rent therefor. Such order shall be entered on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction if any, since January 1, 1941.

If no order is entered on such petition within 15 days after filing, the landlord may rent such accommodations and the first rent therefor shall be the maximum rent. Within 5 days after so renting, the landlord shall report the maximum rent. The Administrator may order a decrease in such maximum rent as provided in § 1388.6055 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved but in no event more than the first rent for such accommodations.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and

[1] 7 F.R. 3192, 4797.

owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941, as determined by the owner of such accommodations; *Provided, however*, That any corporation formed under the law of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.6055 (c).

§ 1388.6055 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on January 1, 1941 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since January 1, 1941. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on January 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 41 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to January 1, 1941 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on January 1, 1941, was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(5) There was in force on January 1, 1941 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941; or the housing accommodations were not rented on January 1, 1941, but were rented during the two months ending on that date, and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to January 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or an application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), or (g) of § 1388.6054 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941; or the maximum rent for housing accommodations under paragraph (e) of § 1388.6054 for which the rent was not fixed by the Administrator is higher than such generally prevailing rent.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement, which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

§ 1388.6056 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accomodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing accommodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six-month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation No. 41.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(d) At the time of commencing any action to remove or evict a tenant (except an action based on nonpayment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, and the name and address of the tenant and the grounds on which eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.6057 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 41, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity herewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

§ 1388.6058 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.6059 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 41 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.6060 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 41 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.6061 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 41 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.6062 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 41 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247[1], inclusive).

§ 1388.6063 *Definitions.* (a) When used in this Maximum Rent Regulation No. 41:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may

[1] 7 F.R. 3936, 3991.

be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the Office of the Rent Director in the Defense-Rental Area.

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

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or ocupancy of housing accommodations.

(8) The term assignee "landlord" includes an owner, lessor, sublessor, or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation No. 41.

§ 1388.6064 *Effective date of the regulation.* This Maximum Rent Regulation No. 41 (§§ 1388.6051 to 1388.6064, inclusive) shall become effective August 1, 1942.

Issued this 27th day of July, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7189; Filed, July 27, 1942; 1:11 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 42A]

HOTELS AND ROOMING HOUSES IN THE GAINESVILLE - STARKE DEFENSE - RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within the Gainesville-Starke Defense-Rental Area designated in the Designation and Rent Declaration issued by the Administrator on April 28, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said Designation and Rent Declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities already had resulted in increases in rents for housing accommodations within the Gainesville-Starke Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Gainesville-Starke Defense-Rental Area on or about January 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within the Gainesville-Starke Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 42A is hereby issued.

AUTHORITY: §§ 1388.7001 to 1388.7014, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.7001 *Scope of regulation.* (a) This Maximum Rent Regulation No. 42A applies to all rooms in hotels and rooming houses within the Gainesville-Starke Defense-Rental Area designated in the Designation and Rent Declaration (§§ 1388.1051 to 1388.1055,[1] inclusive) issued by the Administrator on April 28, 1942 (consisting of the Counties of Alachua, Bradford, and Clay, in the State of Florida), except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses all housing

[1] 7 F.R. 3192, 4797.

accommodations previously brought under this Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses.

§ 1388.7002 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 42A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.7003 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 42A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.7005 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.7005 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.7004 *Maximum rents.* This Section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.7005) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on January 1, 1941, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on January 1, 1941, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after January 1, 1941; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section, the first rent for the room after January 1, 1941, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941, as determined by the owner of such room: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.7005 (c) (1).

(3) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and the meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

§ 1388.7005 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941: *Provided, however,* That no maximum rent shall be increased, because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on January 1, 1941, the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since January 1, 1941. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending January 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to January 1, 1941, and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on January 1, 1941, was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings, or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

(5) There was in force on January 1, 1941, a written lease, which had been in

force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 42A, the services provided for a room are less than those provided on the data or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services, or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rents by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

§ 1388.7006 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 42A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however*, That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practically be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on daily basis.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.7007 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 42A, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.7004 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator, the landlord shall alter the card or sign so that it states the changed rent or rents.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

§ 1388.7008 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time, require.

§ 1388.7009 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 42A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.7010 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 42A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.7011 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 42A shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247,[1] inclusive).

§ 1388.7012 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.7013 *Definitions.* (a) When used in this Maximum Rent Regulation No. 42A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

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

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation No. 42A.

§ 1388.7014 *Effective date of the regulation.* This Maximum Rent Regulation No. 42A (§§ 1388.7001 to 1388.7014, inclusive) shall become effective August 1, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7190; Filed, July 27, 1942; 1:10 p. m.]

[1] 7 F.R. 3936, 3991.

PART 1340—FUEL

[Amendment 11, Maximum Price Regulation 120 [1]]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

A new subparagraph (11) is added to § 1340.210 (a) as set forth below:

§ 1340.210 *Maximum price instructions.* (a) The following maximum price instructions are applicable to the maximum prices set forth in §§ 1340.212 to 1340.233, inclusive, (appendices A to V, inclusive).

* * * * *

(11) Any distributor selling smithing coal for shipment direct from the mine to the purchaser may add to the maximum prices established for such coal in this Maximum Price Regulation No. 120 an amount not in excess of the weighted average margin realized by such distributor on similar sales or deliveries of smithing coal during the period October 1, 1941 to December 31, 1941. Such weighted average margin shall be determined by subtracting the average purchase price f. o. b. mine, weighted by tonnage, paid by such distributor for the smithing coal so sold or delivered by him in the period October 1 to December 31, 1941 from the average sale price, weighted by tonnage, but exclusive of transportation costs, which he received therefor: *Provided*, That not later than September 7, 1942, each distributor of smithing coal shall report the average margin obtained on sales of smithing coal during the period October 1 to December 31, 1941, determined in accordance with the provisions of this paragraph (a) (11) of § 1340.210 to the Bituminous Coal Division of the Department of Interior of the United States at 734 West Fifteenth Street, Washington, D. C.

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

(l) Amendment No. 11 (§ 1340.210 (a) (11)) to Maximum Price Regulation No. 120 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7179; Filed, July 27, 1942; 12:54 p. m.]

PART 1410—WOOL

[Amendment 2 to Maximum Price Regulation 163 [2]]

WOOLEN OR WORSTED CIVILIAN APPAREL FABRICS

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

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

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059.

[2] 7 F.R. 4513, 4733, 4734.

Section 1410.103 is amended, in § 1410.115 (a) subparagraphs (3) and (7) are amended and three new subparagraphs (8), (9) and (10) are added to § 1410.115 (a) to read as set forth below:

§ 1410.103 *Maximum prices for woolen and worsted apparel fabrics sold by jobbers*—(a) *Piece lots, less than piece lots and cut lengths.* Except as provided by paragraphs (b) and (c) of this section, the maximum price for sales and deliveries of a woolen or worsted apparel fabric by jobbers in piece lots, less than piece lots and cut lengths shall be the quotient of the sum of (1) the manufacturer's net invoice price, whether or not the purchaser has taken advantage of any term discounts offered, but in no case higher than the manufacturer's maximum price determined in accordance with § 1410.102, and (2) the freight charges actually paid for the transportation of such fabric from the manufacturer's shipping point to the jobber's place of business, divided by the applicable division factor set forth below:

(i) Men's wear fabrics sold in piece lots, $0.90.

(ii) Women's wear fabrics sold in piece lots, $0.875.

(iii) Men's and women's wear fabrics sold in less than piece lots to all persons except as set forth in subdivisions (iv), (v) and (vi) below, $0.85.

(iv) Men's and women's wear fabrics sold in less than piece lots to retail stores and to special order departments of manufacturers of apparel, $0.80.

(v) Men's and women's wear fabrics sold in less than piece lots to custom or merchant tailors, $0.60.

(vi) Men's and women's wear fabrics sold in cut lengths of 11 yards or less to custom or merchant tailors, and to special order departments of manufacturers of apparel and retail establishments, $0.56.

In cases of sales and deliveries covered by subdivisions (iv), (v) or (vi) where a jobber has several styles of a woolen or worsted apparel fabric in the same range, and the differential between the manufacturer's net invoice prices of all the styles in the range does not exceed $0.25 per yard, the manufacturer's net invoice price per yard for all the styles may be determined by taking the average of the manufacturer's net invoice prices per yard of all the styles in the range.

(b) *Mill ends, etc.* (1) The maximum price for sales and deliveries of mill ends, close outs, seconds and irregular pieces by jobbers shall be the manufacturer's maximum price therefor, determined in accordance with Maximum Price Regulation No. 163;

(2) The maximum price for sales and deliveries of mill ends, close outs, seconds and irregular pieces by secondary jobbers shall be the quotient of the sum of (i) his supplier's net invoice price, whether or not the secondary jobber has taken advantage of any term discounts offered and (ii) the freight charges actually paid by the secondary jobber for the transportation of the fabric from his supplier's shipping point to his place of business, divided by the applicable division factor set forth below:

(*a*) Men's and women's wear fabrics sold in less than piece lots to manufacturers of apparel, $0.85.

(*b*) Men's and women's wear fabrics sold in less than piece lots to retail stores and to special order departments of manufacturers of apparel, $0.80.

(*c*) Men's and women's wear fabrics sold in less than piece lots to custom or merchant tailors, $0.60.

(*d*) Men's and women's wear fabrics sold in cut lengths of 11 yards or less to custom or merchant tailors, and to special order departments of manufacturers of apparel and retail establishments, $0.56.

(c) *Sales by secondary jobbers.* Except as provided in paragraph (b) of this section, the maximum price for sales and deliveries of a woolen or worsted apparel fabric by a secondary jobber shall be the quotient of the sum of (1) the manufacturer's net invoice price, whether or not the purchaser from the manufacturer has taken advantage of any term discount offered, but in no case higher than the manufacturer's maximum price determined in accordance with § 1410.102, (2) the freight charges actually paid by the purchaser from the manufacturer for the transportation of the fabric from the manufacturer's shipping point to such purchaser's place of business and (3) the freight charges actually paid by the secondary jobber for the transportation of the fabric from his supplier's shipping point to his place of business, divided by the applicable division factor set forth below:

(i) Men's and women's wear fabrics sold in less than piece lots to manufacturers of apparel, $0.78.

(ii) Men's and women's wear fabrics sold in less than piece lots to retail stores and to special order departments of manufacturers of apparel, $0.74.

(iii) Men's and women's wear fabrics sold in less than piece lots to custom or merchant tailors, $0.57.

(iv) Men's and women's wear fabrics sold in cut lengths of 11 yards or less to custom or merchant tailors, and to special order departments or manufacturers of apparel and retail establishments, $0.53.

In cases of sales and deliveries covered by subdivisions (ii), (iii) and (iv) where a secondary jobber has several styles of a woolen or worsted apparel fabric in the same range, and the differential between the manufacturer's net invoice price of all the styles in the range does not exceed $0.25 per yard, the manufacturer's net invoice price per yard for all the styles may be determined by taking the average of the manufacturer's net invoice prices per yard of all the styles in the range.

(d) *Optional maximum price for jobbers and secondary jobbers.* In cases where a jobber or a secondary jobber sold or delivered the same fabric during the period between December 1, 1940 and November 30, 1941, such jobber or secondary jobber may, at his option, use as the maximum price for such fabric the highest price at which it was sold or delivered during said period: *Provided*, That such optional maximum price shall not exceed the quotient of the sum of (1) the manufacturer's maximum price for the fabric determined in accordance with § 1410.102 and (2) the freight charges which would be paid for the transportation thereof to the seller's place of business, divided by the applicable division factor provided for by paragraphs (a) or (c) of this section, as the case may be.

(e) *Sales of fabrics by manufacturers of apparel.* The maximum price for sales and deliveries of a woolen or worsted apparel fabric by a manufacturer of apparel shall be the actual price paid therefor plus the actual freight charges paid by him for the transportation thereof to his place of business.

(f) *Customary discounts, trade practices and transportation costs.* (1) Every person making sales of woolen or worsted apparel fabrics subject to this section, except in the case of sales to custom or merchant tailors, and to special order departments of manufacturers of apparel and retail establishments shall continue his customary quantity discounts and price differentials to different purchasers and different classes of purchasers.

(2) Every person making sales of woolen or worsted apparel fabrics subject to this section shall determine his maximum price to the closest 2½ cents per yard.

(3) No such seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of woolen or worsted apparel fabrics than he required purchasers of the same class to pay during March 1942.

(g) *Invoice requirements.* (1) On and after June 22, 1942, every person making sales of woolen or worsted apparel fabrics subject to paragraphs (a), (b) or (c) of this section, except sales to retail stores, custom or merchant tailors, and special order departments of manufacturers of apparel shall, with respect to each such sale, deliver to the purchaser an invoice or similar document setting forth, in addition to the terms thereof: (i) the manufacturer's net invoice price, (ii) the freight charges paid, (iii) the division factor used, and (iv) in the case of mill ends, close outs, seconds and irregular pieces, the manufacturer's maximum price therefor determined in accordance with this Maximum Price Regulation No. 163.

(2) On and after July 31, 1942, every person making sales of woolen or worsted apparel fabrics to retail stores, custom or merchant tailors and special order departments of manufacturers of apparel shall, with respect to each such sale, deliver to the purchaser an invoice or similar document setting forth, in addition to the terms thereof, a statement that the division factor used in computing the selling price was not lower than the applicable division factor provided for by this section, showing such division factor in figures.

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

* * * * *

(3) "Woolen or worsted apparel fabrics" means domestic, men's, women's, children's and infants' suitings, dress goods, topcoatings, overcoatings, cloakings, ski or snow cloths, mackinaws and bathrobe fabrics, containing 25% or more of woolen fibre by weight and woven on looms; the term is applicable only to such fabrics for civilian use;

* * * * *

(7) "Sale at retail" means a sale to an ultimate consumer, other than an industrial or commercial user; the term shall not include any sale to the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, penal institution, hospital, library or any agency of the foregoing;

(8) "Custom or merchant tailor" means a tailor who makes clothes for a person's individual measurements; the term shall not include special order departments of manufacturers of apparel and retail establishments;

(9) "Jobber" means a person who purchases woolen or worsted apparel fabrics for the purpose of resale; the term shall not include a tailor or a manufacturer of apparel;

(10) "Secondary jobber" means a jobber who purchases woolen or worsted apparel fabrics in piece lots or half piece lots from another jobber and who in turn sells such fabric in less than piece lots to retail stores, manufacturers of apparel or custom or merchant tailors.

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

(c) Amendment No. 2 (§§ 1410.103, 1410.115 (a) (3), (7), (8), (9) and (10)) to Maximum Price Regulation No. 163 shall become effective July 31, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7183; Filed, July 27, 1942; 1:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Under § 1499.3 (b) of the General Maximum Price Regulation [1]—Order No. 46]

BRASS MILL PRODUCTS

For the reasons set forth in an Opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority 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 that:

§ 1499.260 *Method by which brass mills may determine maximum prices for brass mill products which cannot be priced under § 1499.2 of the General Maximum Price Regulation.* (a) Whenever a brass mill cannot determine the maximum price for any brass mill product, manufactured by it, under § 1499.2 of the General Maximum Price Regulation, such brass mill is hereby authorized to determine the maximum price for such product by applying the same pricing formula or method of calculating prices used by it on March 31, 1942. In applying such pricing formula or method of calculating prices, the brass mill shall use the same unit cost factors (i. e. the same wage and machine hour rates, the same per pound prices of materials, and the same unit overhead) and the same percentage of profit over costs, extra charges, discounts and allowances, which it would have used on March 31, 1942, even though such unit cost factors may have increased since that date.

(b) Within 10 days after a brass mill has determined a maximum price pursuant to the provisions of paragraph (a) of this order, it shall report such price to the Office of Price Administration. Such report shall also set forth (1) a description in detail of the commodity for which such price was determined, (2) a statement of facts which differentiate such commodity from other commodities delivered or offered for delivery during March, 1942 by such brass mill and by other competitive sellers of the same class and (3) a statement that the maximum price reported was determined in accordance with the method established by paragraph (a) of this order and the facts in support of such statement. The brass mill, in this connection, shall submit its estimate sheet showing how the maximum price was determined, or if it did not use an estimate sheet, it shall submit a statement breaking down the price reported into the following categories: (i) material cost, (ii) manufacturing costs, including machining (machine hour rate and units per hour to be specified), (iii) plant overhead, (iv) administrative overhead and (v) profit. The maximum price reported by a brass mill in accordance with the provisions of this paragraph (b) shall be subject to adjustment at any time by the Price Administrator.

(c) As used in this Order No. 46:

(1) "A brass mill" means a manufacturing establishment which fabricates copper and copper base alloys into semi-finshed and fabricated products. It may or may not do its own alloying.

(2) "Brass mill product" means any new plate, sheet, strip, roll, coil, wire, rod, bar, tube, tubing, pipe, extrusion, forging, anode or other shape made from copper or copper base alloy by a brass mill. It does not include any rod, coil, wire, casting or other shape for which a maximum price is established by Revised Price Schedule No. 82—Wire, Cable and Cable Accessories,[2] or Maximum Price Regulation No. 125—Non-Ferrous Castings,[3] or Maximum Price Regulation No. 136—Machines and Parts,[4] or by any other price regulation heretofore or hereafter issued by the Office of Price Administration.

(3) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(d) This Order No. 46 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 46 (§ 1499.260) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7186; Filed, July 27, 1942; 1:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Under § 1499.3 (b), General Maximum Price Regulation [1]—Order No. 48]

CARDOX CORPORATION

The Cardox Corporation of Chicago, Illinois, has made application under § 1499.3 (b) of the General Maximum Price Regulation for specific authorization to determine the maximum price for a commodity which cannot be priced under § 1499.2 thereof. Due consideration has been given to the application, and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the Opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is ordered:

§ 1499.262 *Approval of maximum price for potassium perchlorate for sale by the Cardox Corporation.* (a) The Cardox Corporation, a corporation having its principal place of business in Chicago, Illinois, may sell and deliver and offer, agree, solicit, and attempt to sell and deliver potassium perchlorate produced in its Claremore, Oklahoma, plant, and any person may buy from the Claremore, Oklahoma, plant of the Cardox Corporation potassium perchlorate produced at its Claremore, Oklahoma, plant at a price no higher than that hereinafter set forth:

20 cents per pound, f. o. b., Claremore, Oklahoma.

(b) On or before September 15, 1942, The Cardox Corporation shall furnish the Office of Price Administration with a sworn statement reporting in detail its costs of producing potassium perchlorate per 1,000 pounds for each month during the period from April 1, 1942, to September 1, 1942.

(c) The maximum prices established in this Order shall include all charges for containers.

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

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027.

[2] 7 F.R. 1358.

[3] 7 F.R. 3202.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 5027, 5192.

[4] 7 F.R. 3198, 3370, 3447, 3723, 4176.

(d) This Order No. 48 shall terminate on October 31, 1942 unless it is previously revoked by the Price Administrator.

(e) This Order No. 48 may be amended by the Price Administrator at any time.

(f) This Order No. 48 (§ 1499.262) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7202; Filed, July 27, 1942; 1:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Docket No. GF3-431]

SOUTH PACIFIC CANNING CO.

Order 4 Under § 1499.18 (b), General Maximum Price Regulation.

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

§ 1499.304 *Adjustment of maximum prices for canned tuna fish produced by South Pacific Canning Company, Inc.* (a) South Pacific Canning Company, Inc., of Long Beach, California, may sell and deliver, and any person may buy and receive from South Pacific Canning Company, Inc., canned standard light meat tuna fish at prices not higher than those set forth below:

(1) Cases of 48 No. 1 size cans @ $22.84 per case, f. o. b. cannery.

(2) Cases of 48 No. ½ size cans @ $11.92 per case, f. o. b. cannery.

(3) Cases of 48 No. ¼ size cans @ $6.96 per case, f. o. b. cannery.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 (§ 1499.304) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 4 (§ 1499.304) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7181; Filed, July 27, 1942; 1:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Docket No. GF3-408]

CENTRAL OHIO PAPER CO.

Adjustment of Maximum Prices Under § 1499.18 (b), General Maximum Price Regulation [1]—Order No. 5.

The Central Ohio Paper Company, 226 North Fifth Street, Columbus, Ohio filed a petition for adjustment or exception to the provisions of the General Maximum Price Regulation. This petition is considered as an application for adjustment under section 18 (b) thereof. Due consideration has been given to the application and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is ordered:

§ 1499.305 *Adjustment of maximum prices for paper bags of The Central Ohio Paper Company.* (a) On and after July 27, 1942, The Central Ohio Paper Company may sell and deliver paper bags to the State of Ohio, Department of Liquor Control at prices no higher than those hereinafter set forth:

Quantity, grade and size	*Price*
7,000,000 pint size natural brown kraft paper bags, 35 lb. basis weight, size 4" x 2" x 13½"	$1.30½ per M.
5,500,000 quart size natural brown kraft paper bags, 35 lb. basis weight, size 4¼" x 3½" x 15"	$1.78 per M.

(b) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 5 (§ 1499.305) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7184; Filed, July 27, 1942; 1:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Docket No. GF3-598]

SCIOTO PAPER CO.

Adjustment of Maximum Prices Under § 1499.18 (b), General Maximum Price Regulation [1]—Order No. 6.

The Scioto Paper Company, 142 North Third Street, Columbus, Ohio, filed a petition for adjustment or exception to the provisions of the General Maximum Price Regulation. This petition is considered as an application for adjustment under § 1499.18 (b) thereof. Due consideration has been given to the application and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is ordered:

§ 1499.306 *Adjustment of maximum prices for paper bags of The Scioto Paper Company.* (a) On and after July 27, 1942, The Scioto Paper Company may sell and deliver paper bags to the State of Ohio, Department of Liquor Control at prices no higher than those hereinafter set forth:

Quantity, grade and size	*Price*
7,000,000 pint size natural brown kraft paper bags, 35 lb. basis weight, size 4" x 2" x 13½"	$1.30½ per M.
5,500,000 quart size natural brown kraft paper bags, 35 lb. basis weight, size 4¼"	$1.78 per M.

(b) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 6 (§ 1499.306) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7200; Filed, July 27, 1942; 1:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Under § 1499.18 (b), General Maximum Price Regulation [3]—Order No. 7]

CLINTON COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (b) of the General Maximum Price Regulation, it is hereby ordered that:

§ 1499.307 *Maximum prices for sales of Hydrol by Clinton Company:*

(a) Clinton Company of Clinton, Iowa is hereby authorized to sell and offer, agree, solicit and attempt to sell hydrol at a price not exceeding $29.50 a ton f. o. b. Clinton, Iowa.

(b) The terms used in this order shall have the meaning given to them by the General Maximum Price Regulation.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This order No. 7 (§ 1499.307) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7201; Filed, July 27, 1942; 1:14 p. m.]

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4659, 4738, 5027, 5192, 5276, 5365, 5445.

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

[2] 7 F.R. 971, 3663.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365.

PART 1499—COMMODITIES AND SERVICES

[Docket No. GF1-461-P]

JAMES DRUG STORES, INC.

Order No. 2 under § 1499.18 (c), General Maximum Price Regulation.

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

§ 1499.352 *Adjustment of maximum prices for commodities listed below sold by James Drug Stores, Inc.* (a) James Drug Stores, Inc., of Newark, New Jersey, may sell and deliver, and any person may buy and receive from James Drug Stores, Inc. the following commodities at prices not higher than those set forth below:

(1) Grove's Laxative Bromo Quinine 35¢ size, $2.34 per dozen.

(2) Grove's Laxative Bromo Quinine 60¢ size, $4.00 per dozen.

(3) Rx Brand Analgesic Balm, $2.00 per dozen.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 2 (§ 1499.352) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 2 (§ 1499.352) shall become effective July 27, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7180; Filed, July 27, 1942; 12:55 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Adjustment of Maximum Prices Under § 1499.18 (c), General Maximum Price Regulation—Order No. 3]

GEORGE ORAVETZ & SON, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c) of the General Maximum Price Regulation [1], it is hereby ordered that:

§ 1499.353 *Adjustment of maximum prices for sales of charcoal by George Oravetz & Son, Inc., Auburn, Washington.* (a) Pending final determination by the Price Administrator of a request for relief from the provisions of § 1499.2 of the General Maximum Price Regulation, George Oravetz & Son, Inc., of Auburn, Washington, (hereinafter referred to as the Company) is hereby authorized to sell and any person is authorized to buy from the Company charcoal which the Company has produced from alder wood at a price not in excess of the maximum price established according to the aforementioned § 1499.2: *Provided however,* That the Company and any buyer from it may agree in any contract for the sale of such charcoal that the contract price may be adjusted to conform to the final determination of the Price Administrator upon the Company's request for relief.

(b) The terms used in this order shall have the meaning given to them by the General Maximum Price Regulation.

(c) This Order No. 3 (§ 1499.353) shall become effective July 27, 1942, and shall remain in effect until it is amended, modified, or revoked.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7185; Filed, July 27, 1942; 1:05 p. m.]

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

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4639, 4659, 4738, 5027, 5192, 5276.

PART 1340—FUEL

[Maximum Price Regulation 189]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

Maximum prices for bituminous coal used for bunkering vessels at points on the Great Lakes and their connecting or tributary waters have heretofore been established by Maximum Price Regulation No. 120, where such coal was delivered from a mine or preparation plant, or by Maximum Price Regulation No. 122, where delivery was made from other facilities.

In the judgment of the Price Administrator the supplying of bituminous coal for use as bunker fuel, whether delivery is made from a mine or preparation plant or other facility, presents, under existing conditions, a specialized problem from the standpoint of coal marketing and requires for its proper regulation a separate Maximum Price Regulation.

At the request of the Price Administrator the Bituminous Coal Division, United States Department of Interior, has cooperated with the Price Administrator in the formulation of the maximum prices established by this regulation in accordance with the arrangement effectuated by the letters, dated March 9 and March 13, 1942, exchanged between the Price Administrator and the Secretary of the Interior. So far as practicable, representative members of the industry which will be affected by this regulation have been consulted and their advice obtained.

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

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 189 is hereby issued.

AUTHORITY: §§ 1340.301 to 1340.314, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1340.301 *Maximum prices for bituminous coal sold for direct use as bunker fuel.* On and after August 1, 1942, regardless of any contract, agreement, lease, or other obligation, no supplier of bunker fuel shall sell or dispose of bituminous coal in any quantity, for direct use as bunker fuel at points on the Great Lakes or their connecting or tributary waters or at tidewater at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1340.313; and no person shall, in the course of trade or business, buy or receive bituminous coal so sold or disposed of, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.313; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That a supplier of bunker fuel is hereby permitted to receive not more than the maximum prices set forth in Appendix A, incorporated herein as § 1340.313, as to bituminous coal delivered for direct use as bunker fuel on and after May 18, 1942; and any person to whom bunker fuel was so delivered on and after May 18, 1942 may pay such prices.

§ 1340.302 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1340.313) may be charged, demanded, paid or offered: *Provided,* That where the supplier of bunker fuel is subject to the jurisdiction of the Bituminous Coal Division and where the effective minimum price now or hereafter established by the Bituminous Coal Division for any particular shipment of bunker fuel by such supplier is higher than the maximum price provided in this Maximum Price Regulation No. 189 for such a shipment, the particular shipment may be made at not more than the applicable minimum price.

§ 1340.303 *Adjustable pricing.* No person subject to the provisions of this Maximum Price Regulation No. 189 shall enter into any agreement permitting the adjustment of the prices of bituminous coal provided by this Maximum Price Regulation No. 189 to prices which may be higher than such maximum prices, except that any person may offer or agree to adjust or fix prices to, or at prices not in excess of, the maximum prices in affect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1340.304 *Evasion.* The price limitations set forth in this Maximum Price

[1] 7 F.R. 971.

Regulation No. 189 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, bituminous coal for direct use as bunker fuel for vessels on the Great Lakes or their connecting or tributary waters or at tidewater, as defined herein, alone or in conjunction with bituminous coal used for other purposes or with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

§ 1340.305 *Records and reports.* (a) Every supplier of bunker fuel shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such sale and purchase of bunker fuel made by him on and after May 18, 1942, showing the date thereof; the price received by him for the bituminous coal sold as bunker fuel; and the price, if any, paid by him for such coal; the name and address of the purchaser; the name and address of the pier or other facility from which delivery was made; the name, flag and gross tonnage of the vessel bunkered; the method of transportation or handling employed in transferring the fuel from land transportation or storage facilities to vessel bunkers; the quantity delivered; and where known, the names and mine index numbers (Bituminous Coal Division designations) of the mines at which the coal sold for bunker fuel originated, and the kind, size, quality, brand or trade name.

(b) Not later than August 25, 1942, except where additional time may be granted by the Office of Price Administration in individual cases, every supplier of bunker fuel at points at tidewater shall file with the Bituminous Coal Division of the United States Department of the Interior, at 734 15th Street NW., Washington, D. C., a statement setting forth:

(1) All prices charged by such person between January 1 and January 15, 1942, inclusive, for bituminous coal sold for direct use as bunker fuel at each point at which the coal was sold and for each size, kind and quality of coal for each class of purchaser;

(2) All price circulars, lists or schedules issued by such person on or before January 15, 1942, with respect to bunker fuel, and in effect during any portion of the period January 1–15, 1942, inclusive;

(3) The rate of interest, if any, charged on delinquent accounts or on any note, trade acceptance or other evidence of indebtedness accepted in payment of an account during the period January 1–15, 1942, inclusive;

(4) The charges, if any, made for any special services during the period January 1–15, 1942, inclusive, together with a description of the special service rendered; and

(5) The cash and quantity discounts and other allowances (except freight rate absorptions) made or available to purchasers of bunker fuel during the period January 1–15, 1942, inclusive.

(c) Not later than August 25, 1942, except where additional time may be granted by the Office of Price Administration in individual cases, every supplier of bunker fuel at points on the Great Lakes and their connecting or tributary waters shall file with the Bituminous Coal Division of the United States Department of the Interior, at 734 15th Street NW., Washington, D. C., a statement setting forth:

(1) All prices charged by such person between April 15 and April 30, 1942, inclusive, for bituminous coal sold for direct use as bunker fuel at each point at which the coal was sold and for each size, kind and quality of coal for each class of purchaser;

(2) All price circulars, lists or schedules issued by such person on or before April 30, 1942, with respect to bunker fuel, and in effect during any portion of the period April 15–30, 1942, inclusive;

(3) The rate of interest, if any, charged on delinquent accounts or on any note, trade acceptance or other evidence of indebtedness accepted in payment of an account during the period April 15–30, 1942, inclusive;

(4) The charges, if any, made for any special services during the period April 15–30, 1942, inclusive, together with a description of the special service rendered; and

(5) The cash and quantity discounts and other allowances (except freight rate absorptions) made or available to purchasers of bunker fuel during the period April 15–30, 1942, inclusive.

(d) Persons who are suppliers of bunker fuel shall submit such other reports and keep such other records as the Office of Price Administration may from time to time require.

§ 1340.306 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 189 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 189 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C., or with the nearest statistical bureau of the Bituminous Coal Division, United States Department of the Interior, or its principal office in Washington, D. C.

§ 1340.307 *Applications for adjustment or exception and petitions for amendment.* (a) The Administrator may by order grant an adjustment to, or exception from, the maximum price established under this Maximum Price Regulation No. 189 for any supplier of bunker fuel in any case in which such supplier of bunker fuel shows;

(1) That its maximum price is abnormally low in relation to the maximum prices established for competitive suppliers of bunker fuel; and

(2) That such abnormality subjects it to substantial hardship.

Applications under this paragraph (a) shall be filed in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) Any person seeking relief, for which no provision is made in the foregoing paragraph (a) of this section, from the maximum price established under this Maximum Price Regulation No. 189 may present the special circumstances of his case in an application for an order of adjustment or exception. Such application shall be filed in accordance with Procedural Regulation No. 1, and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant, together with the statement of the reasons why he believes that the granting of relief in his case, and in all like cases, will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 189 to eliminate the danger of inflation.

(c) Persons seeking any modification of this Maximum Price Regulation No. 189, or an adjustment or exception not provided for in paragraphs (a) and (b) of this section may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1.

§ 1340.308 *Definitions.* (a) When used in this Maximum Price Regulation No. 189, the term:

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

(2) "Bituminous coal" means bituminous coal as used in the Bituminous Coal Act of 1937, as amended, and includes all bituminous, semibituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignite coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more.

(3) "Bunker fuel" means bituminous coal used aboard a vessel for consumption thereon.

(4) "Supplier of bunker fuel" as used herein means any producer, distributor, retailer, bunker agent, or other person (and an agent of any of them) who sells or disposes of bunker fuel and delivers or procures the delivery of the same to vessels at points on the Great Lakes and their connecting or tributary waters or at tidewater for immediate use as bunker fuel, and who incurs the duties and risks attributable to the handling of bunker fuel. It does not include persons who sell coal to another person for general use or for delivery by such other person as bunker fuel. Delivery may be from a mine or a preparation plant operated as an adjunct of a mine or mines, or from a yard, dock, pier, elevator, bin, or other

terminal facility or from a transportation vehicle or vessel.

(5) "Points on the Great Lakes and their connecting or tributary waters" means any port, point, or place on Lakes Superior, Michigan, Huron, Erie, and Ontario, the waters connecting those lakes, the St. Lawrence River, and those tributaries of the enumerated lakes which are not included in the inland waterways system.

(6) "Points at tidewater" means any tidewater port, point, or place on the Atlantic and Pacific coasts of continental United States, and the coast of continental United States on the Gulf of Mexico.

(7) "Bituminous Coal Division" means the Bituminous Coal Division, United States Department of the Interior.

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

§ 1340.309 *Applicability of other regulations.* (a) With respect to sales or other disposals of bituminous coal for direct use as bunker fuel, the provisions of this Maximum Price Regulation No. 189 supersede the provisions of Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant, and Maximum Price Regulation No. 122—Miscellaneous Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers.

(b) Nothing contained in this Maximum Price Regulation No. 189 shall be construed to excuse any violation of any provision of the Bituminous Coal Act of 1937 as amended, the Bituminous Coal Code promulgated thereunder or of any schedules, regulations, rules or orders now or hereafter made effective by the Bituminous Coal Division of the United States Department of the Interior, on the part of any person subject to the jurisdiction of that agency.

§ 1340.310 *Maximum price instructions.* (a) The following maximum price instructions are applicable to the maximum prices set forth in § 1340.313 (Appendix A hereof).

(1) Where a supplier of bunker fuel maintains more than one separate facility for the sale of bunker fuel, whether at the same or different locations, separate maximum prices, in accordance with the provisions of § 1340.313 (Appendix A hereof) shall be established for each such facility.

(2) Where such charges are not included in the maximum prices provided in § 1340.313 (Appendix A hereof) there may be added to such maximum prices the charges for such service items as (specifically but not exclusively) leveling, trimming and lightering, or for the furnishing or procuring of these or other services. In the case of sales of bunker fuel at points at tidewater, such charges shall not exceed the charges made for the same service during the period January 1–15, 1942, inclusive, by the same supplier of bunker fuel; and in the case of sales of bunker fuel at points on the Great Lakes and their connecting or tributary waters, shall not exceed the charges made for the same service by the same supplier of bunker fuel in the period April 15–30, 1942, inclusive.

(3) The rate of interest on overdue accounts or a note, draft or trade acceptance, or other form of indebtedness accepted in payment of an account shall not exceed the rate charged on similar transactions by the same supplier of bunker fuel during the period January 1–15, 1942, inclusive, in the case of sales of bunker fuel at points at tidewater and the period April 15–30, 1942, inclusive, in the case of sales of bunker fuel at points on the Great Lakes and their connecting or tributary waters (except to the extent that such rate may be lower than the rate of interest required to be charged by the seller on delinquent accounts under the orders of the Bituminous Coal Division of the United States, Department of the Interior).

(4) There shall be deducted from the maximum price established in § 1340.313 (Appendix A hereof) the cash and quantity discounts and other allowances (except freight rate absorptions) made or available to the purchasers by the same supplier of bunker fuel during the period January 1–15, 1942, inclusive, in the case of sales of bunker fuel at points at tidewater and the period April 15–30, 1942, inclusive, in the case of sales of bunker fuel at points on the Great Lakes and their connecting or tributary waters.

§ 1340.311 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of bituminous coal as bunker fuel, or the supplying of a service in connection therewith, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the supplier's maximum price for such commodity or service and in preparing the records of such supplier with respect thereto:

(a) As to a tax in effect during the period January 1–15, 1942 with respect to sales of bituminous coal as bunker fuel at points at tidewater or during the period April 15–30, 1942, with respect to sales of bituminous coal as bunker fuel at points on the Great Lakes or their connecting or tributary waters: (1) If the supplier 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 supplier, but the supplier did not customarily state and collect separately from the purchase price during the period January 1–15, 1942, or the period April 15–30, 1942, as the case may be, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the supplier 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. 189.

(2) In all other cases, if, at the time the supplier determines his maximum price, the statute or ordinance imposing such tax does not prohibit the supplier from stating and collecting the tax separately, the supplier 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 supplier by the vendor from whom he purchased, and in such case the supplier shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 189.

(b) As to a tax or increase in a tax which becomes effective after January 15, 1942 with respect to sales of bituminous coal as bunker fuel at points at tidewater or after April 30, 1942 with respect to sales of bituminous coal as bunker fuel at points on the Great Lakes and their connecting or tributary waters: If the statute or ordinance imposing such tax or increase does not prohibit the supplier from stating and collecting the tax or increase separately from the purchase price, and the supplier does separately state it, the supplier 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 supplier by the vendor from whom he purchased.

§ 1340.312 *Posting of maximum prices, sales slips, and receipts.* (a) On and after August 15, 1942, every person who is a supplier of bunker fuel subject to this Maximum Price Regulation No. 189 shall post the maximum price per ton of all bunker fuel offered for sale by him at the places in the business establishment where such coal is offered for sale. The maximum price shall be stated as follows: "Ceiling price $ "; or "Our ceiling $ ".

(b) On and after August 15, 1942, any person subject to this Maximum Price Regulation No. 189 who has customarily given a purchaser a sales slip or receipt or itemized statement or similar evidence of purchase shall continue to do so. Upon request from a purchaser any person subject to this Maximum Price Regulation No. 189 shall give the purchaser a receipt showing the name and address of the supplier, the price charged therefor, and, where known, the kind, size, and quality of the coal sold.

§ 1340.313 *Appendix A. Maximum prices for bituminous coal for use as bunker fuel.* This Maximum Price Regulation No. 189 establishes maximum prices for all bituminous coal sold or otherwise disposed of, in any quantity, by a person who is a supplier of bunker fuel, for delivery from a mine or a preparation plant operated as an adjunct of a mine or mines, or for delivery from a yard, dock, pier, elevator, bin, or other terminal facilities, or from a transportation vehicle or vessel, to a vessel at points on the Great Lakes and their connecting or tributary waters or at tidewater, as such terms are defined in this regulation, for use as bunker fuel therein. Bituminous coal otherwise sold or delivered, including bituminous coal sold to another person for general use or for delivery by such other person for use as bunker fuel, is not subject to this regulation, but shall be subject to Maximum Price Regulation No. 120 or Maximum Price Regulation No. 122 as the case may be.

(a) The maximum price for the sale of bituminous coal for bunkering vessels by a supplier of bunker fuel at points at tidewater shall be:

(1) The highest price at which the same person sold or delivered bunker fuel at the same point and from the same facilities, between January 1–15, 1942, inclusive. This shall be the price for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchasers; for tug, freighter, liner; for domestic or foreign bunkers, etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(2) If the maximum price cannot be determined under (1) above, the maximum price shall be the highest price in a contract executed prior to January 15, 1942 and in effect during the period of January 1–15, 1942, inclusive, for the sale of bunker fuel at the same point and for delivery from the same facilities. This shall be the price so provided for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser; for tug, freighter, liner; for domestic or foreign bunker; etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(3) If the maximum price cannot be determined under (1) or (2) above, the maximum price shall be the price specified in the last price schedule, list, or circular issued by the same person on or before January 15, 1942, and in effect during any portion of the period January 1–15, 1942, inclusive, for the sale of bunker fuel at the same point and for delivery from the same facilities. This shall be the price so specified for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser; for tug, freighter, liner; for domestic or foreign bunker; etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(4) If the maximum price cannot be determined under (1), (2) or (3) above, the maximum price shall be the maximum price applicable to any competitive supplier of bunker fuel in the same locality, for the sale of bunker fuel at the same point and for delivery from similar facilities, under the provisions of this section. This shall be the price for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser, for tug, freighter, liner, etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(b) The maximum price for the sale of bituminous coal for bunkering vessels by a supplier of bunker fuel at points on the Great Lakes and their connecting or tributary waters shall be:

(1) The highest price at which the same person sold or delivered bunker fuel at the same point and for delivery from the same facilities between April 15–30, 1942, inclusive. This shall be the price for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchasers; for tug, freight, liner; for domestic or foreign bunkers, etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(2) If the maximum price cannot be determined under (1) above, the maximum price shall be the highest price in a contract executed prior to May 1, 1942 and in effect during the period of April 15–30, 1942, inclusive, for the sale of bunker fuel at the same point and for delivery from the same facilities. This shall be the price so provided for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser; for tug, freighter, liner; for domestic or foreign bunker; etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(3) If the maximum price cannot be determined under (1) or (2) above, the maximum price shall be the price specified in the last price schedule, list, or circular issued by the same person on or before May 1, 1942, and in effect during any portion of the period April 15–30, 1942, inclusive, for the sale of bunker fuel at the same point and for delivery from the same facilities. This shall be the price so specified for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser; for tug, freight, liner; for domestic or foreign bunker; etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(4) If the maximum price cannot be determined under (1), (2) or (3) above, the maximum price shall be the maximum price applicable to any competitive supplier of bunker fuel in the same locality, for the sale of bunker fuel at the same point and for delivery from similar facilities, under the provisions of this § 1340.313. This shall be the price for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser, for tug, freight, liner, etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(c) Where the maximum price of any supplier of bunker fuel is established under paragraphs (a) (4) or (b) (4) of this section, such supplier shall submit to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C., not later than ten (10) days after the sale of the bunker fuel at a price so established, a description of the sale made at such price, a statement of the reasons why the maximum price could not otherwise be determined, the name of the competitive supplier of bunker fuel whose maximum price was used, and the amount of such price.

§ 1340.314 *Effective date.* Maximum Price Regulation No. 189 (§§ 1340.301 to 1340.314, inclusive) shall become effective August 1, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7218; Filed, July 27, 1942; 4:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Under § 1499.3 (b), General Maximum Price Regulation [1]—Order 47]

STEIN-DAVIES COMPANY

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 authority 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:

§ 1499.261 *Approval of maximum prices for sales of Dextrines, Gums, and comparable products by the Stein-Davies Company.* (a) The maximum price per unit for sale by the Stein-Davies Company of New York, New York, of any Dextrine, Gum, or comparable product manufactured by it, for which a maximum price cannot be established under § 1499.2 of the General Maximum Price Regulation, shall be the sum which bears

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

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4659, 4738, 5027.

the same percentage relationship to the sum of items (1) and (2) below, as the net sales of the Stein-Davies Company in March, 1942, bore to the sum of raw material costs and manufacturing costs for all articles sold in that month, which percentage relationship is established in a statement filed by the Stein-Davies Company.

(1) Raw material costs per unit, computed on the basis of actual prices (not to exceed the applicable maximum prices) paid for raw materials, and in any case not to exceed the highest price charged in March, 1942, by the actual supplier to a purchaser of the same class as the Stein-Davies Company.

(2) Manufacturing costs—equal to the sum of the applicable unit costs prevailing during March 1942 for the operations used in making the article to be priced, as specified in a list of unit manufacturing costs filed by the Stein-Davies Company with the Office of Price Administration, dated July 1, 1942.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942, on the sale by this company of comparable products, shall apply to the maximum prices determined under paragraph (a).

(c) On or before the last day of each month, beginning with July 31, 1942, The Stein-Davies Company shall submit to the Office of Price Administration in Washington, D. C., an individual report in affidavit form for each product priced under this Order No. 47 during the preceding month. Each such report shall include a description of the product so priced; a statement showing why the product cannot be priced under §1499.2 of the General Maximum Price Regulation, the maximum price determined; and a detailed statement of the factors referred to in paragraph (a) of this Order which were used in the determination of such maximum price. Each price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 47 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 47 (§ 1499.261) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7217; Filed, July 27, 1942; 4:05 p. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[Amendment 3 to Maximum Price Regulation 145[1]]

PICKLED SHEEPSKINS

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.*

The table in paragraph (b) of § 1314.64 is amended by changing prices of two brands of New Zealand pickled sheepskins.

§ 1314.64 *Appendix B: Maximum prices for certain brands of New Zealand pickled sheepskins.* * * *

Brands	Maximum prices			
	Column B		Column C	
Column A	Produced from lamb pelts	Produced from sheep pelts	Produced from lamb pelts	Produced from sheep pelts
*	*	*	*	*
A. F. F. Co		$9.375	30s., 9d.	48s., 0d.
*	*	*	*	*
Wairoa		*	*	46s., 0d.
*	*	*	*	*

§ 1314.162a *Effective dates of amendments.* * * *

(c) Amendment No. 3 § 1314.164 (b) to Maximum Price Regulation No. 145 shall become effective July 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7226; Filed, July 27, 1942; 5:20 p. m.]

PART 1340—FUEL

[Amendment 12 to Maximum Price Regulation 120[1]]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

A new proviso is added to § 1340.201; a new subparagraph (9) is added to § 1340.208 (a); a new clause is added to § 1340.210 (a) (2); and the column "bunker fuel" and items therein set forth in § 1340.224 (b) (1) is revoked.

§ 1340.201 *Maximum prices for bituminous coal delivered from mine or preparation plant.* * * * *Provided,* That the provisions of this Maximum Price Regulation No. 120, and maximum prices set forth in said appendices A to V, inclusive. (§ 1340.212 to § 1340.233, inclusive) shall not apply to the sale of any bituminous coal for direct use as bunker fuel at points on the Great Lakes and their connecting tributary waters, and and at tidewater, defined in § 1340.308 (a) (5) and (6) of Maximum Price Regulation No. 189,[2] as follows:

(a) "Points on the Great Lakes and their connecting or tributary waters" means any port, point, or place on Lakes Superior, Michigan, Huron, Erie, and Ontario, the waters connecting those lakes, the St. Lawrence River, and those tributaries of the enumerated lakes which are not included in the inland waterways system;

(b) "Points at tidewater" means any tidewater port, point, or place on the Atlantic and Pacific coasts of continental United States, and the coast of continental United States on the Gulf of Mexico.

§ 1340.208 *Definitions.* (a) * * *

(9) "Bunker fuel" means bituminous coal used aboard a vessel for consumption thereon.

* * * * *

§ 1340.210 *Maximum price instructions.* (a) * * *

(2) * * * *Except,* That maximum prices established herein do not apply to the sales of any bituminous coal for direct use as bunker fuel at points on the Great Lakes and their connecting or tributary waters or at tidewater as defined in § 1340.308 (a) (5) and (6) of Maximum Price Regulation No. 189, and set forth in § 1340.201 above. The provisions of this Maximum Price Regulation No. 120 shall apply, however, to the sale or delivery of bituminous coal to another person who resells the same for use as bunker fuel, even though the resale by such other person may be subject to the provisions of Maximum Price Regulation No. 189, Bituminous Coal Sold for Direct Use as Bunker Fuel.

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

(m) Amendment No. 12 (§ 1340.201, § 1340.208 (a) (9); § 1340.210 (a) (2), and § 1340.224 (b) (1)) to Maximum Price Regulation No. 120 shall become effective August 1, 1942.

* * * * *

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7228; Filed, July 27, 1942; 4:05 p. m.]

PART 1340—FUEL

[Amendment No. 7 to Maximum Price Regulation No. 122[1]]

MISCELLANEOUS SOLID FUELS DELIVERED FROM FACILITIES OTHER THAN PRODUCING FACILITIES—DEALERS

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.*

The two paragraphs of § 1340.251 are designated (a) and (b) respectively and

[1] 7 F.R. 3746, 3889.

No. 148——5

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

[1] F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, and *supra.*

[1] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567.

[2] *Supra.*

the proviso in (a) is amended to read as set forth below; in § 1340.258 a new subdivision (iv) is added to (a) (3) and a new paragraph (a) (6) is added; and a new proviso is added at the end of the first paragraph of § 1340.261 as set forth below.

§ 1340.251 *Maximum prices for sales of solid fuels delivered from facilities other than producing facilities.* (a) * * *

(1) *Provided,* That the provisions of this Maximum Price Regulation No. 122 shall not apply to solid fuel delivered to the purchaser from a mine, preparation plant, coke oven or briquette plant in a truck or wagon by the producer of the solid fuel or by a distributor thereof;

(2) *Provided,* That the provisions of this Maximum Price Regulation No. 122 shall not apply to any bituminous coal sold for direct use as bunker fuel at points on the Great Lakes and their connecting or tributary waters, and at tidewater, defined in § 1340.308 (a) (5) and (6) of Maximum Price Regulation No. 189,[3] as:

(i) "Points on the Great Lakes and their connecting or tributary waters" means any port, point, or place on Lakes Superior, Michigan, Huron, Erie, and Ontario, the waters connecting those lakes, the St. Lawrence River, and those tributaries of the enumerated lakes which are not included in the inland waterways system.

(ii) "Points at tidewater" means any tidewater port, point, or place on the Atlantic and Pacific coasts of continental United States and the coast of continental United States on the Gulf of Mexico.

(b) * * *

§ 1340.258 *Definitions.* (a) * * *

(3) * * *

(iv) But (i), (ii), and (iii) do not include such persons as to sales or other disposals of bituminous coals for direct use as bunker fuel at points on the Great Lakes and their connecting or tributary waters, and at tidewater, as defined in § 1340.308 (a) (5) and (6) of Maximum Price Regulation No. 189, and set forth in § 1340.251 (a) (2) above.

* * * * *

(6) "Bunker fuel" means bituminous coal used on board a vessel for consumption thereon.

* * * * *

§ 1340.261 *Appendix A: Maximum prices for solid fuels delivered from facilities other than producing facilities.* * * * *Provided,* That this Maximum Price Regulation No. 122 does not apply to any bituminous coal sold for direct use as bunker fuel at points on the Great Lakes and their connecting or tributary waters, and at tidewater, as defined in § 1340.308 (a) (5) and (6) of Maximum Price Regulation No. 189, and as set forth in § 1340.251 (a) (2) above.

* * * * *

§ 1340.260a *Effective dates of amendments.* * * *

(g) Amendment No. 12 (§ 1340.251, § 1340.258 (a) (3) (iv) and (a) (6), and § 1340.261 to Maximum Price Regulation No. 122 shall become effective August 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7207; Filed, July 27, 1942; 1:15 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[Amendment 8 to Maximum Price Regulation 118[1]]

COTTON PRODUCTS

HUCK TOWELS

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.*

Paragraphs (a) (5) and (d) (29) of § 1400.118 are amended to read as follows:

§ 1400.118 *Specific and formula maximum prices for certain cotton products: construction reports.* (a) The effective dates of the maximum prices set forth in paragraph (d) of this section are as follows:

* * * * * *

(5) For huck towels conforming to Federal Specification DDD-T-531 (without woven name or colored stripe, stamped or unstamped): July 28, 1942.

* * * * * *

(d) * * *

(29) *Huck towels.* The maximum price for huck towels manufactured in accordance with Federal Specification DDD-T-531 (without woven name or colored stripe) shall be $1.73 per dozen, terms net, f. o. b. shipping point. In addition to this maximum price a premium of 5 cents per dozen may be charged for stamping if required by the specifications.

§ 1400.117 *Effective dates of amendment.* * * *

(g) Amendment No. 8 (§ 1400.118 (a) (5), (d) (29)) to Maximum Price Regulation No. 118 shall become effective July 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7225; Filed, July 27, 1942; 5:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Adjustment of Maximum Prices Under § 1499.18 (c) of General Maximum Price Regulation[2]—Order No. 4]

PACIFIC LUMBER INSPECTION BUREAU, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that:

§ 1499.354 *Adjustment of maximum prices for sale of grading services, etc., by the Pacific Lumber Inspection Bureau, Inc.* (a) The maximum price for the sale by the Pacific Lumber Inspection Bureau, Inc., 809 White Building, Seattle, Washington, of the services of grading, tallying, grade marking, inspecting or certifying grades and/or tallies of lumber or lumber products shall be a price computed on the pricing formula in use by this company in March 1942, and based upon cost and other factors at the March 1942 levels, except that the factor of labor cost may be based upon the wage rate which the company on February 20, 1942 agreed upon with the Northwest Lumber Inspector's Union, No. 20877, chartered by and affiliated with the American Federation of Labor.

(b) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 4, (§ 1499.354) shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7224; Filed, July 27, 1942; 5:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Adjustment of Maximum Prices Under § 1499.18 (c), General Maximum Price Regulation[1]—Order No. 5]

VIRGINIA SWEET FOODS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that:

§ 1499.355 *Adjustment of maximum prices for sales of pancake flour and buckwheat pancake flour by Virginia Sweet Foods, Inc. of Greenfield, Indiana.* (a) Virginia Sweet Foods, Inc. of Greenfield, Indiana, is hereby authorized to sell and offer, agree, solicit and attempt to sell pancake flour (packed 24—20 oz. packages to the case) at a price not exceeding $1.29 per case delivered in carload quantities and to sell and offer, agree, solicit and attempt to sell buckwheat pancake flour (packed in 24—20 oz. packages to the case) at a price not exceeding $1.60 per case delivered in carload quantities, except that on all sales of the aforementioned products delivered in the states of Kentucky, Tennessee, North Carolina, South Caro-

[3] *Supra.*

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

[1] 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5524, 5405, 5567.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276.

lina, Georgia, Florida, Alabama, and Mississippi, Virginia Sweet Foods, Inc. may determine its maximum prices by adding 10¢ per case to the above prices.

The maximum prices herein determined for carload quantities may be increased for sales in pool cars, mixed cars or less-than-carload quantities by the differential in cents applied, or which would have been applied, by Virginia Sweet Foods, Inc. for such sales during March 1942. All maximum prices so determined shall be subject to discounts, allowances and terms no less favorable than those given during March 1942.

(b) The terms used in this order shall have the meaning given to them by the General Maximum Price Regulation.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 (§ 1499.355) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7223; Filed, July 27, 1942; 5:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Docket No. GF1-567-P]

KYANITE PRODUCTS CORP.

Order 6 Under § 1499.18 (c) of the General Maximum Price Regulation.

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

§ 1499.356 *Adustment of maximum prices for kyanite produced by Kyanite Products Corporation.* (a) Kyanite Products Corporation, of 11 Broadway, New York, New York, may sell and deliver, and any person may buy and receive from Kyanite Products Corporation the following grades of kyanite at prices not higher than those set forth below:

STANDARD KYANITE

[Net ton prices f. o. b. Cullen (Vgn. R. R.) or Pamplin (N. & W. R. R.) Va.]

	Raw	Calcined (Mullite)
35 mesh:		
Less than carload lots, 100 lb. bags	$22.50	$27.50
Carloads, 100 lb. bags	21.50	26.50
Carloads in bulk	19.00	----------
48 or 100 mesh:		
Less than carload lots, 100 lb. bags	24.50	29.50
Carloads, 100 lb. bags	23.50	28.50
200 mesh:		
Less than carload lots, 100 lb. bags	27.50	32.50
Carloads, 100 lb. bags	26.50	31.50
325 mesh:		
Less than carload lots, 100 lb. bags	37.50	42.50
Carloads, 100 lb. bags	36.50	41.50

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 6 (§ 1499.356) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 6 (§ 1499.356) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7221; Filed, July 27, 1942; 5:20 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Docket GF1-286-P]

MALT-A-PLENTY, INC.

Order No. 8 under § 1499.18 (b) of the General Maximum Price Regulation.

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

§ 1499.308 *Adjustment of maximum prices for Plenty Powder sold by Malt-A-Plenty, Incorporated.* (a) Malt-A-Plenty, Incorporated of 1019 South Troost, Tulsa, Oklahoma, may sell and deliver and any person may buy and receive from Malt-A-Plenty, Incorporated, Plenty Powder at prices not higher than those set forth below:

Seventeen cents ($0.17) per pound to purchasers of the class charged fourteen cents ($0.14) per pound during March 1942. Twenty-five cents ($0.25) per pound to purchasers of the class charged twenty-two cents ($0.22) per pound during March, 1942. Any customary discounts and allowances, given during March per pound to such classes of purchasers shall be continued to purchasers of the same class.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 8 shall be revoked or amended by the Price Administrator at any time.

(d) This Order No. 8 (§ 1499.308) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 8 (§ 1499.308) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7222; Filed, July 27, 1942; 5:20 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (50 U.S.C. 191), as amended by the Act of November 15, 1941 (Public Law 292, 77th Congress), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, Part 7 of the Rules and Regulations Governing the Anchorage and Movements of Vessels and Lading and Discharging of Explosive or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), as amended, is hereby further amended as follows:

The following new subparagraph is added to § 7.5 (b):

(16) No vessel shall approach within one hundred yards of any of the obstructions placed near harbor entrances, except for the purpose of transiting the regularly prescribed gate opening, unless specifically authorized by the Captain of the Port or proper Naval authority.

The following item is added to § 7.10 (c) (18):

Little Neck Bay, New York. The portion of the Port of New York, Long Island Sound Anchorage No. 5 southward of a line (latitude 40°47'33") ranging due east from the flag pole at Fort Totten, Willets Point, and eastward of a line (longitude 73°46'10") ranging due north from the flag pole at the Bayside Yacht Club. (See U.S.C. and G.S. Chart No. 223.)

§ 7.31 *Area of forbidden anchorage.* Hampton Roads, Virginia. Except in cases of great emergency, no vessel shall anchor in the following area unless the owner, master, agent, or operator of such vessel has been issued a permit by the Captain of the Port, or U. S. District Engineer:

Starting at a point on the 37th parallel located 256 degrees 30 min. true, 825 yards from Old Point Comfort Light; thence 103 degrees true, 315 yards; thence 84 degrees 30 min. true, 425 yards; thence 67 degrees true, 380 yards; thence 43 degrees 30 min. true, 2,650 yards; thence 90 degrees true, 3,020 yards; thence 172 degrees true, 2,040 yards, thence 252 degrees true, 5,230 yards to Fort Wool Light; thence 247 degrees true, 1,000 yards to Sewall Point Spit Lighted Bell Buoy #2; thence 348 degrees 30 min. true to point of origin.

Section 7.95 (a) is amended by revising the second paragraph thereof to read as follows:

(a) * * * The Captain of the Port is the Officer of the Coast Guard designated as such by the Commandant for certain ports and territorial waters of the United States. The Captain of the Port shall administer and enforce these rules and regulations, as well as such rules and regulations as are contained in parts 6 and 9 of this chapter, under the supervision and general direction of the District Coast Guard Officer.

FRANK KNOX,
Secretary of the Navy.

Approved: July 24, 1942.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 42-7239; Filed, July 28, 1942; 9:43 a. m.]

PART 8—REGULATIONS, U. S. COAST GUARD RESERVE

The Regulations, United States Coast Guard Reserve, 1941 (6 F.R. 1925), as amended, are hereby further amended as follows:

Section 8.8101 is amended to read as follows:

§ 8.8101 *Uniforms prescribed.* Regular reservists shall wear the uniform prescribed for officers and men of corresponding ranks and ratings in the regular Coast Guard. The uniform for temporary reservists shall be as prescribed by the Commandant.

R. R. WAESCHE,
Commandant.

Approved: July 24, 1942.

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 42-7240; Filed, July 28, 1942; 9:43 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam, More Than 65 Feet in Length

PART 29—ENFORCEMENT

Section 29.8 of Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam, More Than 65 Feet in Length, Part 29, Enforcement, of this title, as amended, is further amended to read as follows:

§ 29.8 *Procedure relating to numbering of motorboats.* (a) Application for a certificate of award of number will be made by the owner to the District Coast Guard Officer having jurisdiction over the area in which the owner resides.

(b) The following undocumented vessels are required to be numbered:

(1) All boats equipped with permanently fixed engines.

(2) All boats over 16 feet in length equipped with detachable engines.

(3) All boats not more than 16 feet in length equipped with detachable engines as the ordinary means of propulsion.

(c) The following undocumented vessels are not required to be numbered:

(1) All boats not exceeding 16 feet in length equipped with detachable engines and falling within the following classes:

(i) Rowboats and canoes designed and intended for the use of oars or paddles as the ordinary means of propulsion.

(ii) Sailboats.

(iii) Boats designed and used solely for the purpose of racing or operation incident to racing.

(d) A certificate of award of number of an undocumented vessel operated in whole or in part by machinery, when such vessel is not commissioned, shall be kept on board at all times and shall be accessible to the person in charge except when such papers are in the custody of the District Coast Guard officer. This requirement does not apply to any such vessels if they do not exceed 17 feet in length, measured from end to end over the deck, excluding sheer, nor to any vessels, regardless of length, if the design or fittings are such that the carrying of the certificate of award of number on board would render it imperfect, illegible, or would otherwise tend to destroy its usefulness as a means of ready identification.

(e) For the duration of the war, the issuance of a certificate of award of number under the Numbering Act of June 7, 1918, as amended (46 U.S.C., Sup. 288), to a vessel the sale or transfer of which in whole or in part is subject to Section 37 of the Shipping Act, 1916, as amended (46 U.S.C. 835), shall be governed by the following:

(1) Where such vessel has been, since May 27, 1941, sold or transferred in whole or in part without the approval of the U. S. Maritime Commission, no new certificate of award of number shall be issued. Such attempted sale or transfer is void and is not a change of ownership within the meaning of the Act of June 7, 1918, as amended. The original citizen owner may retain the certificate of award of number issued to the vessel in his name as owner. If the bill of sale on the reverse side of the certificate of award of number has been executed, such bill of sale should be canceled by marking such bill of sale "Void." The following are not changes of ownership within the meaning of the Act of June 7, 1918, as amended:

(i) By a citizen to a person not a citizen of the United States.

(ii) By a citizen to a person not a citizen of the United States and then resold by such person to the same citizen.

(iii) By a citizen to a person not a citizen of the United States and then resold by such person to another citizen.

(iv) By a citizen to a person not a citizen of the United States and then resold by such person to another person not a citizen of the United States.

(2) In cases of sale or transfer since May 27, 1941, with the approval of the U. S. Maritime Commission, the procedure outlined in paragraph (a) of this section shall be followed and, in addition, there shall be filed with the application for a certificate of award of number a certified copy of the transfer order of the U. S. Maritime Commission approving such sale or transfer. The District Coast Guard Officer shall endorse upon the certificate of award of number the following: sale (or transfer) to noncitizen approved by the U. S. Maritime Commission transfer order No. _____ dated _____.

(f) For the duration of the war and six months thereafter, every undocumented motor vessel, which is required to be numbered, and which is found on the navigable waters of the United States, shall have the number painted on its structure in the following manner:

(1) The number awarded shall be painted horizontally in block characters, reading from left to right, on each side of the vessel, as near the forward end as legibility of the entire number for surface and aerial identification permits.

(2) The number shall be painted with paint which contrasts to the color of the hull, i. e., if the hull is light the color of the numbers shall be dark, or if the hull is dark the color of the numbers shall be light.

(3) The number shall be painted parallel with the water line and the distance between the water line and the bottom of the number shall not be less than the minimum height of the number. The height of the number shall be in accordance with the following scale:

Length of vessel:	*Height of letters (inches)*
Under 20'0''	6–8
20'0'' and under 40'0''	10
40'0'' and under 60'0''	18
60'0'' and over	24

The width of the characters of the number and the thickness of the individual numbers will be in accordance with accepted engineering practices.

(4) If the construction of the boat permits, the number shall also be painted on a conspicuous part of the top side for the purpose of serial identification. The number shall be placed athwart ships or fore and aft, depending upon which of these two areas is the larger, and shall be painted in a color which contrasts to the color of the top side, and the size of the individual numbers shall be in proportionate ratio to the scale set forth in the preceding paragraph.

(g) The owner of a numbered boat shall be required, within 10 days, to notify the District Coast Guard Officer having jurisdiction over the area in which he resides if:

(1) the boat is lost, destroyed, or abandoned;

(2) he moves his permanent residence to a place in another Customs District or to a place within the jurisdiction of another District Coast Guard Officer;

(3) The boat is transferred from one person to another.

In all such cases the notice shall be accompanied by a surrender of the certificate of award of number if the same is in existence.

(h) The statute upon which these regulations are based does not amend section 14 of the Act of March 4, 1915, requiring the marking of lifeboats. Therefore, motor lifeboats which are carried on a merchant vessel of the United States as a part of the vessel's lifesaving apparatus are only required to be marked in accordance with the provisions of Section 14 of the Act of March 4, 1915, and need not be issued individual certificates of award of number. (R.S. 161, Sec. 5, 40 Stat. 602, as amended; 5 U.S.C. (1940 ed.) 22, 46 U.S.C. (1940 ed.) 288; E.O. 9074, 7 F.R. 1587).

Chapter II—Coast Guard: Inspection and Navigation, is amended by the addition of the following new Subchapter:

Subchapter P—General Provisions

PART 180—ENFORCEMENT

§ 180.1 *Reports of violations.* Reports of violations of navigation laws and regulations administered and enforced by the Coast Guard shall be submitted to the District Coast Guard Officer having jurisdiction over the area in which the violations occurred. The person charged with a violation shall be notified of the penalties which he has in-

curred and of his opportunity to make application to the appropriate officer for administrative relief by way of remission or mitigation. If the person charged does not avail himself of the opportunity to apply for administrative relief, he shall be assessed the full amount of the statutory penalties involved. Where any amount due has not been paid within the prescribed period, the case will be referred to an appropriate United States Attorney for court action. (R.S. 161, Sec. 5, 40 Stat. 602, as amended; 5 U.S.C. (1940 ed.) 22, 46 U.S.C. (1940 ed.) 288; E.O. 9074. 7 F.R. 1587).

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard, Commandant.

JULY 27, 1942.

[F. R. Doc. 42-7178; Filed, July 27, 1942; 12:27 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Correction of General Order O.D.T. No. 17[1]]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART K—MOTOR CARRIERS OF PROPERTY

In subparagraph (4) [2] of paragraph (c) of § 501.68, General Order O.D.T. No. 17, the words "such contract carrier" should read "such motor carrier", and General Order O.D.T. No. 17 is hereby corrected accordingly.

Issued at Washington, D. C., this 27th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7241; Filed, July 28, 1942; 9:33 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1942, 1st Amendment; Dep't. Circ. 660]

UNITED STATES OF AMERICA 2 PERCENT DEPOSITARY BONDS

JULY 28, 1942.

Department Circular No. 660,[3] dated May 23, 1941, is hereby amended as follows:

1. By deleting the second sentence of paragraph No. 1 of part I (Offering Of Bonds), of the circular and inserting in lieu thereof the following sentence:

* * * These bonds may be subscribed for, at par, by depositaries and financial agents designated under the provisions of section 5153 of the Revised Statutes of 1873, as amended (U.S.C., title 12, sec. 90); the Act of May 7, 1928, 45 Stat. 492 (U.S.C., title 12, sec. 332); the Act of June 19, 1922, 42 Stat. 662 (U.S.C., title 31, sec. 473); and section 10 of the Act of June 11, 1942 (Public No. 603—77th Congress, Chapter 404—2d Session), which have executed a depositary, financial agency and collateral agreement satisfactory to the Secretary of the Treasury. * * *

2. By deleting the first sentence of paragraph No. 3 of part II (Description Of Bonds), of the circular and inserting in lieu thereof the following sentence:

The bonds will be acceptable to secure deposits of Federal funds with, and the faithful performance of duties by, depositaries and financial agents designated under the provisions of section 5153 of the Revised Statutes of 1873, as amended (U.S.C., title 12, sec. 90); the Act of May 7, 1928, 45 Stat. 492 (U.S.C., title 12, sec. 332); the Act of June 19, 1922, 42 Stat. 662 (U.S.C., title 31, sec. 473); and section 10 of the Act of June 11, 1942 (Public No. 603—77th Congress, Chapter 404—2d Session), and may not be obtained or used for any other purpose.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-7259; Filed, July 28, 1942; 11:27 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1556]

PEABODY COAL COMPANY—DISTRICT BOARD NO. 10

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 10 for Temporary and Permanent Order authorizing Peabody Coal Company to purchase, process and resell certain coal at applicable prices under the trade name "Black Arrow".

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act, having been duly filed with this Division by the above-named party, requesting authorization for the Peabody Coal Company to purchase, during the period July 27, 1942, to August 27, 1942, both dates inclusive, at not less than the effective minimum prices therefor, 2" and 1½" raw screenings from the Chicago, Wilmington & Franklin Coal Company, produced at the New Orient and Orient No. 1 Mines (Mine Index Nos. 108 and 124, respectively), and transport said coals at a mill-in-transit rate to the washing plant located at petitioner's Black Arrow No. 18 Mine (Mine Index No. 9) for washing, sizing and resale as "Black Arrow" coal at not less than the applicable minimum prices for coal produced at said Black Arrow No. 18 Mine; and

Petitioner having alleged that it is necessary to purchase said coal from the Chicago, Wilmington & Franklin Coal Company in order to fulfill commitments made for "Black Arrow" coals because its Black Arrow No. 18 Mine will be closed down for repairs during the period from July 27, 1942, to August 27, 1942, and that the trade name "Black Arrow," trade mark No. 188544, registered August 6, 1924, in the United States Patent Office, authorizes it to sell coals produced at the New Orient and Orient No. 1 Mines of the Chicago, Wilmington & Franklin Coal Company as "Black Arrow"; and

The Acting Director finding 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 Acting Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That temporary relief be and the same hereby is granted as follows: Peabody Coal Company during the period July 27, 1942, to August 27, 1942, both dates inclusive, may purchase 2" and 1½" raw screenings from the Chicago, Wilmington & Franklin Coal Company, produced at its new Orient and Orient No. 1 Mines (Mine Index No. 108 and No. 124, respectively) at not less than the applicable minimum price for such coals and transport said coals at a mill-in-transit rate to the washing plant at its Black Arrow No. 18 Mine (Mine Index No. 9), wash and size said coal and resell it as "Black Arrow" coal at not less than the applicable effective minimum prices for coal produced at its Black Arrow No. 18 Mine (Mine Index No. 9).

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 ten (10) 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.

Dated: July 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7247; Filed, July 28, 1942; 11:12 a. m.]

[Docket No. C-15]

B. F. GOODRICH COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of the B. F. Goodrich Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of coal produced at a mine of the B. F. Goodrich Company in District No. 4 having been filed on June 16, 1942, by the above-named applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937;

It is ordered, That a hearing in the above-entitled matter, under the applicable provisions of said Act and the rules of the Division, be held on August 17, 1942, at 10 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such

[1] 7 F.R. 5678.
[2] 7 F.R. 5680.
[3] 6 F.R. 2585.

day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown 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 applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under Section VII (i) of the Rules of Practice and Procedure before the Bituminous Coal Division may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant and each interested party shall file with the Division a concise statement in writing of the facts expected to be proved by such person at the hearing. Interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statements of facts shall be considered as pleadings and not as evidence of the fact therein stated. The affirmative evidence offered by a party at the hearing shall be limited to the said statement of facts filed by such party.

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the 15-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of Rule VII (g) of the aforesaid Rules of Practice and Procedure.

(3) If the applicant does not appear and offer evidence in support of its statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure.

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the application, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of the B. F. Goodrich Company for a determination of the status of coal produced at a mine of the said company in Tuscarawas County, Ohio. The said application alleges that such coal is exempt from section 4 of the Act because it is coal produced, transported and consumed by the applicant within the meaning of section 4 II (1) of the Bituminous Coal Act of 1937.

Dated: July 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7248; Filed, July 28, 1942; 11:12 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[P. & S. Docket No. 445]

ABERNATHY LIVE STOCK COMMISSION CO., ET AL.

NOTICE OF PETITION FOR MODIFICATION OF ORDER

In the matter of W. H. Abernathy and Charles J. Turner, doing business as Abernathy Live Stock Commission Company, et al.

By an order dated July 10, 1935, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181) the Secretary of Agriculture prescribed maximum rates and charges for selling and buying livestock at the Fort Worth Stock Yards, Fort Worth, Texas. On or about May 22, 1942, J. O. Aiken, an individual trading as Aiken Live Stock Commission Co., Will H. Barse, an individual trading as Barse Livestock Comm. Co., Frank Bell, an individual trading as Bell Commission Co., O. H. Thornton, Harry B. Kahn, and Art Boswell, partners, trading as Boswell Kahn Thornton L. S. Comm. Co., Chas. R. Breedlove and Rosa C. Breedlove, partners, trading as Breedlove Live Stock Comm. Co., Ben Carson and Frank Carson, partners, trading as Carson Live Stock Commission Co., Cassidy Commission Company, a corporation, H. Christian and W. R. Christian, partners, trading as Christian and Son Livestk. Comm. Co., Frank H. Connor, Alan F. Wilson, Maxwell B. Morgan, and Charles G. Smith, partners, trading as John Clay & Company, Chas. W. Daggett, an individual trading as Daggett Keen Commission Co., Geo. L. Deupree, an individual trading as Geo. L. Deupree Live Stock Commission Co., G. C. Steen, an individual trading as Drive-In Live Stock Comm. Co., C. M. (Pete) Wallace and Tom Boone, partners, trading as Estill Live Stock Comm. Co., Max Farmer, J. D. Farmer, Jr., and Jolly Farmer, partners, trading as Farmer Commission Co., Harry Fifer, an individual trading as Fifer Live Stock Commission Company, R. A. Hamm and R. W. Hamm, partners, trading as Hamm Commission Co., M. I. Holland, an individual trading as Holland Commission Co., H. M. Howell, an individual trading as Howell Bros. Livestock Commission Co., Sam R. Hunnicutt, an individual trading as Hunnicutt Livestock Commission Co., Roland E. Jary and Lloyd W. Jary, partners, trading as Jary Commission Company, Joe N. Johnston, an individual trading as Joe Johnston Livestock Commission Co., C. L. Keen, Jr., an individual trading as Clarence Keen & Sons Comm. Co., Edward Whisenant, an individual trading as Lone Star Live Stock Commission Co., W. A. Matthews, an individual trading as W. A. (Bill) Matthews Live Stock Com. Co., J. L. McDowell, an individual trading as J. L. McDowell L. S. Com. Co., National Livestock Com. Co., Inc., a corporation, T. A. Nored and H. P. Hutchens, partners, trading as Nored-Hutchens Commission Company, J. W. Perryman, an individual trading as J. W. Perryman Livestock Comm. Co., Geo. W. Saunders Live Stock Com. Co., a corporation, T. B. Saunders, an individual trading as T. B. Saunders and Company, J. L. Schwartz and J. Q. Corbett, partners, trading as Schwartz and Corbett Comm. Co., Clint Shirley, an individual trading as Shirley Livestock Com. Co., C. E. Stetler, an individual trading as C. E. (Claude) Stetler & Son, Texas Livestock Marketing Assoc., a corporation, Bud Wilsford, an individual trading as Bud Wilsford Commission Co., Joe Woody and J. D. Kutch, partners, trading as Woody-Kutch Company, Marvin Wright, an individual trading as Marvin Wright Comm. Co., J. R. Gray, an individual trading as J. R. (Cap) Gray Live Stock Com. Merchant, W. H. Goodner, an individual trading as W. H. Goodner Commission Co., hereinafter referred to as petitioners, filed a petition for an increase in rates and a modification in tariff structure, and as reasons therefor, alleged in substance:

1. Labor costs have increased.

2. The expenses of travel and the cost of materials have increased.

3. Since the date of the original order, taxes have increased and new taxes have been imposed.

4. Since rail receipts are decreasing, while small truck shipments are increasing, rates fixed on a headage basis would be more equitable.

It appears that public notice should be given to all interested persons of the request of the petitioners for a modification of the order heretofore issued, and to afford all interested persons, including patrons of the petitioners, an opportunity to be heard on the matter.

Therefore, by direction of the Secretary of Agriculture,

It is ordered, That notice be, and hereby is, given to the public of the petition filed by the petitioners in P. & S. Docket No. 445 for the purpose of obtaining an increase in their rates and charges prescribed thereunder.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

It is further ordered, That all interested persons who desire to be heard on this matter shall give notice thereof by filing a written request to be heard with

the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, within twenty days from the date of the publication of this order.

It is further ordered, That a copy of this order be served upon the petitioners by registered mail.

Done at Washington, D. C., this 25th day of July 1942.

ROY F. HENDRICKSON,
Administrator.

[F. R. Doc. 42-7214; Filed, July 27, 1942; 3:13 p. m.]

Rural Electrification Administration.

[Administrative Order 722]

ALLOCATION OF FUNDS FOR LOANS

JULY 15, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
South Dakota 3-7011C1 Pennington	$22,800
Texas 3-8041E5 Panola	20,000
Washington 3-8037A3 Lincoln	20,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-7261; Filed, July 28, 1942; 11:36 a. m.]

[Administrative Order 723]

ALLOCATION OF FUNDS FOR LOANS

AMENDMENT TO ORDER

JULY 20, 1942.

I hereby amend: (a) Administrative Order No. 369, dated June 30, 1939, and Administrative Order No. 457, dated May 10, 1940, insofar as they pertain to "Illinois 9-0044GM1 Carroll" (project designation changed by Amendment to General Order No. 84, dated February 15, 1941, from "Illinois 9-0044G1 Carroll" to "Illinois 9-0044GM1 Carroll") by reducing the allocation of $75,000 therein made by $20,000, so that the reduced allocation shall be $55,000; and by changing the project designation covering the said $20,000 to read "Illinois 9-0044C2 Carroll" so that such funds shall supplement the allocation of $110,000 made to "Illinois 2044C1 Carroll" in Administrative Order No. 626, dated October 8, 1941.

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-7262; Filed, July 28, 1942; 11:36 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SR-357]

HANS GROENHOFF

ORDER ASSIGNING ORAL ARGUMENT

In the matter of the petition of Hans Groenhoff for reconsideration of the refusal of the Administrator of Civil Aeronautics to reinstate his pilot certificate and to issue a pilot identification card.

Pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 602 (b) and 1004 (a) thereof.

It is ordered, That the above entitled proceeding is hereby assigned for oral argument before the Board on July 31, 1942, at 2:30 p. m. (Eastern War Time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C.,
By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-7265; Filed, July 28, 1942; 11:53 a. m.]

OFFICE OF PRICE ADMINISTRATION.

ALFRED STIDHAM TIRE CO.

SUSPENSION ORDER

Suspension Order No. 3 under Tire Rationing Regulations restricting transactions by Alfred Stidham and Alfred Stidham Tire Company.

Alfred Stidham, doing business as Alfred Stidham Tire Company, 1336 Fourteenth Street NW., Washington, D. C., herein called respondent, is engaged in selling tires and tubes and is subject to the Tire Rationing Regulations [1] and the Revised Tire Rationing Regulations [2] issued by the Office of Price Administration. There was duly served on respondent a notice of specific charges of violations of the Tire Rationing Regulations, and a notice of hearing thereon. Pursuant to said notice a hearing upon said charges was held on June 10, 1942 in Washingon, D. C. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been duly considered by the Deputy Administrator,

It is hereby determined:

(a) That respondent has violated the Tire Rationing Regulations in that respondent between February 9, 1942 and February 17, 1942 sold, transferred and delivered seven hundred and forty-four (744) new tires to Diamond Service Company without the presentation of a certificate issued pursuant to said Tire Rationing Regulations.

(b) That respondent has violated the Revised Tire Rationing Regulations in that respondent between March 6, 1942 and April 17, 1942 sold, transferred and delivered one hundred and thirty-eight (138) new tires and one hundred and twenty-six (126) new tubes to consumers without the presentation of a certificate issued pursuant to the Revised Tire Rationing Regulations, in the instances set forth with particularity in the notice of charges in these proceedings.

Because of the great scarcity and critical importance of new tires and tubes, violations of the Tire Rationing Regulations and Revised Tire Rationing Regulations necessarily result in the diversion of new tires and tubes from military and essential civilian uses into nonessential uses, in a manner contrary to the public interest and detrimental to national defense. It further appears to the Deputy Administrator, on the evidence before him, that further violations of these Regulations are likely unless appropriate administrative action is taken.

It is therefore ordered:

(a) During the period in which this Suspension Order No. 3 shall be in effect,

(1) Respondent, his successors or assigns, shall not accept any deliveries or transfers of nor in any manner directly or indirectly receive from any source any new tires, new tubes, recapped or retreaded tires.

(2) Respondent, his successors or assigns, shall not accept any purchase orders or enter into any contracts or commitments for the sale or delivery of, nor in any manner directly or indirectly sell, transfer or deliver any new tires, new tubes, recapped or retreaded tires.

(3) No person shall in any manner directly or indirectly sell, transfer or deliver any new tires, new tubes, recapped or retreaded tires to respondent, his successors or assigns, regardless of whether such new tires, new tubes, recapped or retreaded tires have been previously purchased and completely paid for.

(b) Nothing in this Order shall be construed to prohibit respondent from receiving and recapping or retreading tires the carcasses of which are supplied to respondent by other persons for recapping or retreading on behalf of such persons and redelivering such retreaded or recapped tires to such persons.

(c) Any terms used in this Order that are defined in the Revised Tire Rationing Regulations shall have the meaning there given them.

(d) This Order shall become effective 12:01 A. M., July 29th, 1942 and unless sooner terminated shall expire 12:01 A. M., September 27th, 1942. (Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1B (7 F.R. 562, 925); O.P.M. Supplementary Order M-15-c (6 F.R. 6792)

Issued this 25th day of July 1942.

PAUL M. O'LEARY,
Deputy Administrator.

[F. R. Doc. 42-7197; Filed, July 27, 1942; 1:16 p. m.]

AMERICAN TIRE CO.

SUSPENSION ORDER

Suspension Order No. 4 under Tire Rationing Regulations restricting transactions by David Finkelstein, David D. Paul and American Tire Company.

David Finkelstein and David D. Paul, co-partners, doing business as American Tire Company, 1219 K Street NE., Washington, D. C., herein called respondents, are engaged in selling tires and tubes

[1] 7 F.R. 72.
[2] 7 F.R. 1027.

and are subject to the Tire Rationing Regulations [1] issued by the Office of Price Administration. There was duly served on the respondents a notice of specific charges of violations of the Tire Rationing Regulations, and a notice of hearing thereon. Pursuant to said notice a hearing upon said charges was held on June 11, 1942, in Washington, D. C. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been duly considered by the Deputy Administrator,

It is hereby determined:

(a) That respondents have violated the Tire Rationing Regulations in that respondents on February 11, 1942 sold, transferred and delivered one hundred and fifty-five (155) new tires to Diamond Service Company without the presentation of a certificate issued pursuant to said Tire Rationing Regulations.

Because of the great scarcity and critical importance of new tires and tubes, violations of the Tire Rationing Regulations and Revised Tire Rationing Regulations necessarily result in the diversion of new tires and tubes from military and essential civilian uses into nonessential uses, in a manner contrary to the public interest and detrimental to national defense. It further appears to the Deputy Administrator, on the evidence before him, that further violations of these Regulations are likely unless appropriate administrative action is taken.

It is therefore ordered:

(a) During the period in which this Suspension Order No. 4 shall be in effect,

(1) Respondents, their successors or assigns, shall not accept any deliveries or transfers of, nor in any manner directly or indirectly receive from any source any new tires, new tubes, or recapped or retreaded tires.

(2) Respondents, their successors or assigns, shall not accept any purchase orders or enter into any contracts or commitments for the sale or delivery of, nor in any manner directly or indirectly sell, transfer or deliver any new tires, new tubes, or recapped or retreaded tires.

(3) No person shall in any manner directly or indirectly sell, transfer or deliver any new tires, new tubes, or recapped or retreaded tires to respondents, their successors or assigns, regardless of whether such new tires, new tubes, or recapped or retreaded tires have been previously purchased and completely paid for.

(b) Nothing in this Order shall be construed to prohibit respondents from receiving and recapping or retreading tires the carcasses of which are supplied to respondents by other persons for recapping or retreading on behalf of such persons and redelivering such retreaded or recapped tires to such persons.

(c) Any terms used in this Order that are defined in the Revised Tire Rationing Regulations shall have the meaning there given them.

(d) This Order shall become effective 12:01 A. M., July 29, 1942 and unless sooner terminated shall expire 12:01 A. M., August 28, 1942. (Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1B (7 F.R. 562, 925); O.P.M. Supplementary Order M–15–c (6 F.R. 6792))

Issued this 25th day of July 1942.

PAUL M. O'LEARY,
Deputy Administrator.

[F. R. Doc. 42–7198; Filed, July 27, 1942; 1:16 p. m.]

[1] 7 F.R. 72.

WOOD AUTO SUPPLY CO.

SUSPENSION ORDER

Suspension Order No. 5 under Tire Rationing Regulations restricting transactions by W. P. Wood and Wood Auto Supply Company.

W. P. Wood, doing business as Wood Auto Supply Company, 207 West Broadway, Okemah, Oklahoma, hereinafter called respondent, is engaged in selling tires and tubes and is subject to the Tire Rationing Regulations [1] and the Revised Tire Rationing Regulations [2] issued by the Office of Price Administration. There was duly served on respondent a notice of specific charges of violations of the Tire Rationing Regulations and a notice of hearing thereon. Pursuant to said notice a hearing upon said charges was held on June 30, 1942, in Okemah, Oklahoma. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been duly considered by the Deputy Administrator,

It is hereby determined:

That respondent has violated said Tire Rationing Regulations and Revised Tire Rationing Regulations in that respondent,

(a) on December 31, 1941 falsely represented to the Office of Price Administration his stocks of new tires and tubes on hand on December 12, 1941.

(b) on February 17, 1942 falsely represented to the Office of Price Administration his stock of new tires and tubes on hand on December 12, 1941.

(c) has failed to make proper reports of stocks of new tires and tubes on hand on December 12, 1941.

(d) has failed on January 31, February 28, and March 31, 1942, to make an inventory of all new tires and tubes in his possession or control and to keep a record thereof.

(e) has failed to keep and preserve records concerning inventories and sales of new tires and tubes for inspection by the Office of Price Administration.

Because of the great scarcity and critical importance of new tires and tubes, failure to make true reports and to keep accurate records as required by the Tire Rationing Regulations and Revised Tire Rationing Regulations by hindering and obstructing the proper administration of such Regulations necessarily result in the diversion of new tires and tubes from military and essential civilian uses into nonessential uses, in a manner contrary to the public interest and detrimental to national defense. It further appears to the Deputy Administrator, on the evidence before him, that further violations of these Regulations are likely unless appropriate administrative action is taken.

It is therefore ordered:

(a) During the period in which this Suspension Order No. 5 shall be in effect,

(1) Respondent, his successors or assigns, shall not accept any deliveries or transfers of, nor in any manner directly or indirectly receive from any source any new tires or new tubes.

(2) Respondent, his successors or assigns, shall not accept any purchase orders or enter into any contracts or commitments for the sale or delivery of, nor in any manner directly or indirectly sell, transfer or deliver any new tires or new tubes.

(3) No person shall in any manner directly or indirectly sell, transfer or deliver any new tires, or new tubes to respondent, his successors or assigns, regardless of whether such new tires or new tubes have been previously purchased and completely paid for.

(b) Any terms used in this Order that are defined in the Revised Tire Rationing Regulations shall have the meaning there given them.

(c) This Order shall become effective 12:01 A. M., July 29, 1942, and unless sooner terminated shall expire 12:01 A. M., August 28, 1942. (Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1B (7 F.R. 562, 925); O.P.M. Supplementary Order M–15–c (6 F.R. 6792).

Issued this 25th day of July 1942.

PAUL M. O'LEARY,
Deputy Administrator.

[F. R. Doc. 42–7199; Filed, July 27, 1942; 1:16 p. m.]

[1] 7 F.R. 72.

[2] 7 F.R. 1027.

ALBERT R. LEE & CO., INC.

APPROVAL OF REGISTRATION

General Maximum Price Regulation—Order No. 5 Under Supplementary Regulation No. 1.[1]

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as principally and primarily engaged in the business of reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies or agencies of the United States Government, and whose other activities do not include selling new or second-hand commodities for its own account:

[1] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4423, 4487, 4488, 4493, 4669, 5066, 5192, 5192, 5276, 5366.

Albert R. Lee & Co., Inc., 90 John Street, New York, New York.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 it is hereby ordered:

(a) That sales or deliveries by Albert R. Lee & Co., Inc., New York, New York, be, and the same hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 5 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7191; Filed, July 27, 1942; 1:00 p. m.]

WESTERN SALVAGE AND APPRAISAL COMPANY

APPROVAL OF REGISTRATION

General Maximum Price Regulation — Order No. 6 Under Supplementary Regulation No. 1.[1]

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as principally and primarily engaged in the business of reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies or agents of the United States Government, and whose other activities do not include selling new or second-hand commodities for its own account: Western Salvage and Appraisal Company, 417 Central Avenue, Minneapolis, Minnesota.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 it is hereby ordered:

(a) That sales or deliveries by Western Salvage and Appraisal Company, Minneapolis, Minnesota, be, and the same hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 6 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7192; Filed, July 27, 1942; 12:58 p. m.]

SUGARMAN BROTHERS

APPROVAL OF REGISTRATION

General Maximum Price Regulation — Order No. 7 under Supplementary Regulation No. 1.[1]

[1] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5192, 5276, 5366.

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as principally and primarily engaged in the business of reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies or agents of the United States Government, and whose other activities do not include selling new or second-hand commodities for its own account: Sugarman Brothers, 107 Front Street, San Francisco, California.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 it is hereby ordered:

(a) That sales or deliveries by Sugarman Brothers, San Francisco, California, be, and the same hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 7 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7193; Filed, July 27, 1942; 12:59 p. m.]

UNIVERSAL SALVAGE AND TESTING CORP.

APPROVAL OF REGISTRATION

General Maximum Price Regulation — Order No. 8 Under Supplementary Regulation No. 1.[1]

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as principally and primarily engaged in the business of reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies or agents of the United States Government, and whose other activities do not include selling new or second-hand commodities for its own account: Universal Salvage and Testing Corp., 22 West Twenty-sixth Street, New York, New York.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 it is hereby ordered:

(a) That sales or deliveries by Universal Salvage and Testing Corp., New York, New York, be, and the same hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 8 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7194; Filed, July 27, 1942; 1:12 p. m.]

FIDELITY STORAGE COMPANY

APPROVAL OF REGISTRATION

General Maximum Price Regulation — Order No. 9 Under Supplementary Regulation No. 1.[1]

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as principally and primarily engaged in the business of reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies or agents of the United States Government; and whose other activities do not include selling new or second-hand commodities for its own account. Fidelity Storage Company, 1109-1111 Main Street, Norfolk, Virginia.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 it is hereby ordered:

(a) That sales or deliveries by Fidelity Storage Company, Norfolk, Virginia, be, and the same hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 9 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7195; Filed, July 27, 1942; 1:01 p. m.]

S. A. WALD AND COMPANY, INC.

APPROVAL OF REGISTRATION

General Maximum Price Regulation — Order No. 10 Under Supplementary Regulation No. 1.[1]

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as principally and primarily engaged in the buisness of reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies or agents of the United States Government, and whose other activities do not include selling new or second-hand commodities for its own account.

S. A. Wald & Co., Inc., 154 Maiden Lane, New York, New York.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 it is hereby ordered:

(a) That sales or deliveries by S. A. Wald & Co., Inc., New York, New York, be, and the same hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 10 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7196; Filed, July 27, 1942; 12:57 p. m.]

[Docket No. 3147-6]

CHAMPION RIVET COMPANY

ORDER GRANTING PETITION FOR EXCEPTION

Order No. 6 Under Maximum Price Regulation No. 147[1]—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets.

On July 8, 1942 The Champion Rivet Company (hereinafter called "petitioner"), Harvard Avenue and East 108th Street, Cleveland, Ohio, filed a petition for an exception pursuant to § 1368.7 (a) of Maximum Price Schedule No. 147. Due consideration has been given to the petition, and an opinion in support of this Order No. 6 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and by § 1368.7 (a) of Maximum Price Regulation No. 147, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) The Champion Rivet Company in ascertaining the maximum prices it may charge for rivets shipped or to be shipped from Cleveland, Ohio or East Chicago, Indiana to the Gulf Shipbuilding Company at Chickasaw, Alabama for use in connection with the emergency demands of the war may calculate its delivery charges for such shipments under Appendix C (§ 1368.14) of Maximum Price Regulation No. 147, from Cleveland, Ohio or East Chicago, Indiana, whichever is the point of shipment, as emergency basing points.

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

(c) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(d) The definitions set forth in § 1368.8 of Maximum Price Regulation No. 147 shall apply to the terms used herein.

(e) This Order No. 6 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7203; Filed, July 27, 1942; 1:07 p. m.]

[Docket No. 1120-12-P]

HILLMAN COAL AND COKE COMPANY

ORDER GRANTING EXCEPTION

Order No. 21 Under Maximum Price Regulation No. 120[3]—Bituminous Coal Delivered From Mine or Preparation Plant.

On May 15, 1942, the Hillman Coal and Coke Company, 1914 Grant Building, Pittsburgh, Pennsylvania, filed a "protest" against Maximum Price Regulation No. 120. The facts involved 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.[2] The opinion in support of this Order No. 21 has been issued simultaneously herewith and has been filed in the Division of the Federal Register. For the reasons 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,[2] it is hereby ordered:

(a) Hillman Coal and Coke Company may sell and deliver, agree, offer, solicit and attempt to sell and deliver the kinds, sizes and qualities 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, sizes and qualities of bituminous coal at such prices from Hillman Coal and Coke Company.

(b) (1) On all shipments by rail of the following size groups of coals produced at its Jerome No. 1 and Jerome No. 2 mines (Mine Index Nos. 233 and 234) the Hillman Coal and Coke Company in District No. 1 may charge prices not to exceed the following amounts per net ton: Size Group 1, $3.25; Size Group 2, $3.05; Size Group 3, $2.95; Size Group 4, $2.85; Size Group 5, $2.85.

(2) The maximum price on Size Group 5 coals produced at the Jerome No. 3 mine (Mine Index No. 235) of the Hillman Coal and Coke Company in District No. 1 shall be $2.85 per net ton when such coals are mixed with coals from said company's Jerome No. 1 and No. 2 mines (Mine Index Nos. 233 and 234) for sale for by-product use.

(c) This Order No. 21 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. 21 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7204; Filed, July 27, 1942; 1:11 p. m.]

[Docket Nos. 3120-106, 3120-112]

JOHNSTOWN COAL AND COKE COMPANY

ORDER PERMITTING ADJUSTABLE PRICING

Order No. 23 Under Maximum Price Regulation No. 120[3]—Bituminous Coal Delivered From Mine or Preparation Plant.

On June 19, 1942, the Johnstown Coal and Coke Company, 1006 United States National Bank Building, Johnstown, Pennsylvania, hereinafter called the petitioner, filed a petition for adjustment of, or exception from, the maximum prices established by Maximum Price Regulation No. 120. On June 22, 1942, petitioner requested permission to enter into adjustable pricing agreements with persons to whom it sells coal produced at its Logan No. 4 Mine (Mine Index No. 285), pending final disposition of its petition herein. Pending consideration of this petition and for the reasons set forth in an Opinion which has been issued simultaneously herewith and has been filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) On and after June 19, 1942, the Johnstown Coal and Coke Company may enter into agreements with the purchasers of bituminous coal produced at its Logan No. 4 Mine (Mine Index No. 285), located at Beaverdale, Pennsylvania, for the sale of such coals at the applicable maximum prices, subject to an agreement to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition thereof.

(b) This Order No. 23 may be revoked or amended by the Price Administrator at any time, and, in any event, is to be effective only to the date upon which said petition is finally determined by the Price Administrator.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(d) This Order No. 23 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7205; Filed, July 27, 1942; 1:12 p. m.]

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[1] 7 F.R. 3808, 3905.
[2] 7 F.R. 971, 3663.
[3] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059.

[Docket No. GF1-95-P]

OTTAWA BASKET COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 1 under Maximum Price Regulation No. 160 [1]—Seasonal Wooden Agricultural Containers.

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 authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1377.54 (b) of Maximum Price Regulation No. 160, incorporating § 1499.18 of the General Maximum Price Regulation, it is hereby ordered:

(a) The maximum price for the sale by the Ottawa Basket Company, Oak Harbor, Michigan, for bushel baskets and covers shall be $1.90 per dozen.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 1 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7206; Filed, July 27, 1942; 1:13 p. m.]

[Docket No. 3120-205]

COMMODORE COAL AND COKE COMPANY

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICING

Order No. 22 Under Maximum Price Regulation No. 120 [2]—Bituminous Coal Delivered From Mine or Preparation Plant.

On July 14, 1942, Commodore Coal and Coke Company, 1717 Oliver Building, Pittsburgh, Pennsylvania, filed a petition for adjustment of, or exception from, the maximum prices established by Maximum Price Regulation No. 120, pursuant to § 1340.207 (a) thereof. Pending consideration of this petition and for the reasons set forth in an Opinion which has been issued simultaneously herewith and has been filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, it is hereby ordered:

(a) On and after July 14, 1942, Commodore Coal and Coke Company may enter into agreements with beehive oven coke producers, purchasing run-of-mine coals (Size Group 8) produced at its Oliver No. 4 Mine (Mine Index No. 168) for truck delivery, providing for the sale of such coals at the applicable maximum prices, subject to an agreement to adjust prices upon deliveries made during the pendency of its petition in accordance with the final disposition thereof.

(b) This Order No. 22 may be revoked or amended by the Price Administrator at any time, and, in any event, is to be effective only to the date upon which said petition is finally disposed of by the Price Administrator.

(c) Unless the context otherwise requires, the definitions set forth in Section 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(d) This Order No. 22 shall become effective the 27th day of July 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7612; Filed, July 27, 1942; 4:05 p. m.]

KARASTAN RUG MILLS

AMENDMENT OF ORDER SETTING PRICES

Amendment No. 1 to Order No. 1 [1] Under Revised Price Schedule No. 57 [2]—Wool Floor Coverings.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, paragraph (a) of Order No. 1 is amended to read as follows:

(a) Karastan Rug Mills may sell, offer to sell, deliver or transfer the designated fabrics at prices no higher than those set forth below:

		f. o. b. mill
Kara-Tex	@	$2.84 per square yard.
Kara-Ville	@	3.32 per square yard.
Kara-Tuft	@	4.05 per square yard.
Kara-Shag	@	4.52 per square yard.
Kara-Fleur	@	5.68 per square yard.

subject to discounts (including 5% for cash in 10 days, or 4% for cash in 10 days—60 days extra), allowances, rebates and terms no less favorable than those in effect with respect to the maximum prices of Karashah and Karastan as established by § 1352.1 of Revised Price Schedule No. 57. The differentials between the square yard f. o. b. mill prices, and cut order and extra size prices of Kara-Tex, Kara-Ville, Kara-Tuft, Kara-Shag, and Kara-Fleur, shall be no less favorable than the differentials, as established under § 1352.1 of Revised Price Schedule No. 57, between the maximum square yard f. o. b. mill prices and the cut order and extra size maximum prices of Karashah and Karastan.

* * * * *

This Amendment No. 1 to Order No. 1 under Revised Price Schedule No. 57 shall become effective on the 27th day of July, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7229; Filed, July 27, 1942; 5:23 p. m.]

KARASTAN RUG MILLS

AMENDMENT OF ORDER SETTING PRICES

Amendment No. 1 To Order No. 4 [1] under Revised Price Schedule No. 57 [2]—Wool Floor Coverings.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, paragraph (a) of Order No. 4 is amended to read as follows:

(a) Karastan Rug Mills may sell, offer to sell or deliver the fabric designated as Kara-Lana at a price no higher than $7.25 per square yard, f. o. b. mill, subject to discounts (including 5% for cash in 10 days, or 4% for cash in 10 days—60 days extra), allowances, rebates, and terms no less favorable than those in effect with respect to the maximum price of Karashah, as established by Revised Price Schedule No. 57. The differential between the maximum square yard f. o. b. mill price, and cut order and extra size prices of Kara-Lana shall be no less favorable than the differential, as established by Revised Price Schedule No. 57, between the maximum square yard f. o. b. mill price and the cut order and extra size maximum prices of Karashah.

* * * * * *

This Amendment No. 1 to Order No. 4 under Revised Price Schedule No. 57 shall become effective on the 27th day of July, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7230; Filed, July 27, 1942; 5:24 p. m.]

CHARLES P. COCHRANE COMPANY

ORDER APPROVING MAXIMUM PRICE

Order No. 6 Under Revised Price Schedule No. 57 [2]—Wool Floor Coverings.

On June 5, 1942, Charles P. Cochrane Company, Bridgeport, Pennsylvania, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57, for permission to manufacture a new fabric and for approval of a maximum price thereof. The new fabric was designated in the application as Sydney.

Due consideration has been given to the application and an opinion issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Charles P. Cochrane Company may sell, offer to sell or deliver the new fabric designated as Sydney, at a price no higher than $3.80 per square yard,

[1] 7 F.R. 4337, 4852, 5462.
[2] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4541, 4700, 5059.
[3] 7 F.R. 971, 3663.

[1] 7 F.R. 3735.
[2] 7 F.R. 1314, 1836, 2000, 2132.

[1] 7 F.R. 4596.
[2] 7 F.R. 1314, 1836, 2000, 2132.

f. o. b. mill, subject to discounts, allowances, rebates and terms no less favorable than those in effect with respect to the maximum price for Kelton, as established by Revised Price Schedule No. 57. The differentials between the maximum square yard f. o. b. mill price and the cut-order, extra size and zone prices of Sydney shall be no less favorable than the differentials, as established by Revised Price Schedule No. 57, between the maximum square yard f. o. b. mill price and the cut-order, extra size, and zone maximum prices of Kelton.

(b) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 6 shall become effective on the 27th day of July 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7231; Filed, July 27, 1942; 5:23 p. m.]

A. & M. KARAGHEUSIAN, INC.

ORDER APPROVING MAXIMUM PRICE

Order No. 7 Under Revised Price Schedule No. 57 [1]—Wool Floor Coverings.

On July 2, 1942, A. & M. Karagheusian, Inc., New York, New York, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for permission to manufacture a new Wilton fabric and for approval of a maximum price thereof. This new fabric was designated in the application as Virginia Dare.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] it is hereby ordered:

(a) A. & M. Karagheusian, Inc., may sell, offer to sell, or deliver the new fabric designated as Virginia Dare, at a price no higher than $3.01 per square yard, f. o. b. mill, subject to discounts, allowances, rebates and terms no less favorable than those in effect with respect to the maximum price for Jane Alden, as established by Revised Price Schedule No. 57. The differentials between the maximum square yard f. o. b. mill price, and the cut-order, extra size and zone maximum prices of Virginia Dare shall be no less favorable than the differentials, as established by Revised Price Schedule No. 57, between the maximum square yard f. o. b. mill price, and the cut-order, extra size and zone maximum prices of Jane Alden.

(b) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 7 shall become effective on the 27th day of July 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7232; Filed, July 27, 1942; 5:24 p. m.]

C. H. MASLAND & SONS COMPANY

ORDER APPROVING MAXIMUM PRICE

Order No. 8 Under Revised Price Schedule No. 57 [1]—Wool Floor Coverings.

On June 10, 1942, C. H. Masland & Sons Company, Carlisle, Pennsylvania, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57, for permission to manufacture a new fabric and for approval of a maximum price thereof. This new fabric is designated in the application as MWR No. 1.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) C. H. Masland & Sons Company may sell, offer to sell or deliver the fabric designated as MWR No. 1 at a price, for the 9′ x 12′ size, no higher than $48.35, subject to discounts, allowances, rebates and terms no less favorable than those in effect with respect to the maximum price for Royal Abustan, as established by Revised Price Schedule No. 57. The differentials between the maximum price of MWR No. 1 for the 9′ x 12′ size and the price for other sizes, as well as the differentials for zone prices shall be no less favorable than the differentials as established by Revised Price Schedule No. 57 for Royal Abustan.

(b) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 8 shall become effective on the 27th day of July 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7233; Filed, July 27, 1942; 5:24 p. m.]

PHILADELPHIA CARPET COMPANY

ORDER APPROVING MAXIMUM PRICE

Order No. 9 under Revised Price Schedule No. 57 [1]—Wool Floor Coverings.

On June 18, 1942, the Philadelphia Carpet Company, Philadelphia, Pennsylvania, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57, for permission to manufacture a new fabric and for approval of a maximum price thereof. This new fabric is designated in the application as Lexington.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] it is hereby ordered:

(a) Philadelphia Carpet Company may sell, offer to sell or deliver the new fabric designated as Lexington, at a price no higher than $3.20 per square yard, f. o. b. mill, subject to discounts, allowances, rebates and terms no less favorable than those in effect with respect to the maximum price for Special 560, as established by Revised Price Schedule No. 57.

(b) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 9 shall become effective on the 27th day of July 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7234; Filed, July 27, 1942; 5:24 p. m.]

[Docket No. 3148-16]

FAULKNER PACKING COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 3 Under Maximum Price Regulation No. 148 [3]—Dressed Hogs and Wholesale Pork Cuts.

On June 27, 1942, the Faulkner Packing Company, Dothan, Alabama, filed a petition for adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) The Faulkner Packing Company may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, the kinds of wholesale pork cuts set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, such kinds of wholesale pork cuts at such prices from the Faulkner Packing Company.

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[1] 7 F.R. 1314, 1836, 2000, 2132.
[2] 7 F.R. 971, 8663.
[3] 7 F.R. 3821, 4342.

(b)	*Cents per pound*
Pork loins 8/10	29
Pork loins 10/12	29
Pork loins 12/15	28
Pork hams 8/14	31
Pork shoulders 8/10	27
Pork shoulders 10/12	27
Smoked skinned hams:	
8/12	34¾
12/14	34¼
14/16	33¼
16/18	32¾
18/20	32½
20/22	32½
Strip bacon:	
8/10	26½
10/12	25¾
12/15	24
Bacon bellies	22¾
Boiled hams	48
Barbecue hams	51
Smoked picnics	27
Boston butts	29½

(c) The permission granted to the Faulkner Packing Company in this Order No. 3 is subject to the following condition: that the several prices specified in paragraph (b) shall apply only during the period April 1 to September 15, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period September 16, to March 31, inclusive, of any such year, the maximum price at which the Faulkner Packing Company may sell or deliver, or agree, offer, solicit, or attempt to sell or deliver, and at which any person may buy or receive or agree, offer, solicit, or attempt to buy or receive from the Faulkner Packing Company each pork cut specified shall be such maximum selling price as fixed by § 1364.22 of Maximum Price Regulation No. 148.

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

(e) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

This Order No. 3 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7235; Filed, July 27, 1942; 5:22 p. m.]

[Docket No. 1122-75-P]

FAIRLIE & WILSON COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 8 Under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and Procedural Regulation No. 1, it is hereby ordered:

(a) Fairlie & Wilson Coal Company may sell and deliver, at retail, such sizes of Pennsylvania anthracite as are set forth in paragraph (b) at prices not in excess of those stated therein. Any person may buy and receive at retail such sizes of Pennsylvania anthracite as are set forth in paragraph (b) at prices not in excess of those stated therein from Fairlie & Wilson Coal Company.

(b) The maximum selling prices as determined under paragraph (a) of § 1340.261 of Maximum Price Regulation No. 122 for sales at retail of the following sizes of Pennsylvania anthracite by Fairlie & Wilson Coal Company at and from its Perth Amboy, Middlesex County, New Jersey Yard are hereby adjusted to the prices for retail sales of the respective sizes of such anthracite as follows:

	Per ton
Egg	$11.50
Stove	11.50
Nut	11.50
Pea	10.00

Provided, That these respective prices for such sales of such sizes of anthracite shall be subject to all the provisions of the subparagraphs of paragraphs (a) and (f) of § 1340.261 and to all other provisions of Maximum Price Regulation No. 122.

(c) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein.

(e) This Order No. 8 shall become effective on the 27th day of July 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7236; Filed, July 27, 1942; 5:22 p. m.]

[Docket No. 1122-1-P]

KEYSTONE COAL & WOOD COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 9 Under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers.

On May 6, 1942, the Keystone Coal & Wood Company, Front and Berks Streets, Philadelphia, Pennsylvania, filed a protest against the provisions of Maximum Price Regulation No. 122. The facts, however, justify treatment of the protest not only as such, but also as a petition for adjustment or exception filed pursuant to § 1340.257a of this Regulation and it is therefore being so treated in accordance with § 1300.33 of Procedural Regulation No. 1. An Opinion in support of this Order No. 9 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] it is hereby ordered:

(a) Keystone Coal & Wood Company may sell and deliver, agree, offer, solicit and attempt to sell and deliver such kinds, sizes, and qualities of solid fuels as are set forth in paragraph (b) below at prices not in excess of those stated in paragraph (c) below. Any person may buy and receive, such kinds, sizes and qualities of solid fuels as stated in paragraph (b) at the prices stated in paragraph (c) from the Keystone Coal & Wood Company.

(b) Adjustment is herewith made of the maximum prices for the sale at retail of the following anthracite coals by Keystone Coal & Wood Company: Egg, stove, nut, pea, buckwheat, rice.

(c) The maximum prices for the sale at retail of each of the solid fuels described in paragraph (b) above by Keystone Coal & Wood Company shall be the maximum price determined therefor in accordance with § 1340.261 of Maximum Price Regulation No. 122, plus the amount represented by the difference between the average purchase price per net ton, weighted by tonnage, paid by said Keystone Coal and Wood Company during the months of October, November and December of 1941, for each such size, kind and quality of solid fuels and the average purchase price per net ton, weighted by tonnage, paid by it for each such size, kind and quality of solid fuel during the months of May, June and July 1942.

(d) This Order No. 9 shall become effective on the 27th day of July 1942.

(e) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(f) On or before the 31st day of August 1942, the Keystone Coal and Wood Company shall report to the Office of Price Administration in Washington, D. C., its maximum selling prices as established in accordance with this Order No. 9 and all data supporting such prices. (Pub. Law 421, 77th Cong.)

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7237; Filed, July 27, 1942; 5:20 p. m.]

[Docket No. 1122-5-P]

PACIFIC COAST COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 10 Under Maximum Price Regulation No. 122[2]—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers.

On May 28, 1942, Pacific Coast Coal Company, Pacific Coast Terminals, Foot of Main Street, Seattle, Washington filed a protest against the provisions of Maximum Price Regulation No. 122. The facts, however, justify treatment of the protest not only as such, but also as a petition for adjustment or exception, filed pursuant to § 1340.257 (a) of this regulation and it is therefore being so treated in accordance with § 1300.33 of Procedural Regulation No. 1.[1] An opinion in

[1] 7 F.R. 971, 3663.

[2] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567.

support of this Order No. 10 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under 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) Pacific Coast Coal Company may sell and deliver, agree and offer to sell and deliver to Puget Sound Power and Light Company, Stewart Building, Seattle, Washington such kinds, sizes, and qualities of solid fuels as are set forth in paragraph (b) below at prices not in excess of those stated therein. Puget Sound Power and Light Company may buy and receive, agree and offer to buy and receive such kinds, sizes, and qualities of solid fuels at such prices from Pacific Coast Coal Company.

(b) Maximum prices for the sale of the following kinds, sizes, and qualities of solid fuels by Pacific Coast Coal Company to Puget Sound Power and Light Company shall be the maximum prices determined in accordance with § 1340.261 of Maximum Price Regulation No. 122, plus not more than the following amounts per net ton:

(1) $0.60 per ton in the case of size ⅜'' by 0'' or smaller of bituminous coal with a minimum content of 9,515 British Thermal Units per pound;

(2) $0.846 per ton in the case of sizes from ¼'' by 0'' to 1'' by 0'' of bituminous coal with a minimum content of 10,170 British Thermal Units per pound.

(c) This order No. 10 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein.

(e) This order No. 10 shall become effective July 27, 1942.

Issued this 27th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7238; Filed, July 27, 1942; 5:22 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-581]

NEW ORLEANS PUBLIC SERVICE INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of July, A. D. 1942.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New Orleans Public Service Inc. ("New Orleans"), a subsidiary of Electric Power & Light Corporation, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, likewise a registered holding company; and

Notice is further given that any interested person may, not later than August 6, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application or declaration, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said application or declaration, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

At June 30, 1942, there were outstanding $1,624,500 principal amount of New Orleans City and Lake Railway Company Consolidated First Mortgage 50-Year, 5% Gold Bonds, due January 1, 1943, assumed by New Orleans. New Orleans states that at June 30, 1942, it had on hand $4,188,744 in cash which together with estimated net receipts for the balance of the year, is, in its opinion, more than sufficient to meet all its expenses, pay the assumed bonds at maturity, and leave an adequate working balance. New Orleans states that it is drawing no interest on its cash balances and as these bonds which are currently maturing are not callable, it proposes to use its available cash to purchase such bonds from the owners thereof, paying therefor a price in excess of principal amount which will provide a yield to the company of not less than ⅜ of one percent per annum. The application or declaration sets forth that such bonds will not, in any event, be purchased at less than their principal amount. It is intended that the bonds so purchased will be surrendered for cancellation to the trustee under the mortgage securing the bond issue.

New Orleans proposes to solicit bondholders directly by mail and by the use of its personnel and without the payment of special fees, commissions, or other remuneration. According to the application or declaration expenses to be incurred in connection with the transaction will be negligible.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-7242; Filed, July 28, 1942; 9:55 a. m.]

[File No. 70-580]

WILLIAMSTOWN WATER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of July, A. D. 1942.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, particularly Section 12 and Rule U-46, by Williamstown Water Company, a subsidiary of Greenwich Water System, Inc., both subsidiary companies of American Water Works and Electric Company, Incorporated, a registered holding company; and

Notice is further given that any interested person may, not later than August 10, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized below:

Williamstown Water Company proposes to distribute $100,000 as a partial liquidating dividend on its capital stock, all of which is owned by its immediate parent, Greenwich Water System, Inc., Williamstown Water Company states that it is to be dissolved, all of its physical property and its franchise having been sold to The Inhabitants of the Town of Williamstown. The company also states that its principal assets consist of cash and its principal liabilities consist of capital stock and taxes.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-7243; Filed, July 28, 1942; 9:55 a. m.]

[File No. 59-16]

HUGH M. MORRIS, TRUSTEE OF MIDLAND UNITED COMPANY, ET AL.

ORDER DISMISSING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 24th day of July, A. D. 1942.

In the Matter of Hugh M. Morris, Trustee of Midland United Company, Public Service Company of Indiana, Central Indiana Power Company, Terre Haute Electric Company, Inc., Northern Indiana Power Company.

The Commission, having heretofore on October 30, 1940, instituted proceedings directed against the above captioned companies pursuant to section 11 (b) (2)

of the Public Utility Holding Company Act of 1935, concerned with (1) what action, if any, was necessary and should be required to be taken by Midland United Company, Public Service Company of Indiana, Central Indiana Power Company, Terre Haute Electric Company, Inc., and Northern Indiana Power Company to insure that the corporate structures and/or continued existence of Public Service Company of Indiana, Central Indiana Power Company, Terre Haute Electric Company, Inc., and Northern Indiana Power Company did not unduly or unnecessarily complicate the structure or unfairly or inequitably distribute voting power among the security holders of the holding company system of Midland United Company; and (2) what action, if any, was necessary and should be required to be taken by Midland United Company, Public Service Company of Indiana, Central Indiana Power Compay, Terre Haute Electric Company, Inc., and Northern Indiana Power Company to insure that voting power was not unfairly or inequitably distributed among the respective security holders of Public Service Company of Indiana, Central Indiana Power Company, Terre Haute Electric Company, Inc., and Northern Indiana Power Company;

These companies having subsequently filed with the Commission a plan of reorganization, consolidation and recapitalization, which, among other things, resulted in the creation of Public Service Company of Indiana, Inc., and the dissolution of all of said companies except Midland United Company, such filings as amended having been approved by this Commission, and it now appearing to the Commission that the problems raised by said proceedings have been satisfied;

It is ordered, That said proceeding under section 11 (b) (2) of the Act be, and the same hereby is, dismissed without prejudice to the institution in the future of whatever proceedings, if any, as may in the judgment of this Commission appear appropriate and necessary in the interest of investors, consumers or the public interest.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-7244; Filed, July 28, 1942; 9:55 a. m.]

[File No. 60-17]

COMMONWEALTHS DISTRIBUTION, INC., ET AL.

ORDER DISMISSING PROCEEDING

In the matter of Commonwealths Distribution, Inc., Herbert T. Briggs, Vance L. Bushnell, Herbert L. Nichols, James T. Woodward, Russell B. Stearns, F. W. Seymour, respondents.

At a regular session of the Securities and Exchange Commisssion, held at its office in the City of Philadelphia, Pa., on the 23d day of July, A. D. 1942.

The Commission on January 31, 1941, having ordered, pursuant to section 2 (a) (7) (B) of the Public Utility Holding Company Act of 1935 that a hearing be held at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C. at 10 a. m. on March 4, 1941, to determine whether the above-named Respondents, or any one or more of them, directly or indirectly exercise, either alone or pursuant to an arrangement or understanding with each other or with one or more other persons, such a controlling influence over the management or policies of Community Power and Light Company and/or General Public Utilities, Inc. and/or National Gas & Electric Corporation as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that the above-named Respondents, and each of them, be subject to the obligations, duties and liabilities imposed by the Public Utility Holding Company Act of 1935 upon holding companies;

The hearing aforesaid having been continued by Order of the Commission to April 1, 1941, and said hearing on that date having been continued subject to the call of the trial examiner, so that at the present time no date has been set for such hearing; and

The Commission having been advised by its Public Utility Division that Commonwealths Distribution, Inc., one of the Respondents above-named, has completed procedure for dissolution pursuant to the laws of Delaware, under the laws of which state said corporation was organized, and has largely completed liquidation of its security holdings, and F. W. Seymour, another of the Respondents above named, has died since the commencement of the instant proceeding, that numerous other changes have taken place, since the commencement of said proceeding, in the relationships of the several Respondents to Community Power and Light Company, General Public Utilities, Inc., National Gas & Electric Corporation, and between the said several Respondents and each of said corporations last named, and it appearing to the Commission that the said relationships which are the subject matter of this proceeding have been so materially altered since the initiation of such proceedings that it is no longer appropriate that such proceeding be further maintained;

It is hereby ordered, That this proceeding be and the same is, hereby dismissed, without prejudice to the right of the Commission to institute similar proceedings, or other or further proceedings, under the Public Utility Holding Company Act of 1935 against the Respondents above-named, or any of them.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-7245; Filed, July 28, 1942; 9:55 a. m.]