

TABLE 3—GRADE DIFFERENTIALS—Continued

PART 3—LARGE SEEDED SWEETS

(Such as Prince of Wales, Laxtons and Profusions)

Item No.	Area	Sieve Size	No. 2 Cans			No. 10 Cans		
			Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.	Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.
1	1	Ungraded	\$0.27	\$0.14	\$0.10	\$1.37	\$0.71	\$0.51
2	2	Ungraded	.26	.19	.10	1.32	.96	.51
3	3	Ungraded	.26	.19	.10	1.32	.96	.51
4	4	Ungraded	.14	.24	.10	.71	1.22	.51
5	5	Ungraded	.14	.24	.10	.71	1.22	.51

(PART 4) BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

[Differences between successive grades (per dozen containers)]

Item No.	Area	Variety	No. 2 Cans			No. 10 Cans		
			Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.	Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.
1	1	Alaska	\$0.15	\$0.05	\$0.10	\$0.76	\$0.76	\$0.10
2	2		.24	.14	.10	1.22	.71	.10
3	3		.22	.14	.10	1.12	.71	.10
4	4		.20	.14	.10	1.01	.71	.10
5	5		.20	.09	.10	1.02	.46	.10
6	1	Sweet	.10	.10	.10	.50	.51	.10
7	2		.11	.20	.10	.56	1.02	.10
8	3		.11	.20	.10	.56	1.02	.10
9	4		.12	.19	.10	.69	.97	.10
10	5		.12	.15	.10	.61	.76	.10

2. The grade differential for a blend of two sieve sizes of a variety of peas shall be the same as the grade differential for the largest sieve size in the blend.

NOTE: In figuring prices based on grade differentials, if the processor has base prices for both a higher and a lower grade than the item being priced, he shall use the differential between the item being priced and the lower grade, except that substandard shall not be used as the lower grade. (For example, if the processor has base prices for both Fancy and Standard grades and now wishes to price Extra Standard he takes the difference between Extra Standard and Standard.)

TABLE 9—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS, ALL AREAS, VARIETIES, SIEVE SIZES, AND GRADES

Amount of subsidy to be subtracted from gross maximum price per dozen containers in making sales to purchasers other than government procurement agencies	
No. 2 Cans	No. 10 Cans
\$0.20	\$1.02

To figure amount of subsidy for other container sizes, multiply the amount named above for No. 2 Cans by the appropriate conversion factor in Table 5.

This amendment shall become effective August 19, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12637; Filed, August 19, 1944;
11:37 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMFR 271, Amdt. 21]

POTATOES AND ONIONS

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

¹ 8 F.R. 15587, 15663; 9 F.R. 2298, 3389, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783.

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

In Table V of section 14 the prices for August in the column "1944" are amended in the following respects:

State	Producing area	August, 1944
Indiana.....	" " "	13.60
Illinois.....	Counties of Madison, St. Clair, Monroe, Clinton, Washington, Randolph, Perry, Jackson, Union, Alexander,	13.60
	Rest of State.....	13.60
Michigan.....	" " "	13.50
Wisconsin.....	" " "	13.35
Iowa.....	Winnebago, Worth, Mitchell, Howard, Hancock, Cerro Gordo, Floyd, Chickasaw, Winneshiek and Allamakee Counties,	13.05
	Rest of State.....	12.25

¹ This price is effective from August 20 to August 31, 1944, inclusive.

This amendment shall become effective at 12:01 a. m., August 20, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

Approved: August 18, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-12565; Filed, August 19, 1944;
4:16 p. m.]

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

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 145]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respect:

A new § 1394.8117 is added to read as follows:

§ 1394.8117 *Expiration and denial of supplemental rations upon certification of the Navy Department in certain cases.*

(a) Notwithstanding any other provision of this order, if the Navy Department's Officer-in-Charge of any of the plants specified below certifies to the appropriate Regional Office of the Office of Price Administration that an employee of any such plant is refusing or failing to comply with Executive Order No. 9463, the orders of the National War Labor Board or the lawful orders of such Officer-in-Charge, any supplemental ration issued to or for the use of such employee for occupational mileage for driving to or from any of such plants shall expire and the person to whom such ration was issued shall immediately surrender such ration to the issuing Board or to the person or persons authorized by the appropriate Regional Administrator to accept the surrender of such ration. The Regional Administrator is authorized to adopt procedures and issue all orders necessary to obtain surrender of such expired rations.

(b) No Board shall issue a supplemental ration to such an employee for such a purpose except upon presentation to the Board of a written statement signed by the Officer-in-Charge withdrawing such certification or stating that the applicant is now complying with such orders.

(c) The plants affected by this section are as follows:

The plants of the Pacific Gear and Tool Works, the Federal Mogul Corporation, the Link-Belt Company (Pacific Division), the U. S. Pipe and Manufacturing Company, and the Enterprise Engine and Foundry Company, located at San Francisco, California.

This amendment shall become effective August 18, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 18th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12566; Filed, August 19, 1944;
4:17 p. m.]

¹ 8 F.R. 15637.

**PART 1397—CONSTRUCTION OF BUILDINGS
AND STRUCTURES**
[RMFR 251¹]

**CONSTRUCTION SERVICES AND SALES OF
INSTALLED BUILDING MATERIALS**

Maximum Price Regulation No. 251 is redesignated Revised Maximum Price Regulation No. 251 and is revised and amended to read as set forth herein.

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.*

**REVISED MAXIMUM PRICE REGULATION 251—
CONSTRUCTION SERVICES AND SALES OF IN-
STALLED BUILDING MATERIALS**

ARTICLE I—SCOPE OF REGULATION

Sec.

1. To what transactions this regulation applies.
2. Persons covered by this regulation.
3. Exclusions from this regulation.
4. Relation of this regulation to other regulations.

ARTICLE II—MAXIMUM PRICES

5. How to figure maximum prices.
6. Maximum prices for sales on a unit-price basis.
7. Maximum prices for sales on a contract job basis.
8. Price adjustments.
9. Regional pricing orders under this regulation.
10. Prohibitions against sales at higher than maximum prices.
11. Evasions.
12. Less than maximum prices.

ARTICLE III—MISCELLANEOUS

13. Notification to purchasers of existence of regulation.
14. Petitions for amendment.
15. Records and reports.
16. Enforcement.
17. Licensing.
18. Notification of compliance.
19. Other definitions.

AUTHORITY: Secs. 1 to 19 inclusive (§ 1397-51) 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.

ARTICLE I—SCOPE OF REGULATION

SECTION 1. To what transactions this regulation applies. (a) This regulation covers installations of building materials into any building, structure, or construction project, and the removal therefrom of building materials, and construction services performed in connection with any building, structure, or construction project within the 48 States of the United States and the District of Columbia.

Such services and sales as excavation, demolition and site clearance, water well drilling, and landscaping are covered by this regulation.

(b) As used in this regulation, the term:

(1) "Construction service" means a transaction in which the seller furnishes only services in order to install building materials or equipment into a building, structure, or construction project or in order to remove building materials or

equipment from a building, structure, or construction project. It also includes services for the repair or remodeling of any building, structure, or construction project.

(2) A sale of "installed building materials" means a transaction in which the seller furnishes building materials and equipment together with the services required to incorporate such equipment or materials into a building, structure, or construction project. For the purposes of this regulation, any person who sells a building material product and, in connection therewith, assumes responsibility for its installation, by charging the consumer a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence, shall be considered as the seller of "installed building materials."

(3) "Building materials" means any raw material, processed or fabricated article, equipment, or any other commodity incorporated into or made a part of any building, structure, or construction project.

(4) The words "sell" and "sale", as used in this regulation, also include bids and offers and contracts to sell.

SEC. 2. Persons covered by this regulation. Any person who makes the kind of sale or supplies the kind of service and any person who makes the kind of purchase covered by this regulation is subject to it. The term "person" means an individual, corporation, partnership, association, or any other organized group of persons; its legal successors or representatives; the United States or any other government, or any of its political subdivisions; or any agency of any of the foregoing; and includes subcontractors as well as prime contractors.

SEC. 3. Exclusions from this regulation. This regulation does not apply to:

(a) The supply of any construction service or the sale of any installed building materials or equipment for which a maximum price is established by any other price regulation. Section 4 (b) gives several examples.

(b) The supply of any construction service or the sale of installed building materials or equipment pursuant to a contract entered into prior to November 5, 1942. Such services or sales remain subject to the regulation applicable to the service or sale prior to November 5, 1942.

SEC. 4. Relation of this regulation to other regulations—(a) *General Maximum Price Regulation.*² This regulation supersedes the General Maximum Price Regulation for services and sales covered by this regulation, just as Maximum Price Regulation No. 251, prior to the present revision, superseded the General Maximum Price Regulation on and after November 5, 1942, for "Construction and Maintenance Services and Sales of Building and Industrial Equipment and Materials on an Installed or Erected Basis."

² 9 F.R. 1388.

Construction services excluded from the General Maximum Price Regulation by paragraph (b) of Revised Supplementary Regulation No. 11³ to the General Maximum Price Regulation, including future amendments thereto, are also excluded from this regulation.

(b) As stated in section 3, services and sales for which a maximum price is established by any other price regulation are not covered by this regulation. This means that services and sales covered by Revised Maximum Price Regulation No. 165⁴ (Services), Maximum Price Regulation No. 134⁵ (Construction and Road Maintenance Equipment Rental Prices and Charges for Operating and Maintenance or Repair and Rebuilding Charges), Maximum Price Regulation No. 136⁶ (Machines and Parts, and Machinery Services), and other price regulations which establish maximum prices for certain types of services and sales will remain subject to these regulations. If any seller is in doubt as to the governing regulation, he should seek advice from the nearest OPA field office.

ARTICLE II—MAXIMUM PRICES

SEC. 5. How to figure maximum prices.

(a) This regulation provides for two types of sales:

(1) Section 6 sets forth the maximum-pricing formula for sales on a unit-price basis, and

(2) Section 7 sets forth the maximum-pricing formula for contract jobs, both cost-plus and lump-sum.

(b) *Adjustable pricing.* Any person may supply a construction service or make a sale of installed building materials at the maximum price permitted by this regulation, subject to an agreement with the buyer to charge a higher price if it becomes permissible at the date the service is supplied or the material or equipment is installed. Moreover, when a request for a change in the applicable maximum price is pending, the Price Administrator may, upon application, grant the seller authorization to adjust maximum prices for services supplied on sales made during the pendency of the request in accordance with its disposition. Authorization will be given only if such action will aid in the war program or is essential to a standard of living consistent with the prosecution of the war and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization will be given by order, except that it may be given by letter or telegram when the

³ 7 F.R. 6426, 6965, 7604, 7758, 8282, 8431, 8810, 9195, 9894; 8 F.R. 130, 149, 2215, 3068, 3372, 4139, 4783, 4521, 4978, 5820, 6673, 7262, 7668, 7670, 8541, 8512, 9025, 9066, 9880, 10573, 10939, 11247, 11434, 12325, 13302, 14156, 14768, 15432, 16203, 16867, 17485; 9 F.R. 1531, 1911.

⁴ 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9393, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023, 12710, 13302, 13472, 14990; 9 F.R. 1819.

⁵ 7 F.R. 3203, 3411, 3447, 7001, 8366, 9054, 8948, 9785; 8 F.R. 1975, 3789, 5931, 9140, 10759, 12544, 13127, 16033, 17285; 9 F.R. 1321.

⁶ 8 F.R. 16132; 9 F.R. 1623, 2032, 2138.

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

¹ 7 F.R. 8878; 8 F.R. 3628, 9334.

pending request is for an individual application for adjustment.

SEC. 6. Maximum prices for sales on a unit-price basis. The maximum price for sales on a unit-price basis, such as per-hour, per-foot, per-square, or other time or measurement basis, shall be figured as follows:

(a) *If the same kind of work was done during March 1942.* If, during March 1942, the seller did the same kind of work, his maximum price is the highest price he charged during March 1942 to a purchaser of the same class, using the highest March 1942 unit rate for that kind of work, or, if he had no specific rate, the highest price to each class of purchaser resulting from the price-fixing method in use by the seller during March 1942. However, the rate or price determining method may be adjusted by the seller so as to include:

(1) Increases in the cost of materials since March 1942, but not including costs in excess of their maximum prices; and

(2) Increases in labor costs up to and including October 3, 1942. Additional payments for Federal old-age benefits, unemployment compensation taxes, and workmen's compensation and public liability insurance shall be regarded as being part of such increased labor costs.

(b) *If the same kind of work was not done during March 1942.* If, during March 1942, the seller did not do the same kind of work, or if he cannot figure his maximum price under paragraph (a) for any other reason, the seller shall file with the OPA District Director for the district in which his principal place of business is located an application for approval of a proposed maximum price, giving the following information:

(1) His name and address;
(2) Kinds of sales to be made;
(3) Area in which sales are to be made;
(4) Reasons why the pricing provisions of paragraph (a) are not applicable;

(5) Proposed maximum price;

(6) Basis for the requested maximum price, showing costs and margin (including profit). If labor rates for the particular class of mechanics or laborers have increased since October 3, 1942, show the October 3, 1942 rate, increases since that time, and whether such increases have been authorized or approved by the Wage Adjustment Board, National War Labor Board, or Economic Stabilization Director;

(7) The names and addresses of representative competitive sellers in the same area, and their maximum prices for the same or similar sales, if the maximum prices are readily available.

Any maximum price authorized under this paragraph (b) will be a price in line with the level of maximum prices established under the regulation. An authorized maximum price will not be in effect under this paragraph (b) until the seller has been notified of the approval, through the issuance of a letter-order, by the District Director of the Office of Price Administration.

For price adjustment provisions, see section 8.

SEC. 7. Maximum prices for sales on a contract job basis. The maximum price for sales on the basis of a particular job, not including sales on a unit-price basis, shall be figured as follows:

(a) *Cost-plus jobs.* For sales on the basis of cost-plus-a-percentage-of-cost, cost-plus-a-fixed-fee, or any other basis of addition to cost, the maximum price shall be the sum of the following factors:

(1) Actual cost of materials (including installed equipment), not exceeding their maximum prices: *Provided, however,* That as to any building materials or equipment regularly manufactured or processed by the seller for the purpose of sale both on an uninstalled and installed basis, instead of actual cost he may charge up to, but not more than, the maximum price applicable to a sale by him of such materials or equipment to a third party of the same class.

(2) Actual labor costs, not exceeding labor cost figured on the basis of labor rates prevailing in or applicable to the area of installation on October 3, 1942, for the same classes of mechanics or laborers employed on a comparable type of work.

(3) Other actual direct costs, including the cost of subcontracts, not otherwise provided for in paragraphs (a) (1) and (2) above, but not exceeding their maximum prices: *Provided, however,* That a seller using his own equipment necessary for installing building materials or for performing a construction service may, instead of actual cost, include up to, but not more than, the maximum rental rates applicable to a rental by him of such equipment to a third party of the same class.

Selling expenses shall be included under subparagraph (4), and not as "other actual direct costs."

(4) A margin to include administrative and overhead costs, selling expenses, and profit (excluding any reserve for contingencies) not in excess of (i) the seller's highest estimated percentage margin on a comparable sale involving the same type of work during the period January 1, 1939, to March 31, 1942, supported by his records or other satisfactory evidence of such a sale or sales by him; or (ii) if the margin cannot be figured on that basis, a margin which would have been his margin in March 1942 on a comparable sale involving the same type of work and based upon his own general experience or the industry's experience on such comparable sales, supported by records or satisfactory evidence of his own sales or comparable sales by other sellers. (Records or evidence supporting margins must be produced upon request of OPA.)

Any changes in plans or specifications which will increase or decrease the cost of a job shall be priced on the basis of the formula in paragraph (a) of this section 7.

For price adjustment provisions, see section 8.

(b) *Lump-sum jobs.* For sales on the basis of a total selling price (inclusive of

all costs and profit), commonly called a lump-sum contract, the maximum price shall be the sum of the following factors:

(1) Estimated cost of materials (including installed equipment), not exceeding their maximum prices: *Provided, however,* That as to any building materials or equipment regularly manufactured or processed by the seller for the purpose of sale both on an uninstalled and installed basis, instead of estimated cost he may charge up to, but not more than, the maximum price applicable to a sale by him of such materials or equipment to a third party of the same class.

(2) Estimated labor costs, not exceeding labor cost figured on the basis of labor rates prevailing in or applicable to the area of installation on October 3, 1942, for the same classes of mechanics or laborers employed on a comparable type of work.

(3) Other estimated direct costs, including the cost of subcontracts, not otherwise provided for in paragraphs (b) (1) and (2) above, but not exceeding their maximum prices: *Provided, however,* That a seller using his own equipment necessary for installing building materials or for performing a construction service may, instead of estimated cost, include up to, but not more than, the maximum rental rates applicable to a rental by him of such equipment to a third party of the same class.

Selling expenses shall be included under subparagraph (5), and not as "other estimated direct cost."

(4) An estimated reserve for such contingencies as the seller in good faith can reasonably foresee: *Provided, however,* That no amounts shall be included within the estimated reserve for contingencies which represent costs in excess of those permitted under paragraph (b) (1), (2), and (3) of this section 7 (b).

(5) A margin to include administrative and overhead costs, selling expenses, and profit not in excess of (i) the seller's highest estimated percentage margin on a comparable sale involving the same type of work during the period January 1, 1939, to March 31, 1942, supported by his records or other satisfactory evidence of such a sale or sales by him; or (ii) if the margin cannot be figured on that basis, a margin which would have been his margin in March 1942 on a comparable sale involving the same type of work and based upon his own general experience or the industry's experience on such comparable sale, supported by records or satisfactory evidence of his own sales or comparable sales by other sellers. (Records or evidence supporting margins must be produced upon request of OPA.)

Any changes in plans or specifications which will increase or decrease the cost of a job shall be priced on the basis of the formula in paragraph (b) of this section 7.

For price adjustment provisions, see section 8.

SEC. 8. Price adjustments—(a) Government required or authorized wage increases. An employer paying labor rates higher than those in effect for him on

October 3, 1942, by reason of a predetermination of wage rates by the Secretary of Labor under the Davis-Bacon Act or an order or authorization of the Wage Adjustment Board, National War Labor Board, or Economic Stabilization Director may add his increased labor cost to his maximum price determined under section 6 or 7. For the purpose of this section "increased labor cost" means the difference in amount between the employer's labor cost based upon labor rates in effect on October 3, 1942, and his labor cost based upon such legally approved rates, plus his additional payments for Federal old age benefits, unemployment compensation taxes, workmen's compensation and public liability insurance.

It should be noted that the increased labor cost is to be added to the maximum price determined under section 6 or 7; this means that the increased labor cost may not be used in the calculation under section 6 or 7 so as to be subject to the mark-up factor.

An application need not be made to the Office of Price Administration nor its prior approval obtained in order to put into effect the maximum price increases described in this paragraph (a).

(b) *Other wage increases.* In the case of any employer who employs a total of not more than 8 persons, and if wage increases paid by him have been exempted from the provisions of Executive Order No. 9250 by the National War Labor Board and do not violate any regulations of that Board, price adjustments may be made in either of the following situations:

(1) When there has been made a wage predetermination under the Davis-Bacon Act or a wage award by the Board or Office having jurisdiction, which affects a substantial number of employers in a particular area, each Regional Administrator of the Office of Price Administration, and any District Director to whom he has by order delegated authority, may issue a price adjustment order applicable to all sellers of the same or similar commodities or services in the area, for the kinds of work involved, authorizing the addition of the increased labor cost to established maximum prices, where this is found generally necessary to maintain essential construction services or essential sales of installed building materials; or

(2) In all other cases within this paragraph (b), each Regional Administrator, and any District Director to whom he has by order delegated authority, may make adjustments or act upon applications for adjustment filed by sellers in accordance with Revised Procedural Regulation No. 1, subject to a finding that the adjusted maximum price will be in line with maximum prices of competitive sellers for the same or most similar types of sales, considering the type of work to be performed, the classes of mechanics or laborers employed on such work, and the comparability of operations between applicant and his competitors.

(c) *Local shortage.* The Price Administrator, or any duly authorized representative thereof, may by order adjust any maximum price established under

this regulation whenever it is determined:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of any building materials or equipment on an installed basis or the supply of any construction service subject to this regulation, which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such commodity or service; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increases in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this paragraph (c).

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

(d) *Government contracts.* Any person who has made or intends to make a government contract, or subcontract thereunder, who believes that a maximum price under this regulation impedes or threatens to impede the production, manufacture, or distribution of a commodity or the supply of a service which is essential to the war program and which is or will be the subject of the contract or subcontract may file an application for adjustment of that maximum price in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration.

Sec. 9. Regional pricing orders under this regulation. (a) Each Regional Administrator of the Office of Price Administration is hereby authorized to issue and put into effect pricing orders under this Revised Maximum Price Regulation No. 251, in accordance with the Emergency Price Control Act of 1942, as amended, and consistent with Executive Orders Nos. 9250 and 9328, establishing maximum prices for particular kinds, types, or classifications of construction services or sales of installed building materials, or both, applicable to a particular community or a defined area. Any such pricing order issued in accordance with this section 9, including the standards set forth below, shall have the same force and effect as if issued by the Price Administrator. Any such pricing order may be revised, amended, or revoked by the Price Administrator.

In issuing regional pricing orders under this section 9, each Regional Administrator shall observe the following standards:

(1) Maximum prices shall be stated in dollars-and-cents terms unless this shall clearly appear to be impracticable or inappropriate.

* 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594.

* 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

(2) Maximum prices fixed by any such pricing order shall not exceed the general level of prices fixed by Revised Maximum Price Regulation No. 251.

(b) Regional pricing orders and accompanying opinions issued under this section 9 shall be filed with the Division of the Federal Register.

Sec. 10. Prohibitions against sales at higher than maximum prices. On and after the effective date of this regulation:

(1) No person shall sell, offer to sell, or deliver building materials or equipment on an installed basis, or sell or supply any construction service at a price higher than the maximum price established by this regulation.

(2) No person in the course of trade or business shall buy or receive any building materials or equipment on an installed basis or any construction service at a price higher than that permitted by this regulation: *Provided, however,* That no buyer shall be liable under this section if, upon completing a sale subject to this regulation, the seller shall give the buyer a written affirmation that to the best of his knowledge, information, and belief the prices charged do not exceed the applicable maximum prices, and if the buyer shall have no cause to doubt the accuracy of the affirmation, and if the actual price paid is not in excess of what the seller affirmed to be the maximum price.

Sec. 11. Evasions. (a) Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, agreements, trade understandings, and the like. The following are among the specific practices prohibited:

(1) Requiring the purchaser to furnish material for processing not in accordance with previous practice;

(2) Eliminating or reducing any maintenance or repair service customarily offered as part of a job;

(3) Lowering quality of materials and equipment below that called for in the specifications without making a corresponding reduction in price;

(4) Making terms or conditions of sale more onerous to the purchaser than those in effect or available to the purchaser during the period January 1, 1939, to March 31, 1942, unless the change is necessitated by an order issued by or at the request of any agency of the United States. This includes decreasing the period for which credit is extended, reducing the cash discount period, making greater charges for extension of credit, or reducing the cash discount.

(b) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited by subparagraphs (1), (2), (3), and (4) of this paragraph (a).

Sec. 12. Less than maximum prices. Prices lower than maximum prices may, of course, be charged and paid.

ARTICLE III—MISCELLANEOUS

Sec. 13. Notification to purchasers of existence of regulation. Every person

making sales subject to this Revised Maximum Price Regulation No. 251 shall, before entering into a contract or making a sale subject thereto, notify the purchaser of the existence of the regulation and, upon request of the purchaser, make available a copy of it or a copy of the OPA trade bulletin at the seller's principal place of business and at each of his branch offices for examination by the purchaser: *Provided*, That the requirements of this section 13 do not apply to transactions, including bids, with any agency of the United States.

SEC. 14. Petitions for amendment. Any person seeking a modification of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1. A petition for amendment must propose a change of general applicability in the regulation for the industry as a whole or a substantial portion thereof or a change affecting all sellers in a given area, as distinguished from an application which seeks an individual price adjustment.

SEC. 15. Records and reports—(a) Records. All sellers of building materials or equipment on an installed basis, and all sellers of construction services, must keep records concerning each sale subject to this regulation, including the name of the purchaser, location of the job, the date of the transaction, a description of the commodities and services involved, and a full statement of the method by which the maximum price was calculated, including reference to the appropriate pricing section of the regulation. Records of a kind the seller has customarily kept must also be retained. All such records shall be available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(b) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 16. Enforcement. (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) Agencies of the United States and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation.

SEC. 17. Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

No. 167—9

SEC. 18. Notification of compliance. In the case of any sale subject to this regulation the seller, at the time of final settlement, shall, where demand is made by the purchaser, file a statement with the purchaser that the sale price is not in excess of the maximum price determined in accordance with this regulation.

SEC. 19. Other definitions. Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to any other terms not specifically defined herein.

Effective date. This regulation shall become effective August 26, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of August 1944.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the provisions of sections 6, 7, and 8 of this regulation are necessary to aid in the effective prosecution of the war and hereby approve the issuance thereof.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-12596; Filed, August 21, 1944;
11:52 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 73]

POWDERED ORANGE JUICE

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

Section 4.3 is amended by adding paragraph (n) to read as follows:

(n) Sales and deliveries of powdered orange juice for use in fulfilling (1) a contract with the United States or any of its agencies or with a government or agency of a government of any country the defense of which the President deems vital to the defense of the United States under the aforesaid Act, or (2) a subcontract under any such contract.

This amendment shall become effective August 19, 1944.

Issued this 19th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-12567; Filed, August 19, 1944;
4:15 p. m.]

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

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 208—FLOOD CONTROL REGULATIONS

MAINTENANCE AND OPERATION OF FLOOD CONTROL WATERS

Correction

In F.R. Doc. 44-12285, appearing at page 9999 of the issue for Thursday, August 17, 1944, the first word of § 208.10 (b) (1) (iv) should read "Toe". In paragraph (c) (1) (viii) the first word should read "Toe". Paragraph (g) (1) (iii) should read "(iii) The capacity of the channel or floodway is not being reduced by the formation of shoals;"

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO THE REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 1028 (46 U.S.C. 367, 375, 391a, 404, 463a, 481, 489), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the regulations and approval of equipment are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

CARE AND INSPECTION; LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.5-1 (a) is amended to read as follows:

§ 33.5-1 *Preparation for voyage—TB/ALL.* (a) Lifeboats, life rafts, and buoyant apparatus shall be fully equipped before the vessel leaves port, and the equipment shall remain in the boat, raft, or buoyant apparatus throughout the voyage. It shall be unlawful to stow in any boat, raft, or buoyant apparatus any articles not required by Chapter 1 of this title unless such articles can be properly stowed so as not to reduce the seating capacity or space available to occupants and so as not to adversely affect the seaworthiness of such lifeboats, rafts or buoyant apparatus.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.10a (b) is amended to read as follows:

§ 59.10a *General requirements as to equipment for lifeboats, life rafts, and buoyant apparatus.* . . .

(b) Lifeboats, life rafts, and buoyant apparatus shall be fully equipped before the vessel leaves port, and the equipment shall remain in the boat, raft, or buoyant apparatus throughout the voyage. It shall be unlawful to stow in any boat,

raft, or buoyant apparatus any articles not required by Chapter 1 of this title unless such articles can be properly stowed so as not to reduce the seating capacity or space available to occupants and so as not to adversely effect the seaworthiness of such lifeboats, rafts or buoyant apparatus.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.8a is amended to read as follows:

§ 60.8a *General requirements as to equipment for lifeboats, life rafts, and buoyant apparatus.* Vessels subject to this part shall comply with the requirements in § 59.10a of this chapter in effect on August 19, 1944.

APPROVAL OF EQUIPMENT

FIRE-INDICATING AND ALARM SYSTEM

Fire-indicating and alarm system (Sheets 1, 2, 3, and 4 of Dwg. No. 12243, Alt. 4, revised 12 May, 1944) (Catalog No. 572), submitted by Auth Electrical Specialty Co., Inc., 422-430 East 53rd Street, New York, N. Y.

LIFEBOAT

22' x 7.5' x 3.167' metallic motor propelled lifeboat (313 cu. ft. gross capacity) (General Arrangement Dwg. No. G-344, dated 5 July, 1944), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

LIFE PRESERVER LIGHTS

Life preserver light, Model A (Dwg. No. 302-B-1, dated 1 May, 1944, Rev. 16 June, 1944 and 13 July, 1944), submitted by Colvin-Slocum Boats, Inc., 15 Park Row, New York, N. Y. (Supersedes approval 17 July, 1942, 7 F. R. 5495)

Life preserver light, Model B (Dwg. No. 303-B, dated 26 April, 1944, Rev. 31 July, 1944), submitted by Colvin-Slocum Boats, Inc., 15 Park Row, New York, N. Y.

WINCH

Schat Type S. E. W.-19 lifeboat winch, fitted with quick-return mechanism (Arrangement Dwg. No. BA 380, dated 21 July, 1944) (Working load of 6335 pounds at the drum), submitted by Lane Lifeboat and Davit Corporation, Foot of 40th Road, Flushing, N. Y.

AUGUST 18, 1944.

R. R. WAESCHE,
Vice Admiral, USCG,
Commandant.

[F. R. Doc. 44-12577; Filed, August 21, 1944;
9:33 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 189, Amdt. 5]

PART 97—ROUTING OF TRAFFIC

EMBARGO OF ROUTES AND TRANSIT ARRANGEMENTS ON GRAIN AND RELATED ARTICLES

NOTE: Amendment 5 to Service Order 189 (9 F. R. 3357) amended Appendix A effective at 12:01 a. m., September 15, 1944, and was filed as Federal Register Document 44-12578 on August 21, 1944, at 10:28 a. m.

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. SA-93]

**AIRCRAFT OF U. S. REGISTRY NC 823M
INVESTIGATION OF ACCIDENT OCCURRING
NEAR ANTILLA, CUBA**

In the matter of investigation of accident involving aircraft of United States Registry NC 823M which occurred at Antilla, Cuba, on August 8, 1944.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Tuesday, August 22, 1944, at 10:00 a. m. (e. w. t.) in the County Court House Building, Miami, Florida.

Dated at Washington, D. C., August 18, 1944.

W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 44-12489; Filed August 19, 1944;
10:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6604]

FINGER LAKES BROADCASTING SYSTEM

NOTICE OF HEARING

In re application of The Finger Lakes Broadcasting System (Gordon P. Brown, Owner) (New); date filed, March 3, 1944; for construction permits; class of service, broadcast; class of station, broadcast; location, Geneva, New York; operating assignment specified: frequency, 1240 kc; power, 250 watts; hours of operation, unlimited (Requesting facilities WSAY when vacated). File No. B1-P-3581.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing to be consolidated with the applications of WARC, Inc., Docket No. 6605; Rochester Broadcasting Corp., Docket No. 6606, and Seneca Broadcasting Corporation, Docket No. 6607, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the program service proposed by the applicant and whether it will meet the requirements of the population and area proposed to be served.

3. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942, or any subsequent modifications thereof.

4. To determine the areas and populations which would receive primary service from the operation of the proposed station, and what other broadcast serv-

ices are available to those areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station WATN.

6. To determine the areas and populations which may be expected to lose primary service, particularly from Station WATN as a result of the operation of the proposed station, and what other broadcast services are available to those areas and populations.

7. To determine whether, in view of the facts adduced under the foregoing issues, the issues in Dockets 6605, 6606 and 6607, public interest, convenience or necessity would be served through the granting of this application, the application of WARC, Inc., the application of Seneca Broadcasting Corporation, the application of Rochester Broadcasting Corporation or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: The Finger Lakes Broadcasting System, Gordon P. Brown, Owner, 192 South Goodman Street, Rochester, New York.

Dated at Washington, D. C., August 12, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-12592; Filed, August 21, 1944;
11:42 a. m.]

[Docket No. 6605]

WARC, Inc.

NOTICE OF HEARING

In re application of WARC, Inc. (New); date filed December 13, 1943; for construction permit; class of service, broadcast; class of station, broadcast; location, Rochester, New York; operating assignment specified: frequency, 1240 kc; power, 250 watts; hours of operation, unlimited (Facilities being relinquished by WSAY). File No. B1-P-3565.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing to be consolidated with the applications of The Finger Lakes Broadcasting System, Docket 6604; Rochester Broadcasting Corp., Docket 6606 and Seneca Broadcasting Corp., Docket 6607, for the following reasons: