

has been filed with the Division of the Federal Register.*

Supplementary Regulation No. 14A is amended in the following respects:

1. The third undesignated paragraph of § 1499.73a (a) (1) (ix) (a), beginning with the words "Specific exception", is amended to read as follows:

The maximum prices for sales at retail by eating or drinking establishments (as defined in Restaurant Maximum Price Regulation No. 2) of "regular fluid milk", as a separate item and not as part of a meal, for consumption off the premises, are the maximum prices set forth in the retail schedule in inferior subdivision (a) (1) (i) below. Maximum prices for sales at retail by eating or drinking establishments of "regular fluid milk" for consumption on the premises, or as part of a meal for consumption off the premises, are determined under Restaurant Maximum Price Regulation No. 2.

2. The third undesignated paragraph of § 1499.73a (a) (1) (ix) (b), beginning with the words "Specific exception", is amended to read as follows:

The maximum prices for sales at retail by eating or drinking establishments (as defined in Restaurant Maximum Price Regulation No. 2) of "Grade A fluid milk", as a separate item and not as part of a meal, for consumption off the premises, are the maximum prices set forth in the retail-out-of-store schedule in inferior subdivision (b) (1) (i) below. Maximum prices for sales at retail by eating or drinking establishments of "Grade A fluid milk", for consumption on the premises, or as part of a meal for consumption off the premises, are determined under Restaurant Maximum Price Regulation No. 2.

3. The second undesignated paragraph of § 1499.73a (a) (1) (x) (a), beginning with the words "Specific exemption", is amended to read as follows:

The maximum prices for sales at retail by eating or drinking establishments (as defined in Restaurant Maximum Price Regulation No. 2) of "approved fluid milk", as a separate item and not as part of a meal, for consumption off the premises, are the maximum prices set forth in the retail out-of-store schedule in inferior subdivision (a) (1) (i) below. Maximum prices for sales at retail by eating or drinking establishments of "approved fluid milk", for consumption on the premises, or as part of a meal for consumption off the premises, are determined under Restaurant Maximum Price Regulation No. 2.

This amendment shall become effective August 21, 1944.

Issued this 16th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12307; Filed, August 16, 1944;
11:32 a. m.]

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

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14B to GMPR '1]

BREAD AND BAKERY PRODUCTS

Supplementary Regulation 14B is redesignated Revised Supplementary Regulation 14B and is revised and amended to read as follows:

Supplementary Regulation 14B¹ to the General Maximum Price Regulation was issued to provide a more logical and convenient arrangement for certain provisions which modify the General Maximum Price Regulation, so far as it applies to bread and other bakery products. Since its issuance, it has been amended four times, and this revision, which includes the original regulation, and all of the amendments thereto, is being issued so that persons interested in the regulation need consult only one document. In addition, several new provisions have been added.

Revised Supplementary Regulation 14B does not apply to the bakery products that are subject to Revised Maximum Price Regulations 319² and 495.³

The maximum prices, established by this regulation, are, in the judgment of the Price Administrator, generally fair and equitable, and they will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of the Stabilization Act of 1942, as amended, and of Executive Orders 9250 and 9328.

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

Sec.

1. Maximum prices.
2. Weight increases.
3. Single maximum prices for sales at wholesale.
4. Similar products.
5. Competitive sellers of the same class.
6. Orders of other governmental agencies.
7. Pan bread in certain areas.
8. Cracker meal.
9. Bread crumbs.
10. Adjustment of maximum prices.
11. Notification of change in maximum prices.

AUTHORITY: Secs. 1 to 11 inclusive (§ 1351-370) issued under 56 Stat., 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

SECTION 1. *Maximum prices.* All sales of bread and bakery products shall be and remain subject to the General Maximum Price Regulation, except as otherwise provided, herein, and except for those products which are subject to Maximum Price Regulations 319 and 495, and except for sales subject to Maximum Price Regulations 421,⁴ 422⁵ and 423.⁶

¹ 9 F.R. 5169.

² 8 F.R. 16794; 9 F.R. 584, 4896, 5489, 6107.

³ 9 F.R. 3705, 4224, 4882.

⁴ 9 F.R. 9783.

⁵ 8 F.R. 9388, 10569, 10967, 13293.

⁶ 8 F.R. 9395, 10569, 10967, 12443, 12611, 13294.

⁷ 8 F.R. 9407, 10570, 10968, 12443, 12611, 13294.

SEC. 2. *Weight increases.* (a) Except as otherwise provided in paragraph (b) of this section, whenever the weight of any product subject to this regulation is increased over its weight as produced in March 1942, such product shall be deemed a new product and the maximum price of every seller of such new product must be determined under § 1499.2 or § 1499.3 of the General Maximum Price Regulation or under Order No. 375⁷ under § 1499.3 (b) of the General Maximum Price Regulation.

(b) (1) If a producer increases the weight of his loaf of bread or sales unit of rolls not more than 25 percent over the weight of his loaf of bread or sales unit of rolls, as produced in March 1942, he may elect to determine his maximum price therefor pursuant to this paragraph, in which case he must increase his maximum price therefor proportionately per ratio of weight, but so calculated as to result in an increase in price of one cent or a multiple thereof, and all other seller of such increased loaf of bread or sales unit of rolls must increase their maximum prices by an amount in cents equal to the increase herein provided for the producer: *Provided*, That increased unpackaged rolls shall not be sold at the increased prices, herein provided, until the producer has filed a report with the District Office of the Office of Price Administration in the district in which such unpackaged rolls are produced, showing the weights and maximum prices of the rolls in question both as produced in March 1942, and when increased in size as herein provided.

(2) If a producer has increased his maximum price after increasing the weight of his loaf of bread or sales unit of rolls, as provided for in subparagraph (1) of paragraph (b) of this section, and he sells day-old, stale or crippled bread or rolls of the increased size or weight unit, his maximum price on the sale of such day-old stale or crippled bread or rolls shall be increased one cent per loaf or per sales unit of rolls.

(c) When used in this section, the following terms shall have the following meanings:

(1) "Day-old bread or rolls" and "stale bread or rolls" mean bread or rolls which are sold after their customary sale day.

(2) "Crippled bread or rolls" means bread or rolls damaged in production, packaging, or transportation, the food value of which has not been impaired.

SEC. 3. *Single maximum prices for sales at wholesale.* (a) In any trading area all sales of bread and rolls at wholesale as defined in this section by any seller shall be deemed sales to one class of purchasers, and discounts previously given by any seller in the case of any of his sales at wholesale of said products may be discontinued; and to this end:

(b) The maximum price for all sales of bread and rolls at wholesale by any

⁸ 8 F.R. 4734, 14473.

seller shall hereafter be such seller's wholesale list price in the trading area, as existing in March 1942, for the same or most nearly similar commodity or, if none, such list price of his most closely competitive seller or, if none, a maximum price as determined under section 3 of the General Maximum Price Regulation.

(c) For the purposes of this section "sales at wholesale" means all sales of the seller to retailers, restaurants and hotels.

SEC. 4. Similar products. In the case of bread and bakery products one product is similar to another if:

(a) It has substantially the same cost at the time of the determination;

(b) It is made from the same basic type of dough; and

(c) It has the same weight when completely finished and ready for wrapping or when ready for sale if sold unwrapped.

SEC. 5. Competitive sellers of the same class. In the case of bread and bakery products one person shall be deemed a competitive seller of the same class only if such competitor:

(a) Performs the same production or marketing function (for example, manufacturing, distributing, retailing).

(b) Is of a similar type (for example, department store, chain store, specialty store, cut rate store, house to house seller).

(c) Deals in the same type of commodities.

(d) Sells to the same type of purchaser (for example, to wholesalers, retailers, route sellers or ultimate consumers), and

(e) Services the same or a similar area.

SEC. 6. Orders of other governmental agencies. No increase or decrease in the maximum price for the sale of any product subject to this regulation shall be made by reason of an order of another government agency unless such increase or decrease in maximum price is specifically required by some provision of this regulation or of some other regulation or order of the Office of Price Administration.

SEC. 7. Pan bread in certain areas—
(a) **Maximum prices.** In the following areas the maximum prices for sales of pan bread shall, at the option of the seller, be either the maximum prices as hereinbefore established or the following maximum prices:

(1) In the State of Utah, in Fargo, North Dakota, and Moorhead, Minnesota:

Net weight per loaf	Sales at wholesale	Sales at retail	Sales at retail by chain store private label
	Cents	Cents	Cents
16 to 18 oz.....	7½	8½	7½
19 to 22 oz.....	9	11	9
24 to 27 oz.....	10	12	10

(2) In the District of Columbia:

Net weight per loaf	Sales at wholesale	Sales at retail	Sales at retail by chain store private label
	Cents	Cents	Cents
15 to 17 oz.....	7	8	7
31 to 33 oz.....	14		

(3) In Dallas, Texas, and Santa Barbara County, California:

Net weight per loaf	Sales at wholesale	Sales at retail	Sales at retail by chain store private label
	Cents	Cents	Cents
23 to 25 oz.....	9	11	5

(b) **Definitions.** For the purposes of this section the following terms shall have the following meanings:

(1) "Chain store private label" refers to pan bread sold under a distinctive name or label in one or more retail grocery or general merchandise stores, comprising the whole or part of a chain of four or more such stores, and operating as cooperatives or under a common trade name or common ownership. Each of said four stores must customarily do more than 60 percent of its business in merchandise other than bakery products.

(2) "Pan bread" means any bread baked in a pan, form or screen.

SEC. 8. Cracker meal—Maximum prices. Maximum prices for sales of cracker meal in containers of five pounds or more by any person other than a person subject to Maximum Price Regulations Nos. 421, 422 or 423, shall be the maximum prices determined in accordance with the provisions of § 1499.2 and other applicable sections of the General Maximum Price Regulation, or:

(a) 6.55 cents per pound delivered at any point within the District of Columbia or any state other than California, Oregon, and Washington; and

(b) 7.35 cents per pound delivered at any point within the states of California, Oregon and Washington.

SEC. 9. Bread crumbs—(a) Maximum prices. (1) The maximum price of every person for the sale or delivery of bread crumbs to any person other than an ultimate consumer shall be 10 cents per pound.

(2) The maximum price of every person for the sale or delivery of bread crumbs to an ultimate consumer shall be 12½ cents per pound.

(3) To the foregoing maximum price, each seller of bread crumbs may add his actual packaging and transportation costs.

(4) If the figure resulting contains a fraction of one-half cent or more, it shall be adjusted to the next higher cent, or if it contains a fraction of less than one-half cent it shall be adjusted to the next lower cent.

(b) **Definitions.** (1) "Ultimate consumer" is any person purchasing bread crumbs for use in prepared foods. However, it does not include cafes, cafeterias, hotels or other eating places purchasing bread crumbs for use in prepared foods sold or distributed to their customers, or institutions, public or private, purchasing bread crumbs for use in prepared foods for sale or distribution to their customers or inmates.

SEC. 10. Adjustment of maximum prices—(a) Producer's maximum prices. The Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1, or on its own motion, adjust the maximum prices of a producer of any commodity subject to this regulation where

(1) The producer's maximum price is below the general price level prevailing for similar products sold by his competitive sellers of the same class, and

(2) The producer is or will be unable to maintain his production at his maximum price or prices, and

(3) The loss of his production would result in consumers having to pay higher prices for the most nearly similar substitute product available, and

(4) An increase in his maximum price or prices will enable him to continue production, and

(5) The Administrator is of the opinion that an increase in his maximum price or prices would, under all the circumstances, be in furtherance of the purposes of the Emergency Price Control Act, as amended, and the Stabilization Act of 1942, as amended.

The maximum price increase that may be granted under the provisions of this section shall not cause his price to exceed the general price level prevailing for similar products. Subject to this limitation, (i) an increase may be granted not to exceed the total cost of the product, or, (ii) if the applicant's earnings from all operations before income and excess profits taxes are low in comparison with those of a "representative peace-time period," adjusted for subsequent changes in investment, and if in view of such over-all earnings a small margin of profit is reasonably necessary to permit production, an increase may be allowed estimated to yield such a profit margin.

A "representative peace-time period" means the period of the years 1936 to 1939, inclusive. When 1936 to 1939 does not represent a reasonably normal pre-war (December 7, 1941) period, some other period may be used but its use must be positively justified in the application.

(b) **Maximum prices of wholesalers and retailers.** If a product for which the producer's maximum price is increased pursuant to the provisions of paragraph (a) of this section is also sold by wholesalers or retailers or both but is not subject to the provisions of Maximum Price Regulations 421, 422 or 423 as to such

sales the Office of Price Administration may increase the maximum prices for sales by wholesalers or retailers or both in an amount not to exceed the increase provided for the producer.

(c) *Filing of applications for adjustment.* All applications for adjustment submitted pursuant to this section shall be filed with the Office of Price Administration in Washington, D. C., except applications for adjustment of maximum prices for bread and rolls which shall be filed with the regional office of the Office of Price Administration for the region in which the bread or rolls are produced.

The Administrator or any Regional Administrator may adjust, and any Regional Administrator may authorize any District Director within his region to adjust, maximum prices in the manner provided in this section.

Sec. 11. Notification of change in maximum prices. With the first delivery of any commodity (except bread and rolls) subject to this regulation, after the maximum price for such commodity has been changed by any provision of this regulation, the producer shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(Insert date)

NOTICES TO WHOLESALE AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, brand and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after (insert date of change in maximum price). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after such change in the maximum price of an item is made, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, the producer shall include in each case or carton containing the item the written notice set forth above.

(b) Notify each purchaser of the item from him who is a distributor, other than a wholesaler and retailer, of such change in maximum price by written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser as follows:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALE AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, brand and container type and size) has been changed from \$..... to \$..... under the provisions of Revised Supplementary Regulation 14B. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you of any allowable change in your maximum price. This notice must be made in the manner

prescribed in section 11 of Revised Supplementary Regulation 14B.

This regulation shall become effective on August 21, 1944.

Issued this 16th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12308; Filed, August 16, 1944;
11:33 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 208—FLOOD CONTROL REGULATIONS MAINTENANCE AND OPERATION OF FLOOD CONTROL WORKS

Pursuant to the provisions of section 3 of the Act of Congress approved June 22, 1936, as amended and supplemented (49 Stat. 1571; 50 Stat. 877; and 55 Stat. 638; 33 U. S. C. 701c; 701c-1), the following regulations are hereby prescribed to govern the maintenance and operation of flood control works:

§ 208.10 *Local flood protection works; maintenance and operation of structures and facilities*—(a) *General.* (1) The structures and facilities constructed by the United States for local flood protection shall be continuously maintained in such a manner and operated at such times and for such periods as may be necessary to obtain the maximum benefits.

(2) The State, political subdivision thereof, or other responsible local agency, which furnished assurance that it will maintain and operate flood control works in accordance with regulations prescribed by the Secretary of War, as required by law, shall appoint a permanent committee consisting of or headed by an official hereinafter called the "Superintendent," who shall be responsible for the development and maintenance of, and directly in charge of, an organization responsible for the efficient operation and maintenance of all of the structures and facilities during flood periods and for continuous inspection and maintenance of the project works during periods of low water, all without cost to the United States.

(3) A reserve supply of materials needed during a flood emergency shall be kept on hand at all times.

(4) No encroachment or trespass which will adversely affect the efficient operation or maintenance of the project works shall be permitted upon the right-of-way for the protective facilities.

(5) No improvement shall be passed over, under, or through the walls, levees, improved channels or floodways, nor shall any excavation or construction be permitted within the limits of the project right-of-way, nor shall any change be made in any feature of the works without prior determination by the District Engineer of the War Department

or his authorized representative that such improvement, excavation, construction, or alteration will not adversely affect the functioning of the protective facilities. Such improvements or alterations as may be found to be desirable and permissible under the above determination shall be constructed in accordance with standard engineering practice. Advice regarding the effect of proposed improvements or alterations on the functioning of the project and information concerning methods of construction acceptable under standard engineering practice shall be obtained from the District Engineer or, if otherwise obtained, shall be submitted for his approval. Drawings or prints showing such improvements or alterations as finally constructed shall be furnished the District Engineer after completion of the work.

(6) It shall be the duty of the superintendent to submit a semiannual report to the District Engineer covering inspection, maintenance, and operation of the protective works.

(7) The District Engineer or his authorized representatives shall have access at all times to all portions of the protective works.

(8) Maintenance measures or repairs which the District Engineer deems necessary shall be promptly taken or made.

(9) Appropriate measures shall be taken by local authorities to insure that the activities of all local organizations operating public or private facilities connected with the protective works are coordinated with those of the Superintendent's organization during flood periods.

(10) The War Department will furnish local interests with an Operation and Maintenance Manual for each completed project, or separate useful part thereof, to assist them in carrying out their obligations under these regulations.

(b) *Levees*—(1) *Maintenance.* The Superintendent shall provide at all times such maintenance as may be required to insure serviceability of the structures in time of flood. Measures shall be taken to promote the growth of sod, exterminate burrowing animals, and to provide for routine mowing of the grass and weeds, removal of wild growth and drift deposits, and repair of damage caused by erosion or other forces. Where practicable, measures shall be taken to retard bank erosion by planting of willows or other suitable growth on areas riverward of the levees. Periodic inspections shall be made by the Superintendent to insure that the above maintenance measures are being effectively carried out and, further, to be certain that:

(i) No unusual settlement, sloughing, or material loss of grade or levee cross section has taken place;

(ii) No caving has occurred on either the land side or the river side of the levee which might affect the stability of the levee section;

(iii) No seepage, saturated areas, or sand boils are occurring;

(iv) Tow drainage systems and pressure relief wells are in good working con-

dition, and that such facilities are not becoming clogged;

(v) Drains through the levees and gates on said drains are in good working condition;

(vi) No revetment work or riprap has been displaced, washed out, or removed;

(vii) No action is being taken, such as burning grass and weeds during inappropriate seasons, which will retard or destroy the growth of sod;

(viii) Access roads to and on the levee are being properly maintained;

(ix) Cattle guards and gates are in good condition;

(x) Crown of levee is shaped so as to drain readily, and roadway thereon, if any, is well shaped and maintained;

(xi) There is no unauthorized grazing or vehicular traffic on the levees;

(xii) Encroachments are not being made on the levee right-of-way which might endanger the structure or hinder its proper and efficient functioning during times of emergency.

Such inspections shall be made immediately prior to the beginning of the flood season; immediately following each major high water period, and otherwise at intervals not exceeding 90 days, and such intermediate times as may be necessary to insure the best possible care of the levee. Immediate steps will be taken to correct dangerous conditions disclosed by such inspections. Regular maintenance repair measures shall be accomplished during the appropriate season as scheduled by the Superintendent.

(2) *Operation.* During flood periods the levee shall be patrolled continuously to locate possible sand boils or unusual wetness of the landward slope and to be certain that:

(i) There are no indications of slides or sloughs developing;

(ii) Wave wash or scouring action is not occurring;

(iii) No low reaches of levee exist which may be overtopped;

(iv) No other conditions exist which might endanger the structure.

Appropriate advance measures will be taken to insure the availability of adequate labor and materials to meet all contingencies. Immediate steps will be taken to control any condition which endangers the levee and to repair the damaged section.

(c) *Flood walls.*—(1) *Maintenance.* Periodic inspections shall be made by the Superintendent to be certain that:

(i) No seepage, saturated areas, or sand boils are occurring;

(ii) No undue settlement has occurred which affects the stability of the wall or its water tightness;

(iii) No trees exist, the roots of which might extend under the wall and offer accelerated seepage paths;

(iv) The concrete has not undergone cracking, chipping, or breaking to an extent which might affect the stability of the wall or its water tightness;

(v) There are no encroachments upon the right-of-way which might endanger the structure or hinder its functioning in time of flood;

(vi) Care is being exercised to prevent accumulation of trash and debris

adjacent to walls, and to insure that no fires are being built near them;

(vii) No bank caving conditions exist riverward of the wall which might endanger its stability;

(viii) The drainage systems and pressure relief wells are in good working condition, and that such facilities are not becoming clogged.

Such inspections shall be made immediately prior to the beginning of the flood season, immediately following each major high water period, and otherwise at intervals not exceeding 90 days. Measures to eliminate encroachments and effect repairs found necessary by such inspections shall be undertaken immediately. All repairs shall be accomplished by methods acceptable in standard engineering practice.

(2) *Operation.* Continuous patrol of the wall shall be maintained during flood periods to locate possible leakage at monolith joints or seepage underneath the wall. Floating plant or boats will not be allowed to lie against or tie up to the wall. Should it become necessary during a flood emergency to pass anchor cables over the wall, adequate measures shall be taken to protect the concrete and construction joints. Immediate steps shall be taken to correct any condition which endangers the stability of the wall.

(d) *Drainage structures.*—(1) *Maintenance.* Adequate measures shall be taken to insure that inlet and outlet channels are kept open and that trash, drift, or debris is not allowed to accumulate near drainage structures. Flap gates and manually operated gates and valves on drainage structures shall be examined, oiled, and trial operated at least once every 90 days. Where drainage structures are provided with stop log or other emergency closures, the condition of the equipment and its housing shall be inspected regularly and a trial installation of the emergency closure shall be made at least once each year. Periodic inspections shall be made by the Superintendent to be certain that:

(i) Pipes, gates, operating mechanism, riprap, and headwalls are in good condition;

(ii) Inlet and outlet channels are open;

(iii) Care is being exercised to prevent the accumulation of trash and debris near the structures and that no fires are being built near bituminous coated pipes;

(iv) Erosion is not occurring adjacent to the structure which might endanger its water tightness or stability.

Immediate steps will be taken to repair damage, replace missing or broken parts, or remedy adverse conditions disclosed by such inspections.

(2) *Operation.* Whenever high water conditions impend, all gates will be inspected a short time before water reaches the invert of the pipe and any object which might prevent closure of the gate shall be removed. Automatic gates shall be closely observed until it has been ascertained that they are securely closed. Manually operated gates and valves shall be closed as necessary to prevent inflow of flood water. All drainage structures in levees shall be inspected frequently during floods to ascertain whether seep-

age is taking place along the lines of their contact with the embankment. Immediate steps shall be taken to correct any adverse condition.

(e) *Closure structures.*—(1) *Maintenance.* Closure structures for traffic openings shall be inspected by the Superintendent every 90 days to be certain that:

(i) No parts are missing;

(ii) Metal parts are adequately covered with paint;

(iii) All movable parts are in satisfactory working order;

(iv) Proper closure can be made promptly when necessary;

(v) Sufficient materials are on hand for the erection of sand bag closures and that the location of such materials will be readily accessible in times of emergency.

Tools and parts shall not be removed for other use. Trial erections of one or more closure structures shall be made once each year, alternating the structures chosen so that each gate will be erected at least once in each 3-year period. Trial erection of all closure structures shall be made whenever a change is made in key operating personnel. Where railroad operation makes trial erection of a closure structure infeasible, rigorous inspection and drill of operating personnel may be substituted therefor. Trial erection of sand bag closures is not required. Closure materials will be carefully checked prior to and following flood periods, and damaged or missing parts shall be repaired or replaced immediately.

(2) *Operation.* Erection of each movable closure shall be started in sufficient time to permit completion before flood waters reach the top of the structure sill. Information regarding the proper method of erecting each individual closure structure, together with an estimate of the time required by an experienced crew to complete its erection will be given in the Operation and Maintenance Manual which will be furnished local interests upon completion of the project. Closure structures will be inspected frequently during flood periods to ascertain that no undue leakage is occurring and that drains provided to care for ordinary leakage are functioning properly. Boats or floating plant shall not be allowed to tie up to closure structures or to discharge passengers or cargo over them.

(f) *Pumping plants.*—(1) *Maintenance.* Pumping plants shall be inspected by the Superintendent at intervals not to exceed 30 days during flood seasons and 90 days during off-flood seasons to insure that all equipment is in order for instant use. At regular intervals, proper measures shall be taken to provide for cleaning plant, buildings, and equipment, repainting as necessary, and lubricating all machinery. Adequate supplies of lubricants for all types of machines, fuel for gasoline or diesel powered equipment, and flash lights or lanterns for emergency lighting shall be kept on hand at all times. Telephone service shall be maintained at pumping plants. All equipment, including switch gear, transformers, motors, pumps, valves, and gates

shall be trial operated and checked at least once every 90 days. Megger tests of all insulation shall be made whenever wiring has been subjected to undue dampness and otherwise at intervals not to exceed one year. A record shall be kept showing the results of such tests. Wiring disclosed to be in an unsatisfactory condition by such tests shall be brought to a satisfactory condition or shall be promptly replaced. Diesel and gasoline engines shall be started at such intervals and allowed to run for such length of time as may be necessary to insure their serviceability in times of emergency. Only skilled electricians and mechanics shall be employed on tests and repairs. Operating personnel for the plant shall be present during tests. Any equipment removed from the station for repair or replacement shall be returned or replaced as soon as practicable and shall be trial operated after reinstallation. Repairs requiring removal of equipment from the plant shall be made during off-flood seasons insofar as practicable.

(2) *Operation.* Competent operators shall be on duty at pumping plants whenever it appears that necessity for pump operation is imminent. The operator shall thoroughly inspect, trial operate, and place in readiness all plant equipment. The operator shall be familiar with the equipment manufacturers' instructions and drawings and with the "Operating Instructions" for each station. The equipment shall be operated in accordance with the above-mentioned "Operating Instructions" and care shall be exercised that proper lubrication is being supplied all equipment, and that no overheating, undue vibration or noise is occurring. Immediately upon final recession of flood waters, the pumping station shall be thoroughly cleaned, pump house sumps flushed, and equipment thoroughly inspected, oiled and greased. A record or log of pumping plant operation shall be kept for each station, a copy of which shall be furnished the District Engineer following each flood.

(g) *Channels and floodways* — (1) *Maintenance.* Periodic inspections of improved channels and floodways shall be made by the Superintendent to be certain that:

(i) The channel or floodway is clear of debris, weeds, and wild growth;

(ii) The channel or floodway is not being restricted by the depositing of waste materials, building of unauthorized structures or other encroachments;

(iii) The capacity of the channel or floodway is not being reduced by the infilling of shoals;

(iv) Banks are not being damaged by rain or wave wash, and that no sloughing of banks has occurred;

(v) Riprap sections and deflection dikes and walls are in good condition;

(vi) Approach and egress channels adjacent to the improved channel or floodway are sufficiently clear of obstructions and debris to permit proper functioning of the project works.

Such inspections shall be made prior to the beginning of the flood season and otherwise at intervals not to exceed 90 days. Immediate steps will be taken to

remedy any adverse conditions disclosed by such inspections. Measures will be taken by the Superintendent to promote the growth of grass on bank slopes and earth deflection dikes. The Superintendent shall provide for periodic repair and cleaning of debris basins, check dams, and related structures as may be necessary.

(2) *Operation.* Both banks of the channel shall be patrolled during periods of high water, and measures shall be taken to protect those reaches being attacked by the current or by wave wash. Appropriate measures shall be taken to prevent the formation of jams of ice or debris. Large objects which become lodged against the bank shall be removed. The improved channel or floodway shall be thoroughly inspected immediately following each major high water period. As soon as practicable thereafter, all snags and other debris shall be removed and all damage to banks, riprap, deflection dikes and walls, drainage outlets, or other flood control structures repaired.

(h) *Miscellaneous facilities* — (1) *Maintenance.* Miscellaneous structures and facilities constructed as a part of the protective works and other structures and facilities which function as a part of, or affect the efficient functioning of the protective works, shall be periodically inspected by the Superintendent and appropriate maintenance measures taken. Damaged or unserviceable parts shall be repaired or replaced without delay. Areas used for ponding in connection with pumping plants or for temporary storage of interior run-off during flood periods shall not be allowed to become filled with silt, debris, or dumped material. The Superintendent shall take proper steps to prevent restriction of bridge openings and, where practicable, shall provide for temporary raising during floods of bridges which restrict channel capacities during high flows.

(2) *Operation.* Miscellaneous facilities shall be operated to prevent or reduce flooding during periods of high water. Those facilities constructed as a part of the protective works shall not be used for purposes other than flood protection without approval of the District Engineer unless designed therefor. (49 Stat. 1571, 50 Stat. 877; and 55 Stat. 638; 33 U.S.C. 701c; 701c-1) (Regs. 9 August 1944, CE SPEWF)

[SEAL]

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

[F. R. Doc. 44-12285; Filed, August 16, 1944;
9:44 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION: VETERANS CLAIMS

DISALLOWANCE AND AWARDS

Section 3.1260 is canceled as follows:

§ 3.1260 *Payment of pension to naval hospitals when World War veterans are*

hospitalized therein as beneficiaries of the Navy Department. [Canceled August 17, 1944]

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 44-12330; Filed, August 16, 1944;
11:15 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

FIREWORKS INDUSTRY

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

On March 15, 1944, the Acting Administrator of the Division of Public Contracts of the United States Department of Labor issued a notice of opportunity to show cause on or before April 30, 1944, why I should not amend the prevailing minimum wage determination for the fireworks industry, issued by me on September 30, 1938, by increasing the prevailing minimum wage from 31¼ cents for the manufacture or supply of commercial fireworks and 37½ cents for the manufacture or supply of fuses, flares, and ship and railroad torpedoes, to 40 cents an hour.

The notice sets forth that: (1) The minimum wage required to be paid by manufacturers of fireworks subject to the provisions of the Fair Labor Standards Act of 1938 became 40 cents an hour on February 7, 1944, pursuant to the wage order of the Administrator of the Wage and Hour Division for the chemical, petroleum and coal products, and allied manufacturing industries; and (2) substantially all employees subject to my prevailing minimum wage determination for the fireworks industry are engaged in commerce or in the production of goods for commerce, and consequently the wage order has the effect of establishing not less than 40 cents an hour as the prevailing minimum wage in the fireworks industry.

This notice was sent to trade unions, trade associations, and publications and was duly published in the FEDERAL REGISTER on March 30, 1944 (9 F.R. 3430). No objections, protests, nor any statements in opposition to the proposed amendment have been received.

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

§ 202.20 *Fireworks industry.* The prevailing minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III, 35) for the manufacture or supply of commercial fireworks and for the manufacture or supply of fuses, flares, and railroad torpedoes shall be 40 cents an hour or \$16.00 per week for a